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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., WEDNESDAY, APRIL 9, 1941. No. 33.

SENATE

WEDNESDAY, April 9, 1941.

The Senate met at 11:00 o'clock, a. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, the Senator from Butler, Mr. CARR, offered the following prayer:

We bow to Thy presence, our Heavenly Father, with gratitude in our hearts that Thou hast given us a beautiful world in which to live, Thou hast given us a mind with which to work, Thou hast given material substance in lavish abundance and above all Thou hast given us a knowledge of this and of Thy will for us.

In this week especially, our Heavenly Father, when the ancient church of Israel reverts in thought to the great deliberations of the Passover, when the Christian Church thinks of the great sacrifice of Thy Son, we would have Thee especially move upon our minds in such a way that our wills might be in complete accord with Thine.

Help us as we gather here in the business of the State, our Heavenly Father, that we may be in such a mind that we shall do only those things that are in accordance with Thy will and shall make for the best interest of our State.

Bless our nation, our Heavenly Father, in this great hour of crisis and make us continue to stand for those things that are right and honest in the world. Lead us in all things, direct us and save us, we ask in Thy name. Amen

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session. when. on motion of Mr. MALLERY and Mr. EALY, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

The PRESIDENT. The Chair notices the Senator from Philadelphia, Mr. McCreesh is absent. In order that the record may be correct and in order to protect the Senator from Philadelphia, the Chair is of the opinion leave of absence should be obtained for the Senator.

Mr. SHAPIRO. Mr. President, the gentleman from Philadelphia, Mr. McCreesh is absent on account of illness. I ask leave of absence for him. I should have done so previously, but I have neglected to make this statement.

The PRESIDENT. Is there objection? The Chair hears none. Leave of absence is granted the gentleman from Philadelphia, Mr. McCreesh.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 9, 1941, by His Sxcellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Miss Catharine C. McKenna, 5141 Chestnut St., Phila., April 11, 1941.

BEAVER COUNTY

Miss Almira M. Parks, Beaver Falls, April 25, 1941.

BERKS COUNTY

Mrs. Dorothy S. Wartluft, Robesonia, April 26, 1941.

FAYETTE COUNTY

Joseph C. McGill, Dawson, April 26, 1941.

PHILADELPHIA COUNTY

H. H. Sinnamon, 2100 East Cumberland Street, Phila., April 29, 1941.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Estelle M. Jones, 1004 Keenan Bldg., 641 Liberty Avenue, Pittsburgh.
James W. Ross, East Pittsburgh.

JEFFERSON COUNTY

Gerald E. Bushong, Punxsutawney.

LEHIGH COUNTY

Miss Marion E. Uhl, Allentown.

McKEAN COUNTY

Miss Alice M. Dolan, Kane.

MONTGOMERY COUNTY

Allen C. Bard, R. D. 1, Collegeville, Upper Providence Twp.

PHILADELPHIA COUNTY

Robert C. Benham, Room 154, City Hall, Phila.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. EALY and Mr. JAMES

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 42

Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	James,	Shapiro,	Watkins,
Crowe,	Jaspan,	Snowden,	Wilson, H. I.,
Deitrick,	Kephart,	Stiefel,	Wilson, T. B.,
DiSilvestro,	Lanius,	Stevenson,	Woodward,
Ealy,	Letzler,		

NAYS 0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill has passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 187, entitled:

An Act to amend section thirty-eight of article four of the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; defining as a transfer and taxing the right of survivorship in property as to which such right exists; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax or the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," changing the time within which a discount is allowed for the payment of said taxes.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. ZIESENHEIM, from the Committee on County Government reported as amended, Senate Bill No. 45, entitled:

An Act to further amend section four hundred and twenty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing certain contributions by county commissioners toward the burial of deceased service men regardless of the total cost thereof.

Mr. MALLERY, from the Committee on County Government, reported as amended, Senate Bill No. 292, (House Bill No. 382), entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for said purpose.

Mr. WADE, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 420, entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

He also from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 421, entitled:

A Joint Resolution proposing an amendment to section one, article eight of the Constitution of the Commonwealth of Pennsylvania.

He also from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 422, entitled:

A Joint Resolution proposing an amendment to section four, article nine of the Constitution of the Commonwealth of Pennsylvania.

Mr. TALLMAN, from the Committee on County Government, reported as committed, Senate Bill No. 538, (House Bill No. 593), entitled:

An Act to amend section two hundred twelve to further amend sections two hundred thirteen, two hundred fourteen, 701, and 709, and to amend section 1201 of the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof; including the boards of trustees of State Normal Schools or Teachers

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Colleges abolishing, creating, reorganizing, or authorizing the reorganization of certain administrative departments, boards and commissions defining the powers and duties of the Governor, and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" by exempting the Department of Internal Affairs from the provisions of said sections and further defining powers of the Secretary of Internal Affairs.

Mr. THOMAS, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 310, entitled:

An Act to amend article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it unlawful to take for the purpose of sale, sell or expose for sale any bittersweet growing in the wild; and providing a penalty.

He also, from the Committee on County Government, reported as amended, Senate Bill No. 381, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes.

Mr. CAVALCANTE. Mr. President, under this order of business I wish to call attention of the Chair to page 412 of the Legislative Journal, whereat the following action took place.

MOTION TO RECOMMIT SENATE BILL NO. 130 TO COMMITTEE ON JUDICIARY GENERAL

"Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 130 be recommitted to the Committee on Judiciary General for the specific purpose of an open and public hearing.

"Mr. President, I think the remarks made for and against the bill ought to be stenographically transcribed and that, after a public open hearing, the committee shall return the bill to this Senate with amendments or recommendations or both.

"Mr. REED. Mr. President, I second the motion.

"The motion was agreed to and the bill was recommitted to the Committee on Judiciary General."

Mr. President, at this time I request chairman of the Committee on Judiciary General to report to this Senate whether or not an open and public hearing has been had on Senate Bill No. 130.

POINT OF ORDER

Mr. WALKER. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Allegheny will state his point of order.

Mr. WALKER. Mr. President, the gentleman has not asked the Chair whether he may interrogate the chairman of the Committee on Judiciary General.

Mr. CAVALCANTE. I am not asking that, Mr. President. I am requesting the President for a report from the chairman on the Committee of Judiciary General.

The PRESIDENT. The Chair is of the opinion the point of order raised by the gentleman from Allegheny is correct. The inquiry of the gentleman from Fayette could not be answered by the Chair and should be addressed to the gentleman from Allegheny, the chairman of the Committee on Judiciary General.

Mr. CAVALCANTE. Mr. President, will the gentleman from Allegheny, Mr. Walker, report to this Senate whether or not an open and public hearing on Senate Bill No. 130 has been had.

POINT OF ORDER

Mr. WALKER. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Allegheny will state his point of order.

Mr. WALKER. Mr. President, the gentleman from Fayette has not requested permission of the Chair to interrogate the gentleman from Allegheny.

Mr. CAVALCANTE. Mr. President, will the gentleman from Allegheny, Mr. Walker, the gentleman who is chairman of the Committee on Judiciary General, lawfully constituted in this Senate of the Commonwealth of Pennsylvania, be interrogated?

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. I will, Mr. President.

The PRESIDENT. The gentleman from Fayette may proceed.

Mr. CAVALCANTE. Mr. President, will the gentleman from Allegheny, the chairman of the Committee on Judiciary General, report to this Senate whether or not an open and public hearing has been had on Senate Bill No. 130, conformably with a motion unanimously adopted by this body as appears in the Legislative Journal of March 24, 1941, at page 412.

Mr. WALKER. I might say, Mr. President, there was a public hearing held on Senate Bill No. 130. As to the surplussage in the question of the gentleman from Fayette I refuse to commit myself.

Mr. CAVALCANTE. That is all, Mr. President.

REPORT OF LOCAL GOVERNMENT COMMISSION

Mr. STEVENSON. Mr. President, I ask permission to make a report from the Local Government Commission.

The PRESIDENT. Is there objection? The Chair hears none. The gentleman from Clinton may proceed.

Mr. STEVENSON. Mr. President, according to law it is necessary that the Local Government Commission make a report to the General Assembly. I am not going to give this report in full, for the reason that copies will later be distributed to members not only at their homes but in the Senate also.

Without the blast of trumpets and the solemn heraldry which they so richly merit, there will soon march from the House of Representatives into the warring tribes of the Senate a certain series of bills which have emanated from the Local Government Commission. In order that

the membership of the Senate might become acquainted with the background of these bills, I desire to inform you concerning the thoughtful consideration given to their subject matters and the fact as to their careful preparation. I shall briefly advise you as to the why, the who and the wherefore of the commission, covering its objectives, its personnel, its activities, and its accomplishments.

Mr. President, the local government commission was created by an act of Assembly in 1935 and has been active since that year. The commission's duties, as set forth in section 2 of that act, provide that it shall be the duty of the commission to study and investigate the functions of local government, their proper allocation and the possibility of eliminating unnecessary functions, and the duplication and overlapping of functions, the cost of local government, and ways and means of reducing this cost and lessening the burden on local taxpayers, the advisability and feasibility of increasing the area or changing the boundaries of local government; of establishing larger units for administration by consolidation of units by cooperative agreement between them for the performance of certain functions, or by other means; and generally ways and means of organizing a simple system of local government, and to exercise such other functions as may be deemed necessary to follow into effect the intention of this act.

Without resorting to the art of grandiloquence, I might say that in addition to his possessing the well known perspicacity of a keen jurisprudent the President pro-tem of the Senate has displayed evidence of extraordinary discernment in his selection of the Senate appointees to the commission, with the exception of this humble servant. And similar good judgment has been exhibited upon the part of the Speaker of the House in naming the commission's complement from that body.

Mr. President, upon the part of the Senate the following members belong to this Commission.

Charles R. Mallery, Blair;
George B. Stevenson, Clinton;
Edward J. Coleman, Lackawanna;
Henry E. Lanius, York;
Harold H. Thomson, Delaware;
Members on the part of the House are:
Daniel E. Wilkinson, Luzerne;
Franklin H. Lichtenwalter, Lehigh;
Rubin A. Nagel, Beaver;
Paul C. Moomaw, Franklin;
Walter E. Greenwood, Chester.

Since January of 1940 to date, Mr. President, there have been twenty meetings held by this committee. In addition to regular meetings there were two days, December 18 and 19th of 1940, devoted to public hearings on bills proposed to be submitted by the commission at the 1941 session of the General Assembly. At these public hearings taxpayers' associations, civic associations, local officials' organizations, municipal associations and interested attorneys and citizens presented views to the commission for consideration.

During the interim between meetings members of the commission have not been idle. Major problems coming before the commission have been assigned to committees for more intensive study. These committees together with the counsel and research agents of the commission have met frequently and labored long in preparing detailed suggestions for the consideration of the commission.

Both the commission and its committees have had the full cooperation of and have received a great deal of valuable advice and technical assistance from state and local officials and many private citizens.

A notable example of the service gratuitously afforded to the commission was the cooperation of leading municipal bond attorneys, the Department of Internal Affairs and representatives of local government with the committee preparing the proposed "Municipal Borrowing Act." The Department of Internal Affairs lent the services of its bond attorney in addition to providing a place for many of these committee's meetings. Representatives of local government attended all meetings of the committee and provided much information on the practical problems of local government in connection with borrowing. The municipal bond attorneys in addition to coming to Harrisburg at their own expense to meet with the committee on a number of occasions devoted much time to a series of conferences with a representative of the committee and to the preparation of detailed memorandum on the technical, legal and financial problems involved in municipal borrowing. This proposed legislation has required eighteen months for its completion. The commission created a committee to study the proper allocation of motor revenue to political sub-divisions and has secured for this committee the cooperation of the Highway Department, local officials, motor clubs, taxpayers and others interested in the allocation of motor funds.

The Commission has not seen fit to attempt to create a research staff of its own, preferring rather to rely on the voluntary assistance of those interested in improving local government. In this connection the commission wishes to acknowledge the service rendered by the Pennsylvania Economy League, which has made available to the commission its research staff, and to thank all those agencies whose cooperation has made it possible for the commission to produce so much at such little cost.

The limited appropriation available to the commission has necessarily been expended for the expense of members in attending meetings, legal fees, secretarial and office expenses.

In partial discharge of the duties imposed upon it and as a result of the many studies and investigations made by the Commission during the past two years, the Commission has caused to be introduced into the General Assembly a series of bills, a few of which I will mention sketchily.

One is House Bill No. 525 which is a Municipal Borrowing code. If this bill is amended into law it would, in my judgment, repay the Commonwealth by itself alone for the whole cost of the commission. Many of you are familiar with the manner in which municipal bonds have been refunded, the haphazard way in which sinking funds have been maintained in many cases and the lack of good business methods in the borrowing of our municipal divisions.

Mr. President, I might say, to make a personal allusion here, several years ago the citizens of my city exhibited bad taste in electing me to be the mayor of their city. One of the first things we did was to refund the city bonds.

In making this refund and a study of it some very interesting and amazing situations were brought out.

In the first place, Mr. President, it was shown that many bonds existed for improvements that had long since passed out of existence. They had been issued and re-issued and also the amount of interest paid upon bond issues had far exceeded the principal of the bond issues.

I do not think that is a single instance, Mr. President. That is true, I think, were an investigation made of ninety or ninety-five per cent of the municipalities of Pennsylvania.

In order to correct this matter, this municipal borrowing act is an attempt and I believe a successful one, to restate the existing law now found in the Act of 1874 and its numerous supplements and innumerable court decisions, in one place for the convenience of local officials. It does not confer on anyone the right to borrow any money nor does it take away the right to borrow. It rather sets up the procedure for borrowing where the power to borrow is conferred by the various municipal codes or other laws.

As might be expected, however, in a complete review and restatement of the law, the Commission found some provisions which had in the past been abused and others which had been unduly restricted from the municipalities. The commission has, therefore, in its proposed bill made some changes which are listed here.

In the first place, all bonds are required to mature serially in annual installments starting in the second year after the date of issue, except for small issues where the rule is relaxed to make bonds saleable.

I will not attempt any further explanation of that act, Mr. President, but simply will state we believe it to be a very excellent piece of legislation.

Attention is also to be called to the proposed Municipal Employes' Retirement Act (House Bill No. 535) which is in the House Committee on Municipal Corporations. This bill represents months of study, observation of existing systems in and outside of Pennsylvania and mature consideration by the commissioners. The commission was indeed fortunate in having, as the draftsman of this bill, its counsel, John H. Fertig, whose services in connection with the establishment of the State Employes' Retirement Act are well known to members of the legislature. The proposed system is optional with the municipalities (counties, institution districts, cities, boroughs and townships) but once having joined there is no method of withdrawal. The system would be jointly supported by the municipalities and employes—each providing substantially one-half the final retirement pay; the rate to be determined by an actuary.

Basically the proposed system provides that any employe of a member municipality may retire at age 60 or after and receive a retirement allowance computed according to the provisions of the bill. Provision is also made for disability retirement allowances after five years of service equal to 30 per cent of final average pay but the employe if he has ten or more years service may elect to retire voluntarily.

Likewise much thought has been given to two bills relative to election districts. One lays down principles governing the creation or division of election districts which would do away with a large number of unnecessary districts created over the years. The most economical method of conducting elections is also sought. The companion bill provides for state reimbursement to counties for the election expenses in even-numbered years elections which are state wide.

The members of this commission feel that they have been faithful to their trust. They have completely ignored political considerations and, with a singleness of purpose, they have sought constructively to improve the governmental workings of the local political subdivisions in Pennsylvania. They are endeavoring to increase the efficiency and attractiveness of the democratic system of government at the point where the average citizen really experiences the touchs of democracy and where democracy must appear at its best.

We do not even suggest that these proposed bills are the last word in perfection but we do contend that they are fundamentally sound. We submit them for your thoughtful consideration and cordially invite constructive criticism.

The PRESIDENT. The report of the Local Government Commission will be noted in the Journal and copies of the report will be printed and a copy furnished to each Senator.

REPORT FROM COMMITTEE

Mr. TALLMAN, from the Committee on County Government, reported as amended, Senate Bill No. 331, entitled:

An Act to further amend section two of the act, approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," providing for the return and payment of said county (and in certain cases city and county) tax to the county treasurer on or before February fifteenth of each year.

BILLS INTRODUCED

Mr. FARRELL. Mr. President, I am about to present to the Chair a registration bill dealing with cities of the first class. It has been my aim since I have been a member of the Senate to try to get a workable registration act for the City of Philadelphia and I think I have such a bill. I would now like to point out a few high lights of the bill.

This bill is the result of long and careful study of the entire subject and remedies the existing obvious defects in the Registration Act and the evils resulting therefrom. The bill would make the law capable of proper and efficient administration and its enactment I believe would (1) assure the citizens of honest, complete and accurate registration lists and thereby prevent the possibility of fraud; (2) eliminate the risk of disfranchising any voter because his registration card is not at the polling place through no fault on his part; and (3) afford the voters as much convenience as is possible in registering and otherwise exercising their rights and privileges.

Among the major changes in the law the bill would make are:

1. Fixing the time for registration up to fifty days before any election or primary, except in odd numbered

years, when the voters would be permitted to register up to thirty-five days before the municipal election, (to enable voters to register between the fall primary and the municipal election).

2. Requiring the Commission to keep accurate records of the serial numbers of the registration cards as they are used in registering voters.

3. Issuing certificates of registration to citizens as they are registered.

4. Eliminating removal cards and requiring voters to re-register if they move from their divisions to other addresses in the city, except in cases where the change is to another residence in the same division.

5. Canceling the registration of any voter who fails to vote within a period of two years instead of the four year period as the law now provides.

6. Eliminating changes of party enrollment between primaries and general elections.

7. Insuring accuracy of street lists and requiring them to be posted at polling places.

8. Facilitating the method of handling strike-off petitions and keeping the registration lists clear of names that do not belong there.

9. Further protecting the voters' rights on appeals to the courts from decisions of the Commission.

10. Preventing confusion and disfranchisement on election day even should some registration cards, notwithstanding all the safeguards in the bill, not be present at the polling place.

11. Strengthening the provisions of the law by the imposition of additional penalties.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 561, entitled:

An Act to amend the act approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration, commission, election officers, municipal officers departments and bureaus police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties," as amended by redefining, amplifying and changing the powers and duties of the commission, its employes and commissioners, further regulating and changing the provisions of said act, relating to the appointment and removal of registrars and the powers, privileges, rights and duties of registrars, watchers, election officers, and electors, revising and changing the provisions of said act, relating to the times places and manner of registering electors and their enrollment as members of political parties, change of party enrollment, cancellation of registrations, preparation and distribution of street lists, apeals to the commission and to courts and the procedure thereon; the inspection of the records of the commission providing for appeals by the commission to appellate courts, repealing and changing certain provisions of said act, relating to removal notices and for the manner of reckoning time, imposing additional duties on certain city officers, clarifying and coordinating certain provisions of said act and imposing additional penalties.

Which was committed to the Committee on Elections.

Mr. LETZLER read in his place and presented to the Chair Senate Bill No. 562, entitled:

An Act to amend the act, and to add sections one thousand and seven, one thousand and eight, and one thousand and nine to the act approved the twenty-eight day of April, one thousand nine hundred thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commissions; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission, defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," by providing that milk delivered or made available or handled or received on consignment or otherwise shall be subject to all the provisions of said act including price fixing and bonding; enabling the ratification of the act or order of one commissioner by another member of the commission; authorizing special agents or examiners to conduct hearings on behalf of the commission; requiring witnesses to testify fully at hearings; enabling certain officers, employes and agents to administer oaths; enabling commissioners to issue, appropriate process beyond the Commonwealth, providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders; enabling employes of the commission to mark or stamp for identification books and papers that they have inspected; providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders; requiring milk dealers to be licensed; stating grounds for refusal, suspension, revocation or refusal or transfer of licenses; stating the effect of service by registered mail when the addressee refuses to accept or receive such mail; enlarging requirements of milk dealers to file bonds to secure payment to producers and certain milk dealers; prescribing the effective date and term of such bonds and providing for their release; providing for the increase or decrease of the amounts of bonds; prescribing the effect of orders of the commission relating to licenses in suits on bonds; providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers

or producers; increasing the scope of regulation of subdealers; clarifying the requisites of orders fixing prices for milk providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity on those asserting the same; prescribing the result of partial invalidity of any order; providing for the classification of prices to be paid producers for milk; authorizing the establishment of equalization pools for the equalizing, averaging or blending of minimum prices to be paid producers; requiring reports from dealers and producers for establishing equalized prices; providing for a reasonable check-off to cover the expense of administering equalization pools, for the establishment of basic averages, and providing a reserve to cover amounts owing by defaulting milk dealers; establishing "The Milk Equalization Fund"; prescribing the method of establishing equalization pools; providing for certain differentials from equalized prices; defining violations of orders of the commission fixing prices; making milk dealers responsible for acts of directors, officers agents or other persons acting for or on behalf of them; prescribing procedure on appeal from orders of the commission; prescribing the method of handling moneys in the Milk Control Fund; further regulating milk dealers and cooperative agricultural associations; further defining and prescribing penalties, defenses and remedies; and authorizing the commission to establish a base-rating price system, a system of classified prices, a system of equalizing or pooling prices to be paid producers or any combination thereof.

Mr. CAVALCANTE. Mr. President, I am trying to correct a very serious condition that has developed in our Commonwealth because of various decisions of the Courts of Common Pleas on the quota law, applicable to the issuance of liquor licenses. If the quota is filled and a licensee has held a malt liquor license many years and desires to have issued to him a liquor license they will not do it, but when those cases have been taken to the Court of Common Pleas on appeal some county courts have held the quota law does not apply to malt beverage licenses, while some county courts have held the quota law does apply, and we have an anomalous situation in this state, in some counties, whereby the holder of a malt retail liquor license may exchange his license for a liquor license and in some other counties the same licensee holder cannot do it. I am presenting this bill to correct that injustice.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 563, entitled:

An Act to add section four hundred four and one-tenth to article four of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," directing the board to issue liquor licenses to holders of retail dispensers' licenses upon payment of fee and furnishing of bond; and providing that the issuance of liquor licenses in such cases shall not be prevented by any laws limiting the number of such licenses to be granted by the board.

Which was committed to the Committee on Law and Order.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 564, entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof, and for the payment of tuition by certain school districts, and reimbursement thereof by the State," by defining and providing for vocational technical education.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair Senate Bill No. 565, entitled:

An Act to further amend section one thousand seven hundred one of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith", extending the scope of a complete high school course in certain cases, both in school districts and in vocational school districts.

Which was committed to the Committee on Education.

Mr. TALLMAN read in his place and presented to the Chair Senate Bill No. 566, entitled:

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges as real estate.

Which was committed to the Committee on Judiciary General.

Messrs. KEPHART and McGINNIS read in his place and presented to the Chair Senate Bill No. 567, entitled:

An Act to further amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1982), entitled, "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record;" empowering the Supreme Court to prescribe rules of practice and procedure and for the conduct of the business of the Orphans' Court.

Which was committed to the Committee on Judiciary Special.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 568, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act Number 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Cambria.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 569, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Cambria.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 570, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes in the County of Cambria.

Which was committed to the Committee on Highways.

Messrs. MALLERY and COLEMAN read in their places and presented to the Chair Senate Bill No. 571, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

Which was committed to the Committee on Municipal Government.

Mr. STIEFEL, by request, read in his place and presented to the Chair Senate Bill No. 572, entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

Which was committed to the Committee on Judiciary General.

Mr. SNOWDEN, by request, read in his place and presented to the Chair Senate Bill No. 573, entitled:

An Act to amend further section one of the act, approved the seventh day of April, one thousand nine hundred thirty-three (P. L. 27), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," by providing further for the acquisition of right of way owned, operated, or in possession of a railroad company.

Which was committed to the Committee on Highways.

Messrs. DENT and CHAPMAN read in their places and presented to the Chair Senate Bill No. 574, entitled:

An Act to amend section twenty of the act approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, bee keeping, horticulture, and other allied occupations; and providing penalties," by further exempting associations formed under such act from State, county and municipal taxation, and from the duty of filing certain tax reports with State, county or municipal agencies.

Which was committed to the Committee on Finance.

Messrs. MUNDY, DEITRICK and CHAPMAN read in their places and presented to the Chair Senate Bill No. 575, entitled:

An Act to reenact and further amend the title and act approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled as amended, "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for

revocation and suspension of licenses by said bureau; and providing penalties for violations thereof, and repealing all acts or parts of acts inconsistent therewith," by defining certain terms; imposing certain additional duties upon the State Board of Medical Education and Licensure; further regulating the status of student interns; requiring foreign applicants to complete their citizenship; making provision for graduate students from other states and Canada, and providing for automatic revocation of registration in case of mental incompetency.

Which was committed to the Committee on Public Health.

Mr. MUNDY. Mr. President, on behalf of the gentleman from Northumbreland, Dr. Deitrick, the gentleman from Warren, Dr. Chapman, and myself, I am about to present to the Chair a bill affecting trackless trolleys. In the 1937 session of the Legislature I introduced a bill which made possible throughout the State of Pennsylvania the use of trackless trolleys because I thought the trolley system as such, because of the changes in motor transportation, was practically obsolete. It was not my intention at that time such vehicles should use the state highways and roads absolutely free of cost, so therefore I offer this amendment defining them and placing them in the same category as buses and other means of transportation and fixing a tax on them for a license fee. I think, Mr. President, the State of Pennsylvania and the Commonwealth can well appreciate the fact that this is a new source of income.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 576, entitled:

An Act to amend the clause defining Motor Vehicles of section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refund," by including trackless trolley omnibuses within the definition of Motor Vehicles.

Which was committed to the Committee on Highways.

RESOLUTION INTRODUCED

Mr. MILLER. Mr. President, I desire to present a resolution and I ask the indulgence of the Chair while I make just a few brief remarks concerning the resolution.

The PRESIDENT. The gentleman from Luzerne will proceed.

Mr. MILLER. Mr. President, I feel honored and proud on behalf of the American Legion of the Department of Pennsylvania by reason of the resolution adopted at the Executive Committee Meeting of that organization in Altoona, Pennsylvania, on April 5, a resolution paying fit tribute to a gentleman and a scholar and one who has for many years exemplified himself as the guider of the youth of America.

RESOLUTION DESIGNATING MAY 17th AS CONNIE MACK DAY

Mr. MILLER offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 9, 1941.

Whereas, The future of this great Nation depends upon its youth and their capacity to uphold the standards established by their forefathers to safeguard the American way of life; and

Whereas, Clean living and healthful sports are conducive to the development of both virility and morality, and the first essential of capacity to carry on is youth's physical equipment; and

Whereas, One who has lived in our midst for well nigh four score years has by his example and industry made it possible to develop in the ranks of clean sportsmanship exemplars of the value of physical development and clean living as standards for our youth; and

Whereas, The General Assembly desires to show its appreciation to the citizen who has dedicated his life to the development of youth and maintaining their ideals on high standards; therefore be it

Resolved (if the House of Representatives concur), That the Legislature acknowledges the contribution made to our cultural development by endorsing the celebration of May 17, 1941, as Connie Mack Day; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating for observance this year the 17th of May as Connie Mack Day.

RULE 39 SUSPENDED

Mr. MILLER. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

CALENDAR

Mr. COLEMAN. Mr. President, before the Chair goes into the reading of the first bill I would like to ask unanimous consent to make a statement.

The PRESIDENT. Is there objection? The Chair hears none. The gentleman from Lackawanna will proceed.

Mr. COLEMAN. Mr. President, I hope what I say is not the signal for a series of speeches, because what I am going to say is said in a conciliatory tone rather than in an inflammatory theme.

Mr. President, ever since I came into the House of Representatives in 1935, and until I was elected to membership in the Senate, I cherished an ambition to sit in this chamber. Every now and again I read in the paper of a statement of someone who was a student of legislation that this present Session from a standpoint of talent, from the standpoint of dignity, does not measure up to sessions in the past, and I would like to express my

opinion and say that we have in this Senate of Pennsylvania many men who have the statesman's point of view and no body of men in the Commonwealth share a greater portion of my admiration and respect than my colleagues in the Senate of Pennsylvania.

I have come before you this morning not as a penitent youngster confessing a sin but I want to say just a word or two because I think the eyes of the people of the Commonwealth are focused upon the Senate of Pennsylvania; they are very critical of our every action and I am frank to confess perhaps I contributed in some small measure to the slowing up process in the Senate of Pennsylvania, with respect to the bill that was recommitted last night, which brought about my insistence as a member of the Senate that we carry out to the letter the provisions of the Constitution.

I would like to relate a story of a cartoon I saw in the paper several weeks ago. Now, Mr. President, I have never enjoyed the indescribable thrill of some flaxen haired youngster looking at me and calling me daddy and accordingly I am not familiar with the intricacies of diaper pinning but I have a story that I think is most appropriate.

Several weeks ago, Mr. President, I saw in a local paper a cartoon depicting a hospital scene and here were two nurses, one holding a diaper in her hand and in the corner of the room was a crib in which there was a naked little youngster, and the nurse said to the other one, "I am having a difficult time trying to pin anything on to this fellow because he is a gangster's son," and, Mr. President, I do not know on whom I can pin responsibility for the bill that was given to me at the request of the Republican controlled school board in the City of Scranton, the Republican Mayor and the Republican council.

I think, Mr. President, we have reached a stage in this session where we should get down to some serious work. I saw a picture a couple of nights ago of "Men of Boys Town," and I advise all members of the Senate—I have no personal interest in any motion picture concern—but I think there is a great philosophy there and the underlying philosophy of Father Flanagan's Boy's Town is that there are no bad boys in the country, there is no such thing as a bad boy.

I would like to believe, Mr. President, that there is no such thing as a bad Senator and I do not think they are all singling me out for any special persecution. I would like to see that philosophy of Boys Town permeate the Senate chamber.

A story is told and I think it is appropriate to tell it here, Mr. President, about a gentleman who walked into the office of Henry Ford looking for a job. He went into this spacious office and Mr. Ford looked up at him and he said, "Mr. Ford, I am the father of five youngsters and I am in need of work and I would like to have a job." The venerable car manufacturer said, "You go down to McDowell, the foreman, and tell him I said for him to put you to work." The fellow walked out with his head erect and with a new lease on life and as he reached the door he hesitated momentarily at the door and came back rather meekly and he said, "Mr. Ford, I forgot to tell you a little something I think you ought to know. I spent some time at Leavenworth. Ford looked up at him and said, "Never mind that; start where you stand."

Start where you stand. I think that is a great philosophy, Mr. President, and I think we ought to forget the little incident that occurred last night and I am sure I am only too glad to forget.

I heard a story a couple of days ago which I think also is appropriate. Two Irishmen met in the streets of Dublin and one Irishman said to the other, "Where do we stand in this great conflict abroad; where do we stand in the war? The fellow said, "We are neutral." He said "Yes, I know that but who are we neutral against?"

I would like to think, Mr. President, the members of this Senate are really neutral against nobody but really neutral and nonpartisan in the consideration of legislation that does not have any place in the realm of politics.

As I said before, Mr. President, I think the eyes of the people of the Commonwealth are upon us and I think they are demanding some action, I think they are insisting we get away from tomfoolery in the consideration of legislation and I think the time has come when we ought to show them we are the answer to the prayer:

God give us men the time demands
Strong hearts, true faith and willing hands;
Men whom the lust of office does not kill,
Men whom the spoils of office will not buy,
Men who possess the opinion and the will,
Men with honor and men who will not lie.
Men who will stand before the demagogue
And still his treacherous flattery without winking.
Tall men, some crowned, who lives above the fog
In public duty and in private thinking.

Mr. President, on behalf of my good friend, Senator Mundy, the militant leader of democracy in Luzerne County, who rose to my defense last night, we are going to withdraw our request that bills be read at length on three different days, carefully considered and agreed to, and I hope, Mr. President, this is the signal for the beginning of a lot of action.

I do not mind telling you, Mr. President, some of the gentlemen of the press said to me last night it was inspirational to go into the House yesterday and watch how expeditiously they carried on the business of the House and, Mr. President, after all this is the highest law-making body in the Commonwealth.

We have splendid statesmen here, we have plenty of men who have the interest of the people of the Commonwealth at heart and I say, Mr. President, let us forget about what happened yesterday and let us start where we stand.

Mr. MUNDY. Mr. President, I am delighted my colleague from Lackawanna, Senator Coleman, has so much poetry in his soul and mind this morning. I must say I have no kindred feeling.

My own feeling is a practical analysis of what has occurred here and what will probably occur and I say I do not agree with him when he says the people of Pennsylvania are by their attitude watching us and in this particular instance of reading bills will be much more disturbed than they were by the attitude of this Senate from the time we convened in January until this present date.

Now, Mr. President, I just want to add this, that I have been in the Senate—this is my second term—and I have had differences on the floor with my Republican colleagues but at all times in the past I have found every-

one of them, up until this, a perfect gentleman and very considerate of Senatorial courtesy.

This is the first time since I have been in the Senate, Mr. President, anybody has abandoned that principle and I must say if any Senator on the other side had any proposition which affected materially his district alone or one city in his district regardless of any politics in the matter I would support him and would continue to support him very, very definitely in that project and I can see no reason why we should depart from that principle. I want to go on record and say if I do remove my objections to reading at length the bills on the Calendar it is not from any public censure or any pressure from back home, because no man need fear, if he feels he is right, any pressure from any individual. I do repeat, Mr. President, that the sooner we develop leadership of the type that is going to direct and know what is going on here on the floor and at least anticipate some rule or some organization, the sooner we are going to proceed and do something for the benefit of the people of Pennsylvania.

Mr. President, at the request of the Senator from Lackawanna, Mr. Coleman, I do reluctantly remove my objection to reading the Calendar and in this connection let me say I am not given to flattery but the excellent service and impartial service rendered by the Chair and the gentleman at the desk, who are the only ones really suffering physically from this thing, after serious consideration, led me to remove my objection.

The PRESIDENT. We will now proceed with the Calendar.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1 entitled:

An Act providing that when inmates of an orphan's home or other children's institution or private home are maintained at the cost of any county and attend public school and are not legal residents of such school district, the county shall pay their tuition charges and collect the same from the school district liable therefor.

POINT OF ORDER

The following occurred during the reading of the bill:

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Philadelphia will state his point of order.

Mr. SHAPIRO. Mr. President, it may be accidental but I do not find in my desk a copy of this bill.

The PRESIDENT. Are there any other Senators without copies of the bill.

Mr. WALKER. I have a copy, Mr. President.

Mr. SHAPIRO. Mr. President, may I have the indulgence of the Chair while I read the bill?

The PRESIDENT. The Senate will be at ease for a moment.

Mr. WOODWARD. Why are we at ease, Mr. President?

Mr. SHAPIRO. Of course, Mr. President, if the Senate objects to members of the Senate reading bills in order to understand what we are voting on, I am perfectly satisfied to withdraw my request but this bill was amended yesterday as I understand it and this is the first time I have had a chance to see an amended copy of the bill and I would like to find out who is responsible for the amendment and I would like to interrogate the gentleman who inserted these amendments.

POINT OF ORDER

Mr. WALKER. Mr. President, I rise on a point or order.

The PRESIDENT. The gentleman from Allegheny will state his point of order.

Mr. WALKER. Mr. President, the bill was being read at the time the request was made by the gentleman from Philadelphia.

The PRESIDENT. For the information of the Senator from Allegheny, according to the rules of the Senate copies of bills must be on the desks of the Senators.

Mr. WALKER. Mr. President, the bill is on the gentleman's desk now and my point of order, Mr. President, is that there is nothing before the Senate with the exception of the reading of the bill.

The PRESIDENT. The bill was being read.

Mr. WALKER. Mr. President, as I understand it the bill had not been read. The reading clerk was in the middle of reading the bill when the gentleman from Philadelphia raised his point of order.

Mr. SHAPIRO. May I suggest at any time, Mr. President, when a bill is being read any member of the Senate has a right to speak, even in the midst of the reading, before the vote is taken, and in addition to which this bill was being illegally and unlawfully read because there was no copy of it on my desk and therefore as far as I am concerned the bill has not been read.

The PRESIDENT. The point of order of the gentleman from Philadelphia is well taken.

Mr. WALKER. Mr. President, do I understand the Chair rules that I am out of order.

The PRESIDENT. The Chair rules the gentleman from Allegheny is out of order. The point of order of the gentleman from Philadelphia is well taken.

Mr. SHAPIRO. Mr. President, may I interrogate the gentleman who introduced the amendments?

The PRESIDENT. Will the gentleman from Butler permit himself to be interrogated?

Mr. CARR. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman state the reason for the inclusion of tuition being paid for children in private institutions, which was not included in the bill when it first came before us?

Mr. CARR. Mr. President, as I understand the matter there are certain cases in which the county commissioners are permitted to go out and place children who are within their care in private homes rather than in institutions and the only difference is to enable the same procedure to be taken in that case and remission to the school district of the fees for the out of district children and their collection from the school district responsible.

Mr. SHAPIRO. Mr. President, will the gentleman from Butler permit himself to be further interrogated?

Mr. CARR. I will, Mr. President.

Mr. SHAPIRO. Mr. President, does the gentleman think that excludes children who might be attending private schools or a private home where they can afford to pay tuition?

Mr. CARR. I am not familiar with that, Mr. President, as to whether or not all those children live in homes

where their support by the county will enable people who are keeping them to pay the tuition. As I understand it, the requirements where they are in a county maintained institution, the county pays their tuition to the school and then collects it from the school district of which they are legal residents. This is simply making the same procedure apply to those put in private homes as to those who are kept in institutions.

Mr. SHAPIRO. Mr. President, I have no personal interest in the bill except from the view of legislation but I think the use of the words "private home" as used here may enable the inclusion of persons who could well afford to pay for the tuition of their children and saddle the burden of that tuition on the particular community. If that was not the inention it ought to be corrected. If that is not the interpretation I am satisfied but I am calling attention to the fact that the use of those words may bring about a situation which was not intended.

Mr. CARR. Mr. President, may I reply that if the parent or guardian from whom children have been taken is or are capable of paying tuition the obligation rests upon the school district of which the children are legal residents to collect that from the parent or guardian, regardless of this bill.

Mr. GELTZ. Mr. President, may I suggest to our colleague from Philadelphia County that the wording to which he objects applies in such instances where such inmates are maintained at the cost of any county and does not apply to the cases to which he objects.

Mr. CAVALCANTE. Mr. President, I am taking the floor in order to help expedite our action on this Calendar. I suggest to the gentleman from Blair, Mr. Mallery, that this bill should go over in its order so that strikeout amendments may be made in the title.

Mr. President, the title is incorrect. It says: "providing that when inmates of an orphan's home or other children's institutions or private home are mained at the cost of any county and attend public schools and are not legal residents of such school districts and the county shall pay their tuition charges and collect the same from the school districts liable therefore"; the first "and" in line five must be stricken out or you have a title which means nothing.

Mr. MALLERY. Mr. President, I think the point of the gentleman from Fayette is well taken. It is a strike out amendment and is so self-evidence there is a possibility the Senate will agree, but I will agree that the bill shall go over in its order. It is simply a strike-out amendment.

Mr. CAVALCANTE. Mr. President, it is simply a strike-out amendment that be made on the floor, but we must have it in writing.

Mr. MALLERY. It is agreeable to me, Mr. President, if you have the bill go over in its order.

Mr. CAVALCANTE. I suggest to the gentleman from Blair, Mr. President, that the bill go over in its order and then it can be passed before we adjourn today.

Mr. THOMAS B. WILSON. What strike out amendment does the gentleman from Fayette desire to make in this bill?

Mr. CAVALCANTE. Mr. President, I am sorry the gentleman from McKean was sleeping when I made my remarks. We must strike out the conjunction "and" in the fifth line of the title, the first conjunction "and." If that is not done the title does not mean anything, a very senseless title.

Mr. THOMAS B. WILSON. I will go back to sleep, Mr. President.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

BILL OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 1, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 80 as follows:

An Act to further amend the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" changing the provisions thereof and the rights obligations and procedure thereunder

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" as amended in part by section one of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 658) by section one of the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 458) and by the act approved the sixteenth day of May one thousand nine hundred and forty (Act Number 9) is hereby further amended to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

(a) "Base year" means the first hour of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven

(a) (1) "base period" means the first eight out of the last nine completed calendar quarters immediately preceding the first day of an individual's benefit year

(b) "Benefit year" with respect to any individual means the fifty-two consecutive weeks beginning with the first week occurring after January first one thousand nine hundred thirty-eight with respect to which compensation is payable to him for which the individual files a valid original claim and thereafter the fifty-two consecutive weeks beginning with the first week with respect to which compensation is next payable to him for which the individual next files a valid original claim after the termination of his last preceding benefit year

(b1) "valid original claim" means the initial claim which is filed by an individual in accordance with the rules and regulations of the department and solely for the purpose of beginning and establishing an original or subsequent benefit year and which claim is determined by the department to be valid and the claimant eligible to receive benefits for a week of total unemployment in accord with the provisions of the law except however that for the purposes of this subsection the waiting period of at least two weeks required by the law shall not be required to occur within the benefit year

(b2) a "compensable claim" means a claim filed by an individual with the department in accord with its rules and regulations in which the individual claims payment of benefits to him for a specific week of total unemployment

(c) "Board" means the Unemployment Compensation Board of Review established by this act

(d) "Calendar quarter" means the period of three consecutive calendar months ending on March thirty-first June thirtieth September thirtieth or December thirty-first or the equivalent thereof as determined in accordance with general rules of the department

(e) "Compensation" means money payments payable to individuals with respect to their unemployment as provided in this act

(f) "Contributions" means the money payments required to be paid into the Unemployment Compensation Fund by employers with respect to employment which payments shall be used for the creation of financial reserves for the payment of compensation as provided in this act

(g) "Department" means the Department of Labor and Industry of the Commonwealth of Pennsylvania

(h) "Employe" means every individual whether male female citizen alien or minor who is performing or subsequent to January first one thousand nine hundred thirty-six has performed services for an employer in an employment subject to this act

(i) "Employer" means every (1) individual (2) copartnership (3) association (4) corporation (domestic or foreign) (5) the legal representative trustee in bankruptcy receiver or trustee of any individual copartnership association or corporation or (6) the legal representative of a deceased person (I) who or which employed or employs any employe (whether or not the same employe) in employment subject to this act for some portion of each of some twenty (20) days during the calendar year one thousand nine hundred thirty-six or any calendar year thereafter each day being in a different week or (II) who or which has elected to become fully subject to this act and whose election remains in force

Whenever any employer contracts with or has under him any contractor or subcontractor for any work which is part of his usual trade occupation profession or business unless such employer as well as each such contractor or subcontractor is an employer (as defined in the first paragraph of this subsection) the employer shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which said individual is engaged in performing such work except that each such contractor or subcontractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ and except that any employer who shall become liable for and pay contributions with respect to individuals in the employ of any such controctor or subcontractor who is not an employer (as defined in the first paragraph of this subsection) may recover the same from such contractor or subcontractor Each individual employed to perform or to assist in performing work of any agent or employe of an employer shall be deemed to be employed by such employer for all the purposes of this act whether such individual was hired or paid directly by such empioyer or by such agent or employe provided the employer had actual or constructive knowledge of the work

Whenever a change of ownership of the assets or substantially all the assets of an organization trade or business occurrs within a calendar year the successor in interest is deemed to be an employer within the meaning of this section if and when the addition of the employment record of the successor in interest to that of the predecessor within the same calendar year reveals that they together employed one or more empioyes (whether or not the same employe) for some part of twenty (20) different weeks in employment subject to this act

Where an employer maintains more than one place of employment within this Commonwealth all of the empioyes at the several places of employment shall be treated for the purposes of this act as if employed by a single employer

Any individual copartnership association or corporatiion who or which is not subject to this act may elect to become subject thereto by filing with the department his or its written application and if such application is approved by the department the election shall become binding for not less than two calendar years

An employer subject to this act may elect to include within the term "employment" subject to this act services performed by his or its employes [entirely without this Commonwealth] with respect to which no contributions are required and paid under an employment compensation law of any other state (1) if the employe or employes included in such election maintain a domicile within this Commonwealth and whose services are performed entirely without this Commonwealth or (2) if the employe or employes included in the election maintain no domicile within this Commonwealth but whose services though performed without this Commonwealth are directed from this Commonwealth

Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years or until the department on its own motion cancels the election

An employer subject to this act may elect to include within the term "employment" subject to this act services performed by his or its employes which are exempt under the provisions of subsection (j) of section four of this act Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years

Any services performed for an employer covered by an election pursuant to this subsection shall during the effective period of such election be deemed to be employment for all the purposes of this act Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election

(j) "Employment" means all service performed prior to the effective date of this Act which was employment as dened in this section prior to such date and subject to the other provisions of this section service performed after the effective date of this Act for [remuneration] wages or under any contract of hire express or implied written or oral (1) which is localized within this Commonwealth or (2) which is not localized in any state but some of the service is performed within this Commonwealth and (a) the base for operations or place from which such service is directed or controlled is in this Commonwealth or (b) the base for operations or place from which such service is directed or controlled is not in any state in which some

part of the service is performed but the individual's residence is in this Commonwealth Service shall be deemed to be localized within this Commonwealth if (a) the service is performed entirely within this Commonwealth or (b) the service is performed both within and without this Commonwealth but the service performed without this Commonwealth is incidental to the individual's service within this Commonwealth as for example where it is temporary or transitory in nature or consists of isolated transactions Services performed without this Commonwealth shall not be included within the term "Employment" if contributions are required and paid with respect to such services under an unemployment compensation law of any other state

An individual performing services for remuneration in an employment subject to this act shall be deemed to be performing such services for wages unless and until it is shown to the satisfaction of the department that (a) such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact and (b) that such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed and (c) that such individual is customarily engaged in an independently established trade occupation profession or business

The word "employment" shall not include

(1) Agricultural labor which shall include all services performed

(a) On a farm in the employ of any person in connection with cultivating the soil or in connection with raising or harvesting any agricultural or horticultural commodity including the raising sharing feeding caring for training and management of livestock bees poultry and fur-bearing animals and wildlife

(b) In the employ of the owner or tenant or other operator of a farm in connection with the operation management conservation improvement or maintenance of such farm and its tools and equipment or in salvaging timber or clearing land of brush and other debris left by a hurricane if the major part of such service is performed on a farm

(c) In connection with the production or harvesting of maple sirup or maple sugar or any agricultural commodity or in connection with the raising or harvesting of mushrooms or in connection with the hatching of poultry or in connection with the ginning of cotton or in connection with the operation or maintenance of ditches canals reservoirs or waterways used exclusively for supplying and storing water for farming purposes

(d) In handling planting drying packing packaging processing freezing grading storing or delivering to storage or to market or to a carrier for transportation to market any agricultural or horticultural commodity but only if such service is performed as an incident to ordinary farming operations or in the case of fruits and vegetables as an incident to the preparation of such fruits and vegetables for market The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption

As used in this subsection the term "farm" includes stock dairy poultry fruit fur-bearing animal and truck farms plantations ranches nurseries ranges greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards

(2) Domestic service in a private home local college club or local chapter of a college fraternity or sorority

(2.1) Casual labor not in course of employer's trade or business

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States

(4) Service performed by an individual in the employ of his son daughter or spouse and service performed by a child under the age of twenty-one (21) in the employ of his father or mother

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this act except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law all of the provisions of this act shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner to the same extent and on the same terms as to all other employers In the event that this State shall not be certified for any year by the Social Security Board under section one thousand six hundred three (c) of the Federal Internal Revenue Code the payments required of such instrumentalities with respect to such year shall be refunded by the department from the fund in the same manner and within the same period as is provided in section three hundred eleven of this act with respect to contributions erroneously collected

6 Service performed in the employ of a state a political subdivision thereof or an instrumentality of one or more states or political subdivisions

7 Service performed in the employ of a corporation community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation

(8) Service performed after June thirtieth one thousand nine hundred and thirty-nine either as an employe representative or service performed in the employ of an employer when such employe representative or employer is determined to be subject to the Act of Congress known as the Railroad Unemployment Insurance Act (52 U S Stat 1094) or to an Act of Congress establishing an unemployment compensation system for maritime employes by the agency or agencies empowered to make such determinations

(9) Service performed in any calendar quarter in the employ of an organization exempt from income tax under Section 101 of the Federal Internal Revenue Code as amended if (i) the remuneration for such service does not exceed forty-five dollars or (ii) such service is in connection with the collection of dues or premiums for a fraternal beneficiary society order or association and is performed away from the home office or is ritualistic service in connection with any such society order or association or (iii) such service is performed by a student who is enrolled and is regularly attending classes at a school college or university

(10) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under Section 101(1) of the Federal Internal Revenue Code as amended

(11) Service performed in the employ of a voluntary employes' beneficiary association providing for the payment of life sick accident or other benefits to the members of such association or their dependents if (i) no part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual and (ii) eighty-five per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses

(12) Service performed in the employ of a voluntary employes' beneficiary association providing for the payment of life sick accident or other benefits to the members of such association or their dependents or their designated beneficiaries if (i) admission to membership in such association is limited to individuals who are officers or employes of the United States Government and (ii) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual

(13) Service performed in any calendar quarter in the employ of a school college or university not exempt from

income tax under Section 101 of the Internal Revenue Code as amended if such service is performed by a student who is enrolled and is regularly attending classes at such school college or university and the remuneration for such service does not exceed forty-five dollars (exclusive of room board and tuition)

(14) Service performed in the employ of a foreign government (including service as a consular or other officer or employe or a nondiplomatic representative)

(15) Service performed in the employ of an instrumentality wholly owned by a foreign government (i) if the service is of a character similar to that performed in foreign countries by employes of the United States Government or of an instrumentality thereof and (ii) if the Secretary of State of the United States shall certify to the Secretary of the Treasury of the United States that the foreign government with respect to whose instrumentality exemption is claimed grants an equivalent exemption with respect to similar service performed in the foreign country by employes of the United States Government and of instrumentalities thereof

(16) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to the laws of this Commonwealth and services performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to the laws of this Commonwealth

(17) Service performed by an individual for an employer as an insurance agent or as an insurance solicitor if all such service performed by such individual for such employer is performed for remuneration solely by way of commission

(18) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news not including delivery or distribution to any point for subsequent delivery or distribution

If the services performed during one-half or more of any pay period by an employe for the person employing him constitute employment all the services of such employe for such period shall be deemed to be employment but if the services performed during more than one-half of any such pay period by an employe for the person employing him do not constitute employment then none of the services of such employe for such period shall be deemed to be employment As used in this paragraph the term "pay period" means a period (of not more than thirty-one consecutive days) for which a payment of remuneration is ordinarily made to the employe by the person employing him This subsection shall not be applicable with respect to services performed in a pay period by an employe for the person employing him where any of such service is excepted by paragraph (8) hereof

(k) "Employment Office" means a public employment office or branch thereof operated by the department

(l) "Full-time Weekly Wage" means the weekly wages that any individual would receive if he were employed at his most recent wage rate from employers during his base year and for the customary scheduled full-time week prevailing for his occupation in the enterprise in which he last earned wages from employers during his base year

If the department finds that the full-time weekly wage as above defined would be unreasonable or arbitrary or not readily determinable with respect to any individual the full-time weekly wage of such individual shall be deemed to be one-thirteenth of his total wages from employers in that quarter in which such total wages from employers were highest during the first eight out of the last nine completed calendar quarters (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven) immediately preceding the first day of his benefit year

(m) "Referee" means a referee appointed by the Governor to hear appeals under this act

(n) "Secretary" means the Secretary of Labor and Industry of this Commonwealth or his duly authorized representative

(o) 'Social Security Act" means the act enacted by the Congress of the United States approved the fourteenth day of August one thousand nine hundred thirty-five entitled "An act to provide for the general welfare by establishing a system of Federal old-age benefits and by enabling the several States to make more adequate provision for aged persons blind persons dependent and crippled children material and child welfare public health and the administration of their unemployment compensation laws to establish a Social Security Board to raise revenue and for other purposes" as amended

(p) "Social Security Board" means the Social Security Board established by the Social Security Act

(q) "State" includes Alaska Hawaii and the District of Columbia

(r) 'Suitable Work" means all work which the employe is capable of performing except work in which (1) the position offered is vacant due directly to a strike lockout or other labor dispute or (2) the remuneration hours or other conditions of the work offered are substantially less favorable to the employe than those prevailing for similar work in the locality or (3) as a condition of being employed the employe would be required to join a company union or to resign from or refrain from joining any bona fide labor organization

(s) "Total Unemployment" means that an employe during a particular week has had no work for which wages are payable to him An individual shall be deemed totally unemployed with respect to any week of less than full time work if the wages paid or payable to him with respect to such week do not exceed three dollars

(t) "Unemployment Trust Fund" means the Unemployment Trust Fund established by the Social Security Act

(u) "Wages" means all remuneration for services including the cash value of all remuneration paid or payable in any medium other than cash except that the term "wages" shall not include

(1) That part of the remuneration which after remuneration equal to three thousand dollars ($3,000) has been paid or becomes payable to an individual by an employer with respect to employment during or for any calendar year is paid or becomes payable to such individual by such employer with respect to employment during the calendar year one thousand nine hundred forty and during each calendar year thereafter

(2) The amount of any payment made to or on behalf of an employe under a plan or system established by an employer which makes provision for his employes generally or for a class or classes of his employes (including any amount paid by an employer for insurance or annuities or into a fund to provide for any such payment) on account of (A) retirement or (B) sickness or accident disability or (C) medical and hospitalization expenses in connection with sickness or accident disability or (D) death provided the employe (I) has not the option to receive instead of provision for such death benefit any part of such payment or if such death benefit is insured any part of the premiums (or contributions to premiums) paid by his employer and (II) has not the right under the provisions of the plan or system or policy of insurance providing for such death benefit to assign such benefit or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer

(3) The payment by an employer (without deduction from remuneration of the employe) of the tax imposed upon an employe under section one thousand four hundred (1400) of the Federal Internal Revenue Code

(4) Dismissal payments which the employer is not legally required to make

(5) Payments voluntarily made by an employer to employes while in the military or naval services of the United States and performing no services for the employer

(v) "Week" means any calendar week ending at midnight Saturday or the equivalent thereof as determined in accordance with general rules adopted by the department

Section 2 Section two hundred four of said act is hereby amended to read as follows

Section 204 Advisory Councils There is hereby created a State Advisory Council to be composed of an equal number of employer employe and public representatives who may fairly be representative because of their vocation employment or affiliations The members of such council shall be appointed by the Governor within thirty days of the passage of these amendments Such council shall consider and advise the department upon all matters related to the administration of this act including the formulation of policies assuring impartiality and freedom from political influence in its administration taking steps to reduce and prevent unemployment and making studies relating to unemployment and unemployment compensation payments Such council may recommend upon its own initiative such changes in the administration of this act as it deems necessary and shall make periodic reports to the Governor regarding the performance of its duties and functions Such council shall have full access to information relating to the purpose of this act

The Governor shall have the power to create such local advisory councils as the State Advisory Council may deem necessary for the efficient performance of its functions Such councils shall be composed of an equal number of members representing employers employes and the public and shall be appointed by the Governor

The members of such advisory councils shall serve without compensation but shall be entitled to be reimbursed out of the Administration Fund for all necessary expenses incurred in the discharge of their duties

The State Advisory Council may appoint an executive secretary and a research assistant to aid the council in the performance of its functions They may be appointed in the exempt class of the civil service and may be removed and replaced at the discretion of the council Such employes shall receive such compensation as may be fixed by the council and approved by the executive board and shall be allowed actual and necessary traveling and other incidental expenses incurred while engaged in the performance of their duties The compensation of such employes and the amounts allowed them for traveling and other incidental expenses shall be deemed part of the expenses incurred in connection with the administration of this section and shall be disbursed from the Unemployment Administration Fund

The department in cooperation with the advisory council shall make a study of the effect of experience rating on employers in Pennsylvania and shall first report its findings and recommendations in writing to the Governor and thereafter to the General Assembly at its regular session in one thousand nine hundred and forty-three

Section 3 Article two of said act is hereby amended by adding at the end thereof a new section to read as follows

Section 209 Obsolete Files Records etc The provisions of section five hundred twenty-four of the Administrative Code of one thousand nine hundred and twenty-nine to the contrary notwithstanding the department may with the approval of the Executive Board discard such files of correspondence reports records or other papers compiled or accumulated in the administration of this act as it shall deem to be obsolete retaining always such records as may be required for proper auditing and retaining also for a period of at least two years all contribution reports of employers Summaries or photographs of obsolete records and reports that are discarded shall be permanently kept by the department All discarded records and papers shall be disposed of by the Department of Property and Supplies in the manner provided by law

Section 4 Articles three and four of said act section three hundred and nine of which was amended by section three of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 658) and section four hundred and two of which was amended by section two of the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 458) are hereby further amended to read as follows

ARTICLE III

CONTRIBUTIONS BY EMPLOYERS

Section 301 Contributions by Employers Every employer as defined in this act shall pay for the calendar year one thousand nine hundred forty-one and for each calendar year thereafter contributions into the Unemployment Compensation Fund equal to two and seven-tenths per centum of the total wages as defined in this act paid or payable for employment as defined in this Act by the employer for such calendar year Such payments shall be made at such times and in such manner as the department shall prescribe

Section 303 Period and Termination of Contributions (a) Any employer who or which becomes subject to this act during any calendar year shall be subject to and shall pay the contributions required by this act during the whole of such calendar year

(b) Any employer subject to this act shall cease to be so subject only upon written application to the department and finding by the department that he has not during the previous calendar year employed any employe (whether or not the same employe) in employment subject to this act for some portion of each of some twenty days each day being in a different week whether or not such weeks are consecutive and that he has not during the part of the current calendar year preceding the filing of his application employed any employe (whether or not the same employe) in employment subject to this act for some portion of each of some twenty days each day being in a different week whether or not such weeks are consecutive An employer shall be relieved of the payment of contributions for any calendar year in which the department upon application by such employer or upon its own motion shall find that such employer has failed to employ any employe (whether or not the same employe) in employment subject to this Act for some portion of each of some twenty days each day being in a different week whether or not such weeks are consecutive

Section 304 Reports by Employers Assessments Each employer shall file with the department such reports at such times and containing such information as the department shall require for the purpose of ascertaining and paying the contributions required by this act.

(a) If any employer fails within the time prescribed by the department to file any report necessary to enable the department to determine the amount of any contribution owing by such employer the department may make an assessment of contributions against such employer of such amount of contributions for which the department believes such employer to be liable together with interest thereon as provided in this act.

Within fifteen days after making such assessment the department shall give notice thereof by registered mail to such employer If such employer is dissatisfied with the assessment so made he may petition the department for a re-assessment in the manner hereinafter prescribed

(b) Any employer against whom an assessment is made may within fifteen days after receipt of notice thereof petition the department for a re-assessment which petition shall be under oath and shall set forth therein specifically and in detail the grounds and reasons upon which it is claimed that the assessment is erroneous Hearing or hearings on said petition shall be held by the department at such places and at such times as may be determined by rules and regulations of the department and due notice of the time and place of such hearing given by registered mail to each petitioner

(c) Any petitioner dissatisfied with the action of the department on his petition for re-assessment may appeal therefrom to the Court of Common Pleas of Dauphin County within thirty days after being notified on the action of the department Such appeal to the court shall be by petition verified by oath and shall specify all the objections to such assessment or re-assessment and any objections not specified in the petition shall not be considered by the Court

(d) As to any employer who fails to petition for re-assessment or having petitioned after due notice of hearing fails to appear and be heard or in case of a re-assessment to appeal to the Court of Common Please within the time and in the manner herein provided such assessment or re-assessment of the department shall then become final and the contributions and interest assessed or re-assessed

by the department become forthwith due and payable and no defense which might have been determined by the department or in the event of appeal from reassessment by the court shall be available to any employer in any suit or proceeding brought by the Commonwealth in the name of the fund for the recovery of such contribution based on such assessment or re-assessment

(e) In any hearings held by the department in pursuance of the provisions of this section the department is hereby authorized and empowered to examine any person or persons under oath concerning any matters pertaining to the determination of the liability of the employer for contributions under the provisions of this act and to this end may compel the production of books papers and records and compel the attendance of all persons whether as parties or witnesses whom and which the department believes to have or contain knowledge or information material to such determination The conduct of hearings and appeals before the department shall be in accordance with rules of procedure prescribed by the department whether or not such rules conform to common law or rules of evidence or other technical rules of procedure but shall be under supervision of the Attorney General of the Commonwealth

(f) Witness fees and expenses of proceedings involving such assessments or re-assessments and the determination thereof shall be deemed part of the expenses of administering this act and shall be paid from the administration fund Testimony at any hearing before the department held in pursuance of the provisions of this section shall be taken by a reporter but need not be transcribed unless an appeal be taken from a re-assessment made thereon

Section 305 Payment of Contributions Concurrently with each report the employer shall pay to the department the amount of contributions imposed by this act for the period covered by the report but the department may in proper cases upon request made permit an extension of time for the payment of contributions due The amount of the contribution in respect of which an extension is granted shall be paid (with interest at the rate of one-half of one per centum per month) on or before the expiration of the period of extension

Section 306 Fractions of a Cent In the Payment of any contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more in which case it shall be increased to one cent

Section 307 Interstate Commerce No employer required by this act to pay contributions shall be relieved from compliance therewith on the ground that he is engaged in interstate commerce or that this act does not distinguish between employes engaged in interstate commerce and those engaged in intrastate commerce

Section 308 Interest on Past Due Contributions Contributions unpaid on the date on which they are due and payable as prescribed by the department shall bear interest at the rate of one per centum per month or major fraction of a month from the date they become due until paid

Section 308.1 Contributions to be Liens Entry Thereof All contributions and the interest and penalties thereon due and payable by an employer under the provisions of this act shall be a lien upon the franchise and property both real and personal of the employer liable therefor from the date a lien for such contributions interest and penalties is entered of record in the manner hereinafter provided whenever the franchises or property of an employer is sold at a judicial sale all contributions and the interest and penalties thereon thus entered of record shall first be allowed and paid out of the proceeds of such sale in the same manner and to the same extent that State taxes are paid subject nevertheless to the order of distribution prescribed in Section 310 hereof The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for unpaid contributions interest and penalties which may now exist or hereafter arise upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 309 Collection of Contributions and Interest If after notice by the department any employer fails neglects or refuses to pay any contributions due or the interest or penalties due thereon the amount due may be collected by civil action in the name of the Commonwealth Civil actions brought under this section to collect contributions or interest thereon from any employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other actions except petitions for judicial review under this act and cases arising under The Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements No court costs shall be imposed on the Commonwealth in any such civil actions Judgments obtained in such civil actions to collect any of the contributions aforesaid shall include interest and penalties as provided in this act

Section 309.1 Compromises Where the department is satisfied (1) that the employer is unable to make payment in full of contributions interest and penalties imposed upon him by the law and (2) that the employer has acted in good faith the secretary is hereby authorized with the approval of the Attorney General and under rules and regulations adopted therefor to compromise delinquent interest and penalties due on any contribution and in the case of any employer that has been adjudged a bankrupt or for whom a receiver has been appointed to compromise the principal of any delinquent contribution as well as interest and penalties thereon

Section 310 Priorities Under Legal Dissolution and Distributions In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this Commonwealth including any receivership assignment for benefit of creditors adjudicated insolvency composition or similar proceeding contributions or installments thereof or interest thereon then or thereafter due shall be paid in full prior to all other claims except taxes claims arising under The Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements and claims for wages of not more than two hundred and fifty dollars to each claimant earned within six months of the commencement of the proceeding In the event of an employer's adjudication in bankruptcy judicially confirmed extension proposal or composition under the Federal Bankruptcy Act of one thousand eight hundred ninety-eight as amended contributions and interest then or thereafter due shall be entitled to such priority as are now or may hereafter be granted to taxes due a state under the said federal bankruptcy act or its amendments

Section 311 Refunds and Adjustments If not later than one year from the payment of any contribution or interest thereon an employer shall make application for an adjustment thereof in connection with subsequent contribution payments or if such adjustment cannot be made for a refund thereof and the department shall determine that such contribution or interest or any portion thereof was erroneously collected for any reason whatever including the failure to employ one or more employes (whether or not the same employe or employes) for some portion of each of some twenty days during the calendar year each day being in a different week for which the contributions were made the department shall allow such employer to make an adjustment thereof without interest in connection with subsequent contribution payments by him or if such adjustment cannot be made the department shall refund said amount without interest out of moneys to the credit of the Employers' Contribution Account in the Unemployment Compensation Fund For like cause and within the same period an adjustment or refund may be so made on the initiative of the department.

Section 312 Interstate Adjustments The department is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the Federal Government or both whereby

(a) Services performed by an individual for a single employer for which services are customarily performed in more than one state shall be deemed to be services performed entirely within any one of the states (i) in which any part of such individual's service is performed or (ii) in which such individual has his residence or (iii) in

which the employer maintains a place of business provided there is in effect as to such services an election approved by the agency charged with the administration of such state's unemployment compensation law pursuant to which all the services performed by such individual for such employer are deemed to be performed entirely within such state

(b) Potential rights to benefits accumulated under the unemployment compensation laws of one or more states or under one or more such laws of the Federal Government or both may constitute the basis for the payment of benefits through a single appropriate agency under terms which the department finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund

(c) Wages or services upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the Federal Government shall be deemed to be wages for employment for the purpose of determining his rights to benefits under this act and wages for employment as defined in this act on the basis of which an individual may become entitled to benefits under this act shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another state or of the Federal Government is payable but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this act upon the basis of such wages or services and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for employment as defined in this act as the department finds will be fair and reasonable as to all affected interests and

(d) Contributions due under this act with respect to wages for employment shall for the purpose of section three hundred one of this act be deemd to have been paid to the fund as of the date payment was made as contributions therefor under another state or Federal unemployment compensation law but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the department finds will be fair and reasonable as to all affected interests

Reimbursements paid from the fund pursuant to paragraph (c) of this section shall be deemed to be benefits for all the purposes of this act The department is authorized to make to other state or Federal agencies and to receive from such other state or Federal agencies reimbursements from or to the fund in accordance with arrangements entered into pursuant to this section

The administration of this act and of other state and Federal unemployment compensation and public employment service laws will be promoted by cooperation between this State and such other states and the appropriate Federal agencies in exchanging services and making available facilities and information The department is therefore authorized to make such investigations secure and transmit such information make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this act as he deems necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law and in like manner to accept and utilize information services and facilities made available to this State by the agency charged with the administration of any such other unemployment compensation or public employment service law

To the extent permissible under the laws and Constitution of the United States the department is authorized to enter into or cooperae in arrangements whereby facilities and services provided under this act and facilities and services provided under the unemployment compensation law of any foreign government may be utilized for the taking of claims and the payment of benefits under the employment security law of this State or under a similar law of such government

ARTICLE IV

COMPENSATION

Section 401 Qualifications Required to Secure Compensation Compensation shall be payable to any employe who is or becomes totally unemployed on or after January first one thousand nine hundred thirty-eight and who

(a) Has within his base year earned wages in employment as defined in this Act from employers of not less than one hundred dollars

(b) Has registered for work at a designated employment office at such times and in such manner as the department may prescribe

(c) Has made a claim for compensation in the proper manner prescribed by the department

(d) Is able to work and available for work and

(e) Has been totally unemployed for a waiting period of at least two weeks (except as otherwise hereinafter provided in this clause) prior to any week for which he claims compensation The two weeks of total unemployment need not be consecutive

No week shall be counted as a week of total unemployment for the purpose of this subsection (1) unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits provided that this requirement shall not interrupt the payment of benefit for consecutive weeks of total unemployment and provided further that the week or two weeks immediately preceding a benefit year shall be deemed (for the purposes of this sub-section only) to be within such benefit year or (2) if benefits have been paid with respect thereto or (3) unless the individual was eligible for benefits with respect thereto as provided in Sections 401 and 402 of this act except for the requirements of this sub-section and of subsection (c) of Section 402.

Section 402 Ineligibility for Compensation An employe shall be ineligible for compensation for any week

(a) In which his unemployment is due to failure without good cause either to apply for suitable work when so directed by the employment office or to accept suitable work when offered to him by the employment office or by his previous employer In determining whether or not any work is suitable for an individual the department shall consider the degree of risk involved to his health safety and morals his physical fitness and prior training and experience and the distance of the available work from his residence.

(b) In which his unemployment is due to voluntary leaving work without good cause except where as a condition of continuing in employment the employe would be required to join or remain a member of a company union or to resign from or refrain from joining any bona fide labor organization or to accept wages hours or conditions of employment not desired by a majority of the employes in the establishment or the occupation or would be denied the right of collective bargaining under generally prevailing conditions

(c) With respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States Provided That if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits the disqualifications shall not apply

(d) In which his unemployment is due to dismissal for dishonesty in connection with his work or for the committing of an offense by him against the property of his employer provided such dishonesty or the commission of such offense is admitted by the employe or such employe is determined guilty thereof in a court of competent jurisdiction and provided further that where by reason of the alleged dishonesty in connection with his work or the commission of an offense against the property of his employer such employe is in legal custody or held to bail the determination of benefits shall be held in abeyance pending the release or conviction of such employe

(e) In which the employee's total unemployment is due to a voluntary suspension of work resulting from an industrial dispute but this disqualification shall apply only to the week in which the suspension occurred and for the two consecutive weeks of total unemployment which immediately follow such week

Section 403 Rate and Payment of Weekly Compensation Compensation shall be payable at the rate of fifty per centum of the employes' full-time weekly wage but the amount shall not be more than fifteen dollars nor less than eight dollars a week An employe's weekly compensation amount as determined for the first week of his benefit year shall constitute his weekly compensation amount throughout such benefit year Compensation shall be computed to the nearest multiple of five cents Compensation shall be paid through employment offices at such times and in such manner as the department may prescribe All accrued benefits due any deceased employe may in the discretion of the department be paid to the surviving spouse children or parents of the deceased without letters testamentary or of administration

Section 404 Rate and Amount of Compensation Each eligible employe who is totally unemployed and who is not disqualified under any provisions of the law shall be paid compensation at a weekly rate and for a number of weeks to be determined in accordance with the following schedule

Section 405 Duties of Employers Each Employer shall post in a conspicuous place or places in his establishment or establishments any printed statement or notice required by the rules and regulations of the department

Section 406 Non-liability of Commonwealth Compensation shall be deemed to be due and payable under this act only to the extent provided in this act and to the extent that moneys are available therefor to the credit of the Unemployment Compensation Fund and neither the Commonwealth the department nor the secretary shall be liable for any amount in excess of such moneys

Section 407 Status Preserved During and After Military or Naval Service Notwithstanding any provision of this act to the contrary the compensation rights of any employe who enters the military or naval service of the United States during any period of war or preparation for defense and is honorably discharged from such service shall become fixed as of the time he enters such service and shall remain in status quo for and during the period of such service and upon being honorably discharged from such service such employe shall be entitled to the same benefit rights under the act to which this is an amendment as he was at the time he entered the service In calculating the base year the base period the benefit year or any period of time under said act all time so spent in the military or naval service of the United States shall be excluded from computation therein

The legislature hereby declares the intent of this section to be that the benefit rights of an employe entering the military or naval service herein described and subsequently receiving an honorable discharge therefrom shall during the period of such service be and remain as they were of the time of entry into service and that upon the termination of such service by honorable discharge the benefit rights of such employe shall be and continue as though uninterrupted by the period of such service

Section 5 Sections five hundred and one five hundred and two and five hundred and four five hundred and nine five hundred and twelve and eight hundred and four of said act are hereby amended to read as follows

Section 501 Determination Revised Determinations Notices Appeals The department shall promptly examine any original or compensable claim filed and on the basis of the facts found by it shall determine (1) if an original claim whether or not such claim is valid and if valid the first week of the benefit year the weekly compensation payable and the maximum number of accumulated weeks of compensation to which the claimant may become eligible during the benefit year or (2) if a compensable claim whether and in what amount claimant is entitled to benefits for the week with respect to which the determination is made and in event of denial the reasons therefor The department in accord with its rules and regulations consistent with the provisions of this act may provide that a single determination be made to all original or compensable claims arising out of and depending upon the same facts and circumstances and more especially as to those claims involving an industrial dispute Provided

SCHEDULE OF UNEMPLOYMENT COMPENSATION BENEFITS FOR TOTAL UNEMPLOYMENT

Method by Which the Department shall Determine His Unemployment Compensation Benefits:

A. Weekly Benefits Rate—

1. Select the interval in column (a) in which his full-time weekly wage appears. Opposite, on the same line under column (c) appears the weekly benefit rate.
   Proviso. If total earnings in the base period does not equal or exceed the minimum of the corresponding interval in column (b), or in the absence of a full-time weekly wage then,
2. Select the interval in column (b) in which his high-quarter earnings appear. Immediately opposite, on the same line, under column (c) appears the weekly benefit rate.

B. Maximum Number of Benefit Checks—

1. Upon determining the weekly benefit rate locate, on the same line to the right, the bracket in which total earnings in the base period appear. The figure above that column shows the maximum number of weeks for receiving benefits.

Full-time Weekly Wages (a)	High-Quarter Earnings (b)	Weekly Benefit Rate (c)	WAGES AND NUMBER OF BENEFITS											
			3 Weeks	4 Weeks	5 Weeks	6 Weeks	7 Weeks	8 Weeks	9 Weeks	10 Weeks	11 Weeks	12 Weeks	13 Weeks
Less than 17.00	$100 to 221	8	$100-223	$224-287	$288 351	$352-415	$416-479	$480- 543	$544- 607	$608-671	$672-735	$736-799	$800 or more
17.00 to 18.99	221 to 247	9	221-251	252-323	324-395	396-467	468-539	540- 611	612- 683	684-755	756-827	828-899	900 or more
19.00 to 20.99	247 to 273	10	247-279	280-359	360-439	440-519	520-599	600- 679	680- 759	760-839	840-919	920-999	1000 or more
21.00 to 22.99	273 to 299	11	273-307	308-395	396-483	484-571	572-659	660- 747	748- 835	836-923	924-1011	1012-1099	1100 or more
23.00 to 24.99	299 to 325	12	299-335	336-431	432-527	528-623	624-719	720- 815	816- 911	912-1007	1008-1103	1104-1199	1200 or more
25.00 to 26.99	325 to 351	13	325-363	364-467	468-571	572-675	676-779	780- 883	884- 987	988-1091	1092-1195	1196-1299	1300 or more
27.00 to 28.99	351 to 377	14	351-391	392-503	504-615	616-727	728-839	840- 951	952- 1063	1064-1175	1176-1287	1288-1399	1400 or more
29.00 and over	377 and more	15	377-419	420-539	540-659	660-779	780-899	900-1019	1020- 1139	1140-1259	1260-1379	1380-1499	1500 or more

nevertheless that the department shall state in such single determination the individuals claims to which such single determination shall apply And provided further that the right of any claimant affected thereby shall not be prejudiced as regards his right of appeal therefrom

The department may reconsider a determination whenever it finds that an error in computation or identity has occurred in connection therewith or that wages of a claimant pertinent to such determination but not considered in connection therewith have been newly discovered or that benefits have been allowed or denied or the amount of benefits fixed on the basis of the nondisclosure or misrepresentation of material facts irrespective of whether such nondisclosure or misrepresentation was known or fraudulent and to revise or amend its determination upon the basis of such after-discovered evidence However the department shall have no authority to revise or amend a determination later than one year after the date of the original determination Notice of any such revised determination shall be promptly given to the parties entitled to notice of the original determination in the manner prescribed in this Section with respect to notice of an original determination

The claimant or any party affected thereby may appeal from such revised determination in the manner as herein provided for appeals provided that when an appeal is taken from such a revised determination of the department increasing or decreasing the amount of compensation previously allowed the review thereof by a referee or the board shall be limited solely to matters affecting such increase or decrease

Subject to the same limitations and for the same reasons the department may reconsider the determination in any case in which the final decision has been rendered by the board of review or a court and may apply to such board or court which rendered such final decision to issue a revised decision In the event that an appeal involving an original determination is pending as of the date a revised determination thereof is issued such appeal unless withdrawn shall be treated as an appeal from such revised determination

Written notice of a determination or revised determination as the case may be shall be promptly given to the claimant and to the affected parties by delivery thereof to him personally or by mail such notice to the last known post office address Unless the claimant or other affected parties files an appeal from such determination or revised determination as the case may be with the board with ten calendar days after such notification was delivered to him personally or was mailed to his last known post office address and applies for a hearing such determination or revised determination as the case may be made by the department shall be final and compensation shall be paid or denied in accordance therewith In the event that an appeal is filed with the board the amount of compensation allowed by the department shall be paid pending the decision of the claim before the board or any further appeal which may thereafter be taken

Section 502 Decision of Referee Further Appeals and Reviews Where an appeal from the determination or revised determination as the case may be of the department is taken a referee shall after affording the parties reasonable opportunity for a fair hearing affirm modify or reverse such findings of fact and the determination or revised determination as the case may be of the department as to him shall appear just and proper The parties shall be duly notified of the referee's decision and the reasons therefor which shall be deemed the final decision of the board unless within ten days after the date of such decision the board acts on its own motion or upon application permits any of the parties to institute a further appeal before the board A memorandum of testimony of any hearing before any referee shall be made and be preserved for a period of two years

Section 504 Powers of Board Over Claims The Board shall have power on its own motion or on appeal to remove transfer or review any claim pending before or decided by a referee and in any such case and in cases where a further appeal is allowed by the board from the decision of a referee may affirm modify or reverse the determination or revised determination as the case may be of the department or referee on the basis of the evidence previously submitted in the case or direct the taking of additional evidence When any claim pending before a referee is removed or transferred to the board the board shall afford the parties reasonable opportunity for a fair hearing The parties shall be duly notified of the board's final decision and the reasons therefor A complete record shall be kept of each case heard before the board. All testimony at any hearing before the board whether on appeal or otherwise shall be taken by a reporter but need not be transcribed unless the disputed claim is further appealed

Section 509 Finality of Decision Except insofar as reconsideration and revision of any determination is had under the provisions of Section five hundred and one any determination or revised determination made by the department or any referee or the board shall become final ten days after the date thereof unless appealed from as hereinbefore provided but any decision of the board or of a referee where an appeal has been disallowed by the board shall nevertheless be subject to appeal to the Superior Court after the same has become final

Section 512 Final Order of Board Upon the final determination of any appeal the board shall enter an order in accordance with the decree of the court

Section 804 Liability to Repay Compensation Unlawfully Received Any person who by reason of the nondisclosure or misrepresentation by him or by another of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as compensation under this act while any conditions for the receipt of compensation imposed by this act were not fulfilled in his case or while he was disqualified from receiving compensation shall be liable to repay to the Unemployment Compensation Fund to the credit of the Employers' Contribution Account a sum equal to the amount so received by him and such sum shall be collectible in the manner provided in this act for the collection of past due contributions

Any person who for any reason has received any sum as compensation under this act in excess of that to which he is legally entitled shall be liable to repay to the Unemployment Compensation Fund to the credit of the Employers' Contribution Account a sum equal to the amount of such overpayment which may be set off against any compensation due such person at any time thereafter or may be recovered by action at law

In every case where back wages are awarded to any employe by the National Labor Relations Board or other competent tribunal and such employe shall have been paid compensation under the provisions of this act for the whole or any part of the period covered by such award the department shall be subrogated to the rights of the employe to the extent of the compensation paid and shall first be paid such amount by the employer before any payment is made to the employe The receipt of the department for any such amount shall be a full discharge of the employer for the payment of so much of the award of the National Labor Relations Board or other tribunal

Section 6 Article VIII of the said Act is hereby amended so as to include therein a new Section to be known as Section 805 and to read as follows

Section 805 For the enforcement of this Act or any rule and regulation issued under the authority thereof the Department is hereby empowered and it shall be its duty to conduct such periodic spot checks and investigations as will disclose with reasonable certainty whether or not compensation benefits have been paid to persons not legally entitled thereto or as will disclose violations of this Act and to take such steps and adopt such means as may reasonably be necessary to enforce the provisions of this Act The conduct of such spot checks and investigations and all legal proceedings arising therefrom shall be under the supervision and direction of the Attorney General of the Commonwealth and the expenses thereof and in connection therewith are hereby declared to be administrative expenses to be paid from the Administrative Fund

Section 7 The provisions of this act shall become effective on the first day of July one thousand nine hundred and forty-one except the amendments to clause (j) of section four and sections three hundred and one and three hundred and two which shall be effective for the calendar year one thousand nine hundred and forty-one and thereafter

Provided nevertheless that nothing herein contained shall be taken or construed to relieve any employer from the payment of any contributions penalties and interest imposed by the provisions of the Act or parts of Act to which this Act is an amendment or the rules and regulations issued thereunder in force at the time this Act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any Act or parts of Act in force at the time this Act becomes effective or amended by this Act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of any Act or parts of Act in force at the time this Act becomes effective or for the collection or recovery of contributions penalties and interest due or owing under the provisions of any Act or part of Acts or rules and regulations issued thereunder in force at the time this Act becomes effective

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, I do not believe there is any use in making any motion to recommit Senate Bill No. 80 or ask that it go over in its order as that would serve no purpose here. I think the minds of the gentlemen on the other side of the Senate are made up as to the action they will take and I hope the minds of the members of the Senate on this side are not made up in order that the very few words I will say in covering the subject may help them decide their position.

The main purpose of every Workmen's Compensation Act, Mr. President, is to provide benefit payments. True, there are twenty-two amendments in this bill and I would say frankly twenty of them are very good, but the twenty amendments are only incidental to the main purpose of a workmen's compensation bill. The main purpose, as I have stated, in my opinion is to provide benefit payments for unemployed persons, in order to maintain purchasing power during various slumps in business, when industry curtails activity because of lack of business and so forth, and I think one reason the depression dipped so deep was because there was no intelligent legislation such as i is on the statute books.

Therefore, Mr. President, I intend to oppose the bill, although I am a co-sponsor of it, because I have maintained from the first that the committee—and I think you will find in the statement of the committee that the commission of which I was a member was to draw up a bill to introduce into this Senate and House which would be non-controversial. The minute the schedule of payments was put into the act the bill became controversial. It was my belief that when we introduced a bill that the matter of amounts to be paid and the number of weeks that payments would be made to unemployed persons would be a matter of study and discussion on the part of the committee with the interested parties, namely, labor and industry in the State of Pennsylvania.

I see that the committee makes a recommendation here and says a "Highlight of the commission's twenty-two point program is an increase in benefits of $5,000,000.00 and reduces the waiting period also.

Now, Mr. President, the figure of $5,000,000—and I have here an actuarial report that says by reducing the waiting period from three weeks to one week it would only cost $2,900,000—and yet the commission reports by reducing the waiting period from three weeks to two weeks it will cost $5,000,000.

When I made the motion yesterday to send this bill back to committee I did so in the interest of harmony and good legislation again. Another bill has been introduced in this Senate by the gentleman from Lackawanna, Mr. Coleman, which deals more specifically with the matter of benefit payments I asked yesterday that this bill be sent back to committee in the hope we could take the bill introduced by the gentleman from Lackawanna and the bill which came over from the House and this bill and as true legislators sit down and try to work out a formula which we could all vote for.

I take the position that although twenty of the twenty-two amendments are good, because of the mere fact that I do not want to go on record as approving the main feature of the bill, which to my mind is bad, I must therefore vote against it.

I am somewhat in the position of a person who likes vegetable soup and although twenty ingredients in the soup are good he does not like carrots, carrots spoil the whole soup so he can not eat any of it.

I want to give you some figures on benefit payments, of cost, which I think will be interesting to this Senate.

If, by raising the weekly amount to twenty dollars instead of fifteen dollars, extending the number of weeks from thirteen to sixteen weeks, reduction from three weeks to one week in the waiting period, changing the effective date, the increased total cost to the system in Pennsylvania would be $17,400,000.

Your present average of collections per year is $80,000,000; your payment averages for 1938, 1939 and 1940 were $56,000,000, leaving a balance of $24,000,000.

We expect the collections under the present conditions will be much greater than $80,000,000 and the benefit payments much less than $56,000,000.

I do not know how many of you listened yesterday when I said Pennsylvania employers were paying into a fund that is going to be made into a common fund by the Federal Social Security Board and this common fund will be used to pay benefit payments in states other than Pennsylvania, although Pennsylvania employers are the largest contributors to the fund.

We sit here and refuse to increase benefit to the employes of Pennsylvania, although the money for the increased benefits is paid by the employers of Pennsylvania and is spent to give higher payments to states that do not have sufficient income of their own to take care of payments they have by law given to their employes.

Mr. President, I think we are foolish; I think we are unsound, if Pennsylvania's employes get larger benefits, higher benefits than the amount collected by the state we certainly are on sound ground if that money is going to be taken now away and given to some other state.

Therefore, Mr. President, I believe that the proper pro-

cedure in this case would have been to have taken the three important unemployment compensation bills, to have called in representatives of labor in the State of Pennsylvania, to have called in representatives of industry in the State of Pennsylvania, and to have tried to come to some agreement on a top limit payment and the extension of the number of weeks benefit payments would be paid.

Mr. President, I made a suggestion to the committee which I thought was sound and that would be that we put into the bill a safety ceiling and a safety floor, in other words, when the amount collected or the amount in the fund would be depleted to a certain safety factor, we would then reduce automatically a dollar a week on the payments until we reached a point where the amount per week would be low enough, that we would necessarily have to reduce the number of weeks one week at a time in order that the fund would be maintained at somewhere near a safety level.

I say that is good business and sooner or later if we expect to keep unemployment compensation laws on the books of this Commonwealth and Nation we must put in a sliding scale proposition.

Under that system, Mr. President, there is no increased cost to the employer and the thing I want to try to drive home is this: unemployment compensation is basically put into the law for the benefit first of unemployed persons. It is a sort of bonus payment that they will receive when during a depression or slump in business they are automatically thrown out of work.

You know, Mr. President, it is all right for a person who has a sufficient reserve in bank or a sufficient reserve in stocks or bonds or whatever form of wealth he may have, to say, well, I take care of myself, but when you stop to consider the yearly income of sixty-five per cent of the wage earners in this state and nation, you will find it is difficult for any individual worker to set aside sufficient money in nine months of work to take care of them for three months of unemployment; it is almost physically impossible unless they are in the highest salary brackets.

Therefore, as legislators we pass unemployment compensation laws but when we refuse arbitrarily to amend the benefit payments from year to year or from biennium to biennium in accordance with the needs of the times, when we refuse to do that, then we are not acting in my opinion in the best interests of the proper administration of this bill or any similar bill, nor do we give the benefits we started out to give when we first passed an unemployment compensation bill.

The present status of the fund is this: We have $140,000,000 surplus. Some say that $140,000,000 would be wiped out overnight if we get a serious business slump and unemployment became rampant in this land, which is true under this particular type of bill and schedule because you have a fixed weekly amount, a fixed number of weeks. Under the plan I have suggested to the committee and have tried to have enacted into law, there would be no fixed scale amount except when the fund was over and above the so-called safety fund.

Now, Mr. President, if $140,000,000 of our money is taken by the Federal Social Security Board and given out to various other states, do you think we are acting in good faith with the employers and employes of Pennsylvania? I personally do not think we are. We certainly ought to give our employes and employers the maximum amount of benefits under the law, if the plan is to make a common fund out of the moneys collected from the various states.

You may say some of us are motivated by the principle that unemployment compensation is a social benefit and that all society benefits from the administration of such an act and the provisions of such an act. Others are motivated solely with the prime desire in mind that the minute this becomes a law then we must start with a hatchet to pare down the cost to the employer, they never think of increasing benefits.

In my talk yesterday I said that for many, many years that same attitude was taken on workmen's compensation and when the final blow-off came in 1935 a demand came to the Legislature from the long-suffering persons who received workmen's compensation, namely, injured employes, for increased benefits, and some say that was wild eyed and unconstitutional because in its provisions it took away from people private property and was confiscatory in nature.

Now, Mr. President, you get times like that when you do not do your duty when the proper time to perform your duty presents itself. This is the time for the Senate to take this bill in hand, take it out of the hands of the committee and work on it, if necessary by special committee, and see to it that we in Pennsylvania get the maximum benefits for our employers and employes.

It seems so silly and unsound to me to have employers paying a total of $80,000,000 a year and a surplus of $24,000,000 a year for the benefits of employes of some other state. Mind you, the employes get more per week and for a greater number of weeks than they get in this state where the money comes from. In your own business you would not think of doing that but some of us stand up on the proposition that our only interest in social legislation is to pare down the costs to employers.

That is not the only interest of this Legislature, this General Assembly. The real interest should be that we should try to get the maximum amount, within reason and within the amount paid into the fund, to our employes in order that our employers will get the benefits from the continuing purchasing power of the unemployed person.

Now, Mr. President, that simply is the basis of my opposition to this bill. As I said before, I like the other ingredients but for some reason or other I cannot stomach the carrots, and since twenty of the twenty-two amendments are purely incidental to the main amendment in the bill, which to my mind is benefit payments, then the twenty amendments, although they are good and I do not think they could have been improved upon and I am in favor of them, I cannot positively put my stamp of approval upon a bill which takes and sets a schedule up which I had no part in making.

I will say this, I agree the scale you have placed, is better than the schedule in this bill because it simplifies for the person receiving unemployment compensation and for the administrators of the act their administration, it is more easily computed how much a person will receive, whether they have been unemployed a certain length of time or not, and to my mind it is the best formula ever proposed that I have seen, and I have prac-

tically looked into most of the unemployment compensation laws of the United States, the bills of the United States, but because it is a good formula it does not force me to approve it when in the formula you do not put the ingredients for a good cake, if you understand what I mean.

Mr. President, in order to have the thing work out right what we should do is what I suggested yesterday, and I mean this sincerely, let us not pass this bill over to the House as we are doing in this legislation or have the House pass it over here and think in some dim future date we will get together and compromise; we should sit down now and I say let us give some time to this question.

How many men in this Senate have taken the time to really study unemployment compensation; how many men have taken into consideration that this may be one of the most important bills on this Calendar this year? I want to impress upon my collegaues of both side of this Senate we should take our time and if necessary name a special committee, because I understand the one bill introduced by the gentleman from Lackawanna went into the Committee on Labor and Industry and the other bill introduced by four members of the Senate, including myself, went into the Committee on Workmen's Compensation and the bill which came over from the House covering the same subject is in the committee of Workmen's Compensation. Therefore, Mr. President, one committee or the other is not handling a bill that is pertinent to that commitee work, because they both cannot be right, they both deal with the same subject identically and therefore I would like to ask my co-sponsors to agree with me on putting this bill into one of the two committees or name a special committee and let us do justice to both employers and employes of Pennsylvania.

Mr. WOODWARD. Mr. President, I desire to interrogate the gentleman from Westmoreland.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. WOODWARD. Mr. President, I am in favor of increased benefits from thirteen to twenty-six weeks but to me the question seems to be this, that under the federal act you have to be an employer of eight or more, and according to the uniformity clause in our unemployment compensation act we are paying these payroll taxes for employees of less than eight. At the last session I thought perhaps we could relieve that by wiping that out but I did not get very far. The question is when you talk about a common fund that may be distributed among other states, is our good Pennsylvania money merged in that common fund, money we are now required to pay by the federal act?

That money is Pennsylvania money and in my opinion ought to stay in Pennsylvania, but it does not, it goes to Washington and the first thing you know it will be in the common pot. What can the gentleman tell me about it.

Mr. DENT. I will try, Mr. President. I think the whole principle of making a common pot at Washington, where you do not have a uniform benefit schedule, is wrong; I do not think we ought to pay any Pennsylvania benefit payments to other states.

Mr. WOODWARD. Mr. President, doesn't the gentleman from Westmoreland know this Pennsylvania money goes to Washington now.

Mr. DENT. That is correct, Mr. President.

Mr. WOODWARD. And it ought to stay right here, Mr. President.

Mr. DENT. Mr. President, if the gentleman from Philadelphia wants me to agree with him, I will.

Mr. EDMONDS. Mr. President, may I interrogate the gentleman from Westmoreland?

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. EDMONDS. Mr. President, the gentleman from Westmoreland referred several times to federal legislation, stating that Pennsylvania money would be spent in other states. How far has that progressed? Has there been a bill introduced? Has there been a bill passed to that end?

Mr. DENT. Mr. President, the only thing I can tell the gentleman from Montgomery is from the report we received from our own unemployment compensation people in this state, to our commission here. They said in all probability that would in all probability be the action of the federal government.

Mr. EDMONDS. Mr. President, does the gentleman from Westmoreland know whether there is any proposition to that end that has been submitted to Congress?

Mr. DENT. Mr. President, I am a member of this State Senate and not of the Federal Congress. I can only recognize the statement made to us by our own people.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Westmoreland.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. Yes, Mr. President.

Mr. SHAPIRO. Isn't it a fact, Mr. President, all the money paid by Pennsylvania employers merely goes to the federal government as a separate and definite fund belonging to Pennsylvania and to be paid to Pennsylvania under the workmen's compensation law.

Mr. DENT. That is not a fact, Mr. President. That is the practice up to date but the Social Security Board may change that at any time.

Mr. SHAPIRO. Mr. President, if the gentleman from Westmoreland will yield I would like to suggest the unemployment compensation act provides for payment by the industry to the federal government and it goes earmarked as belonging to Pennsylvania. Payments from the fund to Pennsylvanians are made directly from the fund and no one else collects any money from the fund, except people outside of Pennsylvania who may be working in industry in Pennsylvania.

The only thing in common is the difference between three per cent and 2.7 per cent which is the fund for administration from which funds are allocated to certain funds by the federal government.

We should not confuse the picture by the statement that it will lead us into difficulty. I am not in favor of this bill but I think it ought to be clearly stated our state fund is kept separate and apart and there is no co-mingling of the state fund except as to administration.

Mr. EDMONDS. Mr. President, does the gentleman have any knowledge of any formal or particular propo-

sition to amend the law so as to provide for this common merging of that fund.

Mr. SHAPIRO. Mr. President, there is no such proposition I have heard of, either in Congress or the halls of this legislative body.

Mr. DENT. Mr. President, in making a plea for an increased benefit system of payments I have here a statement part of which reads as follows:

> "It is got to come out of moneys now held in the Federal treasury from the balance collected from Pennsylvania employers."

That is the thing I am trying to bring out here. It has been publicly stated in the public press, aside from the conversation and information that we received in committee hearings, it has been publicly stated in the public press, that the Federal Government intends to make a common pool out of all funds collected because we have some states in the United States that are not able to meet the benefit payment requirements under their law.

Mr. HEYBURN. Mr. President, I might add that there is quite a bit of misunderstanding about contributions to the Federal fund apparently. There is a tax levy of three per cent on payrolls in the Commonwealth of Pennsylvania, with a ninety per cent credit, if we have an unemployment compensation law of our own, which means 2.7 per cent goes to a special fund in Washington to the credit of the Commonwealth of Pennsylvania and three tenths of one per cent is kept in Washington in another fund from which they are supposed to allocate money to use for administrative purposes. We are contributing into that special fund about $11,000,000 a year now and getting only between $6,000,000 and $7,000,000, which is more or less of an injustice, but the entire contribution does not go into any common fund and I know of no such proposal.

Mr. President, what I have heard about this problem is this: they had a meeting some time ago in Hershey, where a representative of the Social Security Board stated they would like, say one per cent, put into a special fund in Washington and two per cent in another fund earmarked from Pennsylvania and from this fund of one per cent they were to deal out parcels of money to states which have been lax in their legislative duty and had gone out and liberalized their act to such an extent the funds are bankrupt.

This is the position we are in in the Commonwealth of Pennsylvania: we are serving as a trustee of an insurance fund, and it is just like a man who takes out a life insurance policy for one thousand dollars and then he dies and the widow wants to get five thousand dollars. Pretty soon under such conditions the fund will be bankrupt.

Mr. President, I desire to interrogate the gentleman from Westmoreland.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. Yes, Mr. President

Mr. HEYBURN. Mr. President, will the gentleman from Westmoreland tell me whether or not there has ever been a year in which the payments from the fund have exceeded the contributions to the fund?

Mr. DENT. From my records, Mr. President, which were given to me by the Department, that is not the case, there has not been a year. I have records here for 1938. 1939 and 1940.

Mr. HEYBURN. There has been a year, Mr. President. I regret very much to differ with my very able colleague but in the year 1938 we paid out more money than we took in. Therefore, Mr. President, it is rather ridiculous to stand up here and talk about liberalizing. We all want to liberalize all we can. Every man in this body would like to give every working man fifty dollars a week if he could. I know I would like to have it myself—with nothing to do.

However, Mr. President, we have this fund to protect. In the year 1938 we paid out more money than we took in. It is true we have a balance today, and we need it. There is apt to be a time in the Commonwealth of Pennsylvania when we will need two balances of the size we now have. Look at the experience in Great Britain, where the fund went bankrupt. It seems to me this is like a great reservoir of water in the mountains, we save the water in the reservoir until we need it and then we use as much as we need. The gentleman from Westmoreland would like to leave it all out when we have plenty of rain and then when we have a dry spell we will have no water.

He talks of the House Bill, Mr. President, and he said the maximum amount in cost to the fund was $17,000,000 a year. I would like to quote from a newspaper article a statement by Mr. Ernest Kelly, who was appointed by His Excellency George H. Earle, former governor of the Commonwealth of Pennsylvania—and Mr. Kelly has been kept on. He has a wide reputation of being an extremely liberal administrator of the Unemployment Compensation fund. I would like to read from one paragraph of what he said after the bill passed the House of Representatives. He said it was a question only of how much the general reserve fund could stand in its benefits and he also said nobody can say that at this time. In other words, Mr. President, there does not seem to have been a proper sort of study made.

Mr. President, as I said yesterday this bill is the result of two years of study. The gentleman speaks of rushing legislation through the legislature, but this bill is the result of two years of study by a committee of which I happened to have served as chairman and on which the gentleman from Westmoreland was a member, and every single solitary amendment here was agreed to by the gentleman from Westmoreland, including the two week's waiting time. He did however, raise some issue about the amount of benefits paid under this schedule, which was perfectly proper.

However, Mr. President, he just said the reduction from three weeks to two weeks would cost the fund three million dollars and again I am afraid he is in error. That would cost the fund two million dollars. The schedule itself would cost the fund three million dollars. It is extremely more liberal than the other formula which we had.

I might say, Mr. President, before our committee we called in experts on unemployment compensation, we called in attorneys from the legal staff connected with that department, and they, Mr. President, told us they could not themselves calculate just what labor should receive under unemployment compensation, under this old formula system, so we set up a very simple formula, which is contained in page 42 of the bill and we have liberalized it to such an extent that it will take in thou-

sands and thousands of workers not now covered by the unemployment compensation law.

Mr. President, it sets up an eligibility figure of one hundred dollars. Let us take a gentleman who is making one hundred dollars in his high quarter, in his best period. and you will find under the present act he could get one-eighth of that maximum or $12.50; under this he would get three times one-eighth, which would be $24.00

You see, Mr. President, this to my mind is a very good bill, it is an intelligent approach to a very difficult situation. If we would be so foolish as to go out and extend the benefits to such an extent that when the great test comes we have no funds left then we would have failed in our solemn duties as trustees of the unemployment compensation fund.

Mr. President, the gentleman spoke of reducing the waiting period to one week. That plan of reducing the waiting period has been tried in two states of the nation, Rhode Island and Texas, and in those two states they have merit rating and also in those two states the employes pay one half of the contribution, one and one half per cent of the employe's wages go into this fund, while in the Commonwealth of Pennsylvania the employer puts up the whole three per cent.

I could talk a long time on this, Mr. President, but I think generally the problem is pretty well understood here in the Senate; it has been discussed, it has been back in the committee once at the suggestion of the gentleman from Westmoreland and the bill came in with this increased figure—and of course we would like to see that done, Mr. President—but nobody knows how much it would cost the fund and we do not know whether or not it would wreck the fund in six months, when the crash comes.

I regret very much to say I am afraid there will be a crash some time in the not too far distant future. I wish it would never come, Mr. President, but I am afraid it will come.

This is a non-controversial bill, Mr. President. The only objection raised by the gentleman from Westmoreland is as to the amount to be paid per week. Why not let this bill go through as corrected and if the gentleman wants to increase the benefit payments let him introduce another bill. That could be easily done.

Mr. President, it seems to me this is an intelligent approach to this problem. Here is what the bill does, among other things. It increases the minimum to eight dollars; it reduces the waiting period from three to two weeks; it sets the minimum eligibility earnings at $100 instead of varying amounts up to $195; it exempts bonuses and free salaries payable to employes from the payment of the tax; it permits earnings up to three dollars per week without regarding it as disqualifying the employe from receiving benefits. In other words, Mr. President, under the present act if a man on unemployment compensation went out and made five cents he would be considered employed and therefore not eligible to benefits under the act. This provides that a man or woman can go out and make three dollars a week, mowing lawns, washing cars or what not, and still be entitled to the weekly benefits. It seems to me certainly this is a long step in the right direction.

It also exempts all employes attached to a farm, as there was some question as to certain farm employes under our present law and this will conform to the 1939 amendments to the federal social security act. It protects the rights of draftees and volunteers. I do not think anyone will argue that is not a liberalizing section, if you read it.

It simplifies the method of determining benefits due employes and at the same time preserves, as was requested by representatives of the C.I.O., the full time weekly wage method where wages are paid on a weekly basis.

It provides for a mandatory advisory council with representatives of employers and employes to advise on the administration of the act.

It otherwise conforms to recent amendments to the federal social security act of 1939 and there are several other liberalizing features.

This thing has been checked and rechecked by the Federal Social Security board in Washington and I think it is in good shape, as good as it possibly could be.

Mr. President, I think the committee did a good job and I think the gentleman from Westmoreland did a good job and I want to congratulate him. However, I am just wondering whether or not he is breaking faith a little bit when he comes in here and says we ought to reduce the waiting period to one week.

I would like to interrogate the gentleman from Westmoreland.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. HEYBURN. Isn't it a fact, Mr. President, we all agreed on a waiting period of two weeks.

Mr. DENT. That is correct, Mr. President.

Mr. HEYBURN. My advice to my fellow colleagues here, Mr. President, regardless of party, is to pass this bill and to send it to the House. I would not like to see this great liberalizing bill thrown into the maelstrom of partisan politics and the employes receive no benefits.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Delaware.

The PRESIDENT. Will the gentleman from Delaware permit himself to be interrogated?

Mr. HEYBURN. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I think in order to be able to vote on the bill we ought to be able to understand what is actually being done.

Mr. HEYBURN. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Delaware state for the information of the Senate how much is being paid into the fund annually by employers?

Mr. HEYBURN. Mr. President, I thought the Senator from Philadelphia had read this report we submitted—two months ago, three months ago, I think. Right here in the report the gentleman from Philadelphia will find a schedule of benefits and payments all the way down since the inception of the act.

Mr. SHAPIRO. Mr. President, I am sure you will find many Senators, who did not read the bill, which is over forty pages long and who did not read the report which is over fifty pages long.

Mr. HEYBURN. Mr. President, I beg to differ with the gentleman from Philadelphia. It is only thirty-four pages.

Mr. SHAPIRO. Mr. President, I am quite sure the gentleman will understand it would be much better and more helpful for the bill if he could give us those figures. I have my own information about it but in view of the importance of the bill I do not want to make any statement that might be inaccurate. I think the gentleman

who sponsored the bill should tell the members of the Senate. This is the question directed to him: how much money is being spent annually and how much money is being paid annually into the fund, so that we may know the difference in surplus, and by how much money this new bill on which we are about to vote will increase the drain on the fund.

Mr. HEYBURN. Mr. President, I think I have already told the gentleman it will increase the drain on the fund by five million dollars.

Mr. SHAPIRO. Mr. President, how much surplus is there annually between payments in and expenditures from the fund?

Mr. HEYBURN. Well, Mr. President, as I told the gentleman, in 1938 we paid out more money than we took in. In 1939, there was a balance and in 1940 there was a balance.

Mr. President, I thought the gentleman from Philadelphia was trying to do a good intelligent job here and had read up on the bill. Does he mean to tell us, with this bill affecting every working man in the Commonwealth of Pennsylvania—and he being the great champion of the working man—he never read it with this report right on his desk?

Mr. SHAPIRO. Mr. President, I do not want to break my arm patting myself on the back as to what I did. I am trying to influence the votes of the members of this Senate and I am trying to get further information, information which they expect to get from one of their own members on the Republican side, so will he tell the members of the Senate how much the surplus is being depleted by the terms of this bill.

Mr. HEYBURN. Mr. President, the surplus at the present time is something under $150,000,000.

Mr. SHAPIRO. Mr. President, I mean the annual surplus.

Mr. HEYBURN. Well, if the gentleman will bear with me I will look it up and in the meantime the gentleman from Philadelphia may go ahead and talk.

Mr. SHAPIRO. While the gentleman from Delaware is looking it up I would like to state my objections to the bill. I do not think anybody in this room would believe it if I said that having read this bill I understand what it is all about and I would not expect any member of this Senate, unless he had the actuarial figures which are necessary or desirable, to understand this bill. So far as the terms of the bill are concerned, we will remain in utter ignorance of it unless we are furnished the information by persons who have the daily experience as far as income and expenditures annually are concerned; we can get them from the department, but my understanding and information is that this surplus is accumulated in two ways. First, Mr. President, You will remember the benefits under the act could not begin until the year following the receipt of the premiums paid under the law, so, there was an accumulation which to my recollection would be somewhere around $22,000,000 during the first year. Thereafter taxes increased and there was an additional accumulation and of course when the fund began to be paid out in 1938 there must necessarily have been a payment out of more money than came in, but the fact that the fund is $154,000,000 today under the law which was passed in 1935—1936—which did not become operative for payments out until 1938, indicates that there must have been a tremendous surplus in 1939 and in 1940 and a tremendous reserve.

Mr. President, under those circumstances it would seem to me that we should approach this problem on the basis of how much more we could safely pay out in benefits to employes without wrecking the fund and at the same time without disturbing too materially the surplus which should be allowed to accumulate. I am not in favor of the position that just because there is $154,000,000, it must be paid out. On the contrary since the experiences of those who know anything about it since the 1919 provisions for unemployment compensation in England I feel the time to accumulate large surpluses is in the good years for the purpose of taking care of the bad years and we must not lose sight of the fact that—and I am not approaching this on the basis of what the Democratic Party or the Republican Party wants—but I want to know something about these figures which are very difficult to get in Pennsylvania and when I have offered to give them to the gentleman they are always questioned. I would prefer to believe people who have dealt with this problem, grappled with it, than those who are now attempting to explain it to us.

Approaching the problem from this point of view, I want to say if the benefits increase from three to five million dollars under this act I do not think this act goes far enough, because if the accumulation runs in the neighborhood of $25,000,000 or $30,000,000 a year we can afford to increase the benefits beyond this point and I have in mind this fact: every time a man moves off a job, he moves first into the relief fund and after the waiting period moves back to unemployment compensation and then after that he moves back again onto the relief fund, so that we are not fooling ourselves when we preclude his taking money from a fund which will save the State money; we are just simply playing bad government because every dollar that goes to the unemployed out of the unemployment compensation found is a dollar saved to the tax-payers, the general taxpayers, which would otherwise be spent by them through the avenue of relief.

Mr. President, there are two things in my opinion we ought to know and I think the gentleman who sponsored this bill ought to tell us. In dollars and cents, what is the surplus and in dollars and cents, how will it be affected? In the main I agree with the gentleman it would be difficult to say what would be the cost in cutting down the waiting period because there more than anywhere else you are getting into a wide area which is possible to wreck the fund because you do not know until you have had your actual experience.

There are other states from which we can get that information, but that is the question, I suggest: what are these two factors and that we ought to know, so that we can vote intelligently.

Mr. HEYBURN. Mr. President, I have this report which has been in the hands of the gentleman from Philadelphia for more than three months, but he has not read it, apparently, I am sorry to say.

For the information of the gentleman from Philadelphia, I would like to read from this report as follows:

In 1938 the contributions were $71,581,556. The benefits were $71,553,159.

In 1939, the contributions were—

Mr. COLEMAN. Mr. President, at this point I should like to interrogate the gentleman from Delaware.

The PRESIDENT. Will the gentleman from Delaware permit himself to be interrogated?

Mr. HEYBURN. I will, Mr. President.

Mr. COLEMAN. Mr. President, I am sure the gentleman will forgive me for interrupting him. He made the statement a short while ago that in 1938 the fund paid out more money than it collected. Here just read from a report which indicates to the contrary.

Mr. HEYBURN. Mr. President, I stand on my latest figures, which I gave yesterday, and the payments exceeded contributions by a small figure. However, the figures are just about equal and it is too picayune to talk about. However, Mr. President, the latest figures are these

In 1939 the contributions were $80,407,614;

In 1939 the benefits were $54,594,545;

In 1940 the contributions were $86,024,965;

In 1940 the benefits were $44,260,799.

Mr. President, as I told the gentleman before, at the present time I understand the balance has increased and it is something under $150,000,000. So you see, Mr. President, I am right.

Mr. SHAPIRO. Mr. President, I wanted these figures from the gentleman from Delaware because of the statement which he made originally that the fund in 1938 had paid out more money than it had received. My friend the gentleman from Delaware has not taken into consideration the expense item which if added to the item which he gave me, his original figure, would apparently even it up.

The first year is out of the picture in my opinion for several reasons, because that was the first year under the act, and secondly, because that is not the measure of experience now because he indicates that there is a fifty per cent differential between the amount received and the amount paid out; now more than fifty per cent. The last year, as you have already heard, was about $86,000,000, with $44,000,000 paid out.

Now, in that point is the crux of this situation and because of that I say that this is the most inadequate increase in compensation that I have heard about. Here is a fund with $44,000,000 surplus. There is no reason for a fifty per cent surplus in this fund at any time, with the present accumulation of $150,000,000. If somebody had talked about liberalizing this fund in the first year or the second year or the third year I would have said it would have been silly until we had the experience. There are over forty states from which we can get experience even now, and I suggest that this bill is wholly inadequate under the figures that have just been given to us.

Out of this surplus we will increase the benefits $5,000,000, but by making this increase we do not increase the burden on the employer. We shall relieve ourselves and give the employer in indirect taxation relief and release the relief fund from the burden we have so much of these days. Therefore with safety to the fund, guaranteed and assured from experience it is in my opinion ridiculous to say that this is a liberal bill, that we are going to increase compensation payments $5,000,000. Divide that into the number of persons who are unemployed over a period of years and see what it means individually.

Mr. DENT. Mr. President, it has been often said that figures do not lie but liars will figure. I made the statement the fund was not costing any money simply because I was reading the record given to me. I did not know the gentleman from Delaware had private information coming to him from minute wires and of course if the fund fluctuates every day and they let you have inside information I cannot hope to know that, but I do know this, that in the year of 1938 from our own figures in the report we increased the balance in the fund from $68,078,213 to $70,181,366. Now, Mr. President, that does not jibe at all with the figures here on benefit payments and contributions and interest received in our own reports. Some one must be giving us false figures.

I further want to correct the gentleman from Delaware, Mr. President, and say I do not believe in tapping a water reservoir from the bottom but I do believe like every other person that has anything to do with a water reservoir when you fill up to the surface, you have got to take the overflow at the top and see that your breast works and so on are not washed away by the overflow.

Mr. President, my proposition was not for tapping at the bottom but for setting up an overflow reserve and take from the top of the tank and that is exactly what the purpose is.

Mr. President, if you will look over the bill you will find we have definitely twenty good features in the act; I said that I admit that and I compliment the gentleman on his work. I think the committee did excellent work but I still come back to my original proposition that I might like everything else in the soup but I still do not like the carrots.

Mr. HEYBURN. Mr. President, I thought the gentleman from Westmoreland, Mr. Dent, and the gentleman from Philadelphia, Mr. Shapiro, had given more attention to this bill. The gentleman from Philadelphia likes to get up and display his great intelligence—you have seen him, all of you people in the Senate, on both sides, Democrats and Republicans. He likes to be the all knowing man, he gets up and tries to make me look ridiculous, don't you see, by saying the Senator from Delaware in the 1938 figures forgot to add expenses of administration, when, Mr. President, expenses of administration come from an entirely different fund; that comes from the three-tenths of one per cent in Washington and yet the Senator tells me if I add that expense to this figure I will balance the books He is entirely wrong, Mr. President.

Now, Mr. President, with regard to the point raised by the gentleman from Westmoreland and the reason, there is a slight balance in favor of contributions existing in 1938 is because accrued interest from about $141,000,000 is added. That brings the 1938 figures—that shows at the top, contributions and interest—the gentleman is reading from the wrong column entirely. That does not mean contributions, that is contributions and interest and the interest accrued from the $141,000,000 is what makes that column exceed by a few dollars the other column.

I move the previous question, Mr. President.

Mr. DENT. Mr. President, I think this is too important a subject to move the previous question. I know you are going to pass it, but please do not gag us.

Mr. President, I want to read one statement for the information of the Senate. When I said agreements were reached—and I think I played some small part in getting an agreement on the part of industry and on the part of labor to agree to certain specific amendments—I will read from page 7 of the minutes of our hearings: "At the hearings held on December 12, 1939, February 27, 1940, April 16, 1940 and July 30, 1940, the committee heard from

representatives of organized labor, business and industry, and interested persons on amending the Pennsylvania Unemployment Compensation Law to bring it into conformity with the 1939 amendments to the Federal Social Security Act and the Federal Internal Revenue code relating to unemployment compensation."

I want to say, Mr. President, we agreed to those amendments and I am standing on that original proposition that we did not agree at any time other than for the formula to be applied in computing amounts but we never agreed on the amounts.

Mr. COX. Mr. President, I want to congratulate the Joint Government Commission on the fine manner in which they presented this study and I want to thank the gentleman from Delaware, Mr. Heyburn and the gentleman from Westmoreland, Mr. Dent, for the expression of their adverse points of view.

I am satisfied, Mr. President, both of these gentlemen are sincere and honorable and the points of view they expressed today represent their actual thoughts in this matter.

I am not an authority on unemployment compensation, I do not profess to be and I have to take the results of their study in order to formulate my own ideas relative to unemployment compensation. It has been disclosed today we have a tremendous reserve which is rapidly accumulating and out of that reserve we certainly could provide more adequate unemployment compensation to the working people.

I realize, Mr. President, and it is my philosophy of life, you cannot tax business out of existence. I do not believe in that sort of thing and I do not think if we increase benefits which could be paid under this act we would be putting an undue burden on business.

The statement has been made the increase in the rates would amount to approximately $5,000,000 a year.

Is that correct, Senator Heyburn?

Mr. HEYBURN. Yes, Mr. President.

Mr. COX. And, Mr. President, the surplus which is accumulated is $19,000,000, is that correct?

Mr. HEYBURN. Mr. President, that is not the figure. There is no increase, when business is good, because as contributions raise the benefit payments drop but when you get into a period of slump, why of course then your benefits raise and the contributions drop and there is no way to establish a basis on this thing excepting by long experience.

The gentleman from Westmoreland talked about bankrupting the fund, and that is exactly how it happened, they gauged the thing too high and when the depression came along they could not maintain the fund, the contributions dropped off and the benefits went up and there was no protection.

Mr. COX. Mr. President, I am well satisfied from the figures quoted there can be an increase in the amount of compensation payable. It seems to me very, very difficult to ask any man to live on eight dollars a week, and do not forget the man you are asking to live with his family on eight dollars a week is the man who has had the smallest possible income. I realize that you cannot establish a standard of living which affords great luxuries from an unemployment compensation fund, but you can establish a standard of living by increasing the amount so you can give the man and his family sufficient so that he does not have to starve to death and that seems to be the principle of this entire debate.

Mr. EDMONDS. Mr. President, there was one question asked by the gentleman from Philadelphia, Mr. Woodward, relative to employers of less than eight and I want to ask this question: what becomes of that money? Is that included in the figures the gentleman has given.

Mr. HEYBURN. Yes, it is, Mr. President. The federal act excludes employers of less than eight. However, under the uniformity clause of the constitution we have to maintain uniformity, so they are all taxed. Those employes who work for employers of less than eight do come under the act. The money goes into the same fund and when the employe of an employer of less than eight loses employment then he receives the same benefits as those of more than eight. Do I make myself clear, Mr. President?

Mr. EDMONDS. Mr. President, are the figures for employers of less than eight included in the totals you have given?

Mr. HEYBURN. That is right, Mr. President.

I would like to suggest one thing more, Mr. President. It seems to me there has been quite a misunderstanding about unemployment compensation. My very good friend, the able Senator from Pittsburgh, Mr. Cox, just talked about a living standard and I quite agree, Mr. President. However, this is an unemployment insurance proposition and you can not get away from that. It is just like a life insurance policy. You may take out a policy for two hundred dollars and somebody would die and that would not cover burial expenses; nevertheless on that basis you can not say to the insurance company, I should have five thousand dollars or ten thousand dollars because some multi-millionaire was buried up the road and that is what his funeral cost.

It seems to me, Mr. President, it is just a question of figures and it is a question of properly understanding that there are two things, it is insurance and it is a social obligation the Commonwealth is fulfilling under the public assistance law.

And the question recurring.

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barr,	Edmonds,	Mallery,	Thomas,
Bartlett,	Farrell,	McGinnis,	Tyler,
Becker,	Geltz,	Miller,	Wade,
Carr,	Heyburn,	Scarlett,	Walker,
Chapman,	Homsher,	Snowden,	Watkins,
Crider,	James,	Stevenson,	Wilson, H. I.,
Crowe,	Kephart,	Tallman,	Wilson, T. B.,
Deitrick,	Letzler,	Taylor,	Woodward,
Ealy,			

NAYS—15

Cavalcante,	DiSilvestro,	Lanius,	Ruth,
Coleman,	Frey,	McQuiddy,	Shapiro,
Cox,	Haluska,	Mundy,	Stiefel,
Dent,	Jaspan,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. BARR. Mr. President, I would like to explain my vote. In my opinion, there is nothing political about this bill. I voted "aye" hoping that the people will get some increased benefit and help out of it and if the bill is passed finally in the House there may be some agreement for a little higher benefit.

Mr. SHAPIRO. Mr. President, I should like to add to my reason for voting against this bill what I wanted to reserve until after the gentlemen on the other side of the House got through voting for it and the gentleman from Delaware got through giving them his explanation as to why he could not give more benefits, and so, Mr. President, the reason I voted against this bill is because I see in it an effort to keep those benefits down so that the gentleman's resolution might have some force and effect and some day soon he will get Congress to reduce the unemployment compensation tax in accordance with the resolution which he introduced in Congress memorializing them to reduce this tax to two per cent.

SENATE BILL No. 1 CONSIDERED

Mr. MALLERY. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 1, on third reading, page 1 of the Calendar, which went over in its order.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1, as follows:

An Act providing that when inmates of an orphans' home or other children's institution or private home are maintained at the cost of any county and attend public school and are not legal residents of such school district and the county shall pay their tuition charges and collect the same from the school district liable therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any child is an inmate of a orphan asylum or home or a children's home or a home for the friendless or a private home or other institution for the care or training of orphan's or other children and the maintenance of such children is provided at the cost of the county wherein it is located and such child attends the public schools of the school district wherein such home or institution is located although not a legal resident of such district the county shall in all such cases pay to such school district the cost of tuitions text books and school supplies for such child which shall be figured as provided by law for tuition costs in other cases Such costs shall be paid annually by the county and shall thereafter be collected by the county from the school district in which such child is a legal resident

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. MALLERY. Mr. President, I ask unanimous consent to amend title, page 1, line 5 of title, by striking out the word "and," where it appears the first time in said line.

The PRESIDENT. Is there objection?

The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

POINT OF INFORMATION

Mr. EALY. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Somerset will state his point of information.

Mr. EALY. Mr. President, is the first bill on the Calendar to be taken up and voted on now?

The PRESIDENT. That is correct.

Mr. EALY. Mr. President, ordinarily we have a rule that where there are strike out amendments the bill should lay over for correct printing. This strike out amendment is so insignificant I think it could be corrected under general procedure and it would seem to me that this is not a withdrawal from our regular rules. Unless the Librarian or the Secretary objects I see no reason in this case, since the amendment is so insignificant that we might vote on it. However, Mr. President, I do not wish it to be understood we are waiving the general rule on strike out amendments that requires bills to be placed on the Calendar the next day.

Mr. MALLERY. Mr. President, I am entirely satisfied to have the bill go over in its order. I do not want to make any exception, especially if there is anyone in the Senate who objects to the amendment.

Mr. CAVALCANTE. Mr. President, all we need to do now after the amendments are inserted is by unanimous consent proceed to final passage of the bill.

The PRESIDENT. The Chair thinks the gentleman from Fayette is correct. There is no objection from any of the Senators to the suggestion. The objection is from the desk because it is contrary to custom of the Senate but the Senate certainly can waive or deviate from any custom.

And the question recurring,

Will the Senate agree to the bill on third reading as amended.

Mr. COX. Mr. President, I am very sorry for delaying the procedure but I did not understand we had proceeded so far with the Calendar as to the calling of the roll. Our attention has been called to the amendment to this bill, which would have the effect of imposing the duty on the counties of paying the tuition of those children and then collecting the tuition from the individual school districts. I do not know how burdensome that would be in a small county but I know it will impose a great burden on Allegheny County.

Under the Juvenile Court system it is necessary for the county to make certain expenditures at the present time which it might again collect from the City of Pittsburgh. Five dollars, for instance, on every child per week, payable by the county. At the present time the City of Pittsburgh owes the County of Allegheny one million dollars and we feel that one million dollars will never be collected.

If you figure the tuition rate at eight dollars per month per pupil and there are today two thousand pupils under the control of our juvenile detention authorities and you multiply two thousand by eight you can see the terrific cost that will impose upon the County of Allegheny.

I feel in this particular instance, Mr. President, the school district, in which this child is located should collect directly from the school district from which the child came. We feel in Allegheny County we cannot possibly

afford this added expense and burden on the taxpayers of the county and if the county makes the payment it will not collect from the individual school districts the amounts that have been paid.

Mr. FREY. Mr. President, the gentleman from Allegheny, Mr. Cox, has referred to the amount due the City of Pittsburgh from the county and associated those remarks with this bill. I do not see where the City of Pittsburgh enters into this bill. The bill reads that collections shall be made by the county from the school districts but not the City of Pittsburgh.

Mr. COX. I did say the cities, Mr. President, that is correct, but I merely used that as an example of what happens when you impose a burden on one municipal subdivision to collect from another.

Mr. THOMAS B. WILSON. Mr. President, this bill does not relieve the school district owing the tuition from paying the school district furnishing the instruction, and goes to the expense of taking care of the children. This bill only requires in cases where children are put in homes by order of court, where the school district has to take care of them by order of court. That has been done by the county but the county pays the district the tuition and collects from the other district but it does not relieve the district that owes the tuition from the duty of payment.

And the question recurring,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Bartlett,	Farrell,	Mallery,	Thomas,
Becker,	Frey,	Miller,	Tyler,
Carr,	Geltz,	Ruth,	Wade,
Chapman,	Haluska,	Scarlett,	Walker,
Crider,	Heyburn,	Snowden,	Watkins,
Crowe,	Homsher,	Stevenson,	Wilson, H. I.,
Deitrick,	James,	Tallman,	Wilson, T. B.,
Ealy,	Kephart,	Taylor,	Woodward,
Edmonds,	Letzler,		

NAYS—14

Barr,	Dent,	McGinnis,	Reed,
Cavalcante,	DiSilvestro,	McQuiddy,	Shapiro,
Coleman,	Jaspan,	Mundy,	Stiefel,
Cox,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. HEYBURN. Mr. President, I rise on a question of personal privilege, to defend myself from the unwarranted attack made by the gentleman from Philadelphia, Mr. Shapiro.

The PRESIDENT. The gentleman from Delaware will proceed.

Mr. HEYBURN. Mr. President, the gentleman from Philadelphia, Mr. Shapiro, has seen fit to rise in his place in the Senate and question my motive here today for defending the action of the committee for which I worked for two years as chairman.

Mr. President, I rise to defend the work done by that committee from all attack whether from within or without, fifth column or anything else. The Senator from Philadelphia seems to credit to me the motive of trying to play for the big fellows in this discussion. And, of course, who is one of the big fellows here I will let you choose for yourself, as to whether you will take a big corporation lawyer or a poor humble farmer.

Mr. President, I do not like to divulge anything occurring in a committee meeting, and neither will I, and yet what I am going to say here I think is proper.

The idea of a resolution memorializing Congress to reduce the rate of contribution from three to two per cent was not my baby. That was suggested by the gentleman from Westmoreland, Mr. Dent, and received very wide publicity. Therefore, Mr. President, I do not hesitate to get up and talk about it if, and it were not for that fact I would certainly not speak. However, Mr. President, the gentleman from Westmoreland was entirely proper and as I recall the story appeared in the public press. He represents a coal mining section of the Commonwealth, a section where heavy company industries prevail, steel and iron, and their rate of turnover in unemployment is tremendous. He opposed a merit rating and he said on that basis that is not the thing to do, we should have a reduction for everybody in Pennsylvania, wherever they are, heavy, light or middle, and so he had this suggestion drawn up and presented to the committee, it was passed and I as the chairman of the committee presented it here.

Mr. SHAPIRO. Mr. President, I could tell you a story about the gentleman being right on four points except in four points but I shall refrain. However, Mr. President, I merely want to say I am not a big corporation lawyer, nor am I a big lawyer and also I wish to say the gentleman from Delaware is not a little farmer, because Mrs. Shapiro tells me when she goes to his market she pays more money than anywhere else.

Going back to the resolution, Mr. President, the gentleman said when he got up on a question of personal privilege I had been unjust concerning the resolution and he did not sponsor the resolution. Mr. President, taking up the history at page 117 I find a resolution by Mr. Heyburn in which he seeks to memorialize Congress by Senate Resolution No. 104 and he asks Congress to be good enough to reduce the tax to two per cent. Whose idea it was I do not know—they did not take me into their confidence but Mr. Heyburn, the gentleman from Delaware accepts the responsibility and I suggested that this bill was a forerunner of an attempt to keep the fund high enough so that they could support an argument for a reduction in the tax for manufacturers.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Westmoreland will proceed.

Mr. DENT. Mr. President, due to the statements made here relative to the suggestions I made in committee, I want to say I agree with the gentleman from Delaware, Mr. Heyburn, and I want it emphatically understood I do not back-track one iota from the position I took there and take now on the subject of merit rating proposals in connection with unemployment compensation.

A merit rating system would have added to my industries in my community; the heavy, durable goods industries and the coal mining industry of my own community would have had to pay the maximum under the proposal offered for merit rating. Utilities or such industries which enjoy a more permanent basis of employment would have succeeded in getting a reduction from 2.7 per cent down to two per cent.

I took the position, Mr. President, and I take it now, the proper place for any reduction was in the Federal Congress and the only position the State of Pennsylvania could take in order to lay before the Federal Congress the idea that we might have a reduction in the total fund and to all the employers of Pennsylvania would have been by a memorializing resolution. I said it then and I again say it but it was then in the interest of keeping from the statute books in Pennsylvania a merit rating plan which would have saddled an added burden on the particular industry and decreased the burden on another type of industry.

That was my position then and I want it clearly understood.

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 206, on third reading, entitled:

An Act to further amend subsection (a) of section four of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by providing for the furnishing of statements to persons against whom claims are due for support, maintenance and assistance.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 285, as follows:

An Act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinqrent school taxes in school districts of the first class, and on unpaid delinquent poll, poor district, institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens and providing for the extension thereof.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All penalties and interest imposed on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class and on unpaid delinquent poll poor district institution district and county taxes in counties of the second class for the tax year one thousand nine hundred and thirty-nine and all previous years assessed and levied against any parcel or parcels of real estate are hereby abated without the necessity of further action by the authority levying the tax unless such authority rejects the provisions of this act within thirty (30) days after the effective date hereof if said delinquent taxes are paid as hereinafter provided

In order to receive the benefits of the installment system of payment provided by this act at least twenty per centum of the unpaid delinquent taxes due for the year one thousand nine hundred and thirty-nine and for all previous years shall be paid on or before the first day of November one thousand nine hundred and forty-one and each year thereafter a payment shall be made in such an amount that on or before November first one thousand nine hundred and forty-two at least forty per centum of such taxes shall have been paid and that on or before November first one thousand nine hundred and forty-three at least sixty per centum of such taxes shall have been paid and that on or before November first one thousand nine hundred and forty-four at least eighty per centum of such taxes shall have been paid and that on or before November first one thousand nine hundred and forty-five the final payment of the entire balance due on such taxes shall have been paid Provided however That if during any such installment period a taxpayer or owner desires to pay either more or less than twenty per centum of the said unpaid delinquent taxes he shall be required subject to the above limitations to pay all said taxes on such parcel or parcels of real estate levied for any one or more years or any balance unpaid and owing for such year or years at the time of such payment And provided further That the taxes on such parcel or parcels of real estate levied for the year one thousand nine hundred and forty-one together with any interest and penalty due thereon shall be paid on or before the first day of November one thousand nine hundred and forty-one And provided further That the respective current taxes on such parcel or parcels of real estate levied for the years subsequent to the year one thousand nine hundred and forty-one during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purpose of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interests in addition to the other payment required to be paid under this act during that year which delinquent payment and said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sums theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of such unpaid delinquent taxes for the year one thousand nine hundred and thirty-nine and previous years at any time on or before November first one thousand nine hundred and forty-one by paying the entire amount of such delinquent taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the years one thousand nine hundred and forty and one thousand nine hundred and forty-one together with any penalty and interest due thereon shall be required at the time of such payment

Section 3 This act shall be construed to apply to all such unpaid taxes whether or not liens therefor have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county or where real property has been sold to any taxing authority coming within the scope of this act at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a taxing authority coming within the scope of this act at a tax sale or on a tax lien and where the period of redemption has

not expired The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separated or not

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate

The tax levying authorities of each of said counties cities or school districts may at the cost of the county city or school district cause to be published two times in not more than two newspapers of general circulation throughout the city and county and in the legal journal a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the person or persons charged with the collection of such delinquent taxes or the person or persons in whose custody the records of such delinquent taxes are kept shall furnish to such delinquent taxpayers or owners a statement of the delinquent taxes owed by him to such county city school district poor district or institution district showing the fact amount the penalty in any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for nonpayment of taxes before November first one thousand nine hundred and forty-one and any tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said deliquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 8 The act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 302) the act approved the twenty-sixth day of May one thousand nine hundred and thirty-seven (P. L. 893) the act approved the twenty-fifth day of October one thousand nine hundred and thirty-eight (P. L. 84) the act proved the twenty-fifth day of October one thousand nine hundred and thirty-eight (P. L. 88) and the act approved the nineteenth day of June one thousand nine hundred and thirty-nine (P. L. 405) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local and special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

Section 9 Any taxpayer who has made any payment or payments on delinquent taxes under the provisions of any of the acts referred to in section eight above but who has defaulted in any payment required by such act may secure the benefits of this act by making payments on the balance due on all taxes covered by the provisions of this act whether or not covered by the abatement act under which he was previously making payments

Section 10 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. WALKER. Mr. President, for what it is worth I would like to respectfully call attention to the sponsors of this bill the fact that on page 2 of the bill, lines 6 and 7, the optional feature of the bill is included in the bill and in the title there is nothing so indicated and I offer this suggestion for what it is worth because I would hate to have us pass a tax abatement act that would benefit the folks in the City of Pittsburgh and Philadelphia and then have the act declared unconstitutional and my colleagues would not have any tax abatement.

Mr. SHAPIRO. Mr. President, this tax abatement act is in the opinion of one group of large corporation lawyers—in which I do not fall—an optional bill but by another group it is not considered an optional bill. In other words, the notice provision of the Constitution and the laws are that there shall be sufficient designation in the title to put the persons affected thereby upon notice that they will be affected. This, therefore, will be a tax abatement bill; it is such a bill. It does not give the taxing authority any option at all, but it gives them the duty; that is, if they do not want to act, they must act, and if they do not act, they are bound to do it. One group of lawyers say you need to include it in the title and another group says you do not need to, and I say we are not going to get anywhere until we can get these lawyers to agree, if that can ever happen.

Mr. WALKER. Mr. President, I just want to call to the attention of the laymen of the Senate that the Supreme Court which would declare this bill constitutional or unconstitutional is composed of lawyers. You can notice here in two minutes you have two lawyers who do not agree and in the Supreme Court you have a group of lawyers and very frequently we have experienced that they do not agree on what is constitutional and what is unconstitutional.

Now, Mr. President, if putting these suggestions in the title would protect it why don't we take that protection now, Why do we gamble all hope we have for abatement for the two largest cities in Pennsylvania on a throw of the dice in the Supreme Court?

I am making this suggestion so that not only are we

aware of it but so that we can do something about it. I have a number of folks in my district and I do not want to jeopardize their abatement on any whim or caprice of the Supreme Court.

Mr. STIEFEL. Mr. President, I do not believe I need use the microphone because my voice carries sufficiently, I do not need the device.

Gentlemen of the Senate, for the first time in my legislative career I am jittery about postponing a bill, because apparently it involves a constitutional change, and apparently this tax abatement bill is a thought provoking bill and everybody comes up with a new idea.

I am afraid if the bill goes over in its order for another few days there will be a few new amendments and eventually it will be as I stated yesterday, a raven instead of a dove which we sent out in the morning.

Mr. FREY. Mr. President, I believe I can convince my colleague from Allegheny, Mr. Walker, that he need have no fear that his constituents will not have a tax abatement act because of the absence of reference to the optional feature in the title, for this reason, the abatement act of 1939 was drawn practically in the same manner, it contained an optional clause almost similar to the optional clause in the present bill and the title contained no reference or indication to that optional feature.

The 1939 act has not been attacked on the basis of constitutionality and I think the gentleman's fears should be relieved by reason of that fact.

Now, Mr. President, like the co-sponsor of this bill, the gentleman from Philadelphia, Mr. Stiefel, I am very anxious to have this bill expedited so that the taxpayers in the districts affected will have an understanding of just what to anticipate in regard to tax abatement legislation.

In one of the Pittsburgh newspapers of yesterday there was an article concerning the collection of delinquent taxes, a part of which reads as follows; "The falling off in the collection of delinquent taxes during the past month (meaning March) was seen today as an indication that the taxpayers were anticipating a new tax abatement act. Collections for this March were $24,072 under the collections for last March, despite a better business outlook. It was during March that talk of renewing the abatement act was again brought up in Harrisburg."

I hope the members of the Senate will vote favorably now upon this bill.

Mr. DENT. Mr. President, I call attention to the fact that the bill, by going back to committee, was at one time in practically the same shape this bill is in now and by amendment and appeasement it was put in the shape it has presently assumed, in a shape where I am ashamed of it personally.

It seems to me a peculiar way, to move for the taxpayers for the City of Pittsburgh or the City of Philadelphia and deny tax relief on the poor country jake taxpayers, they can not have tax relief because of the fact that certain men from those cities originally opposed the tax abatement bill introduced for the country sections.

Now, Mr. President, if we take the same position here we would vote "no" on this bill but in order to help at least one group of taxpayers, we are going to be fair-minded in this and we hope you Senators from the city sections will be as fair to us country jake Senators.

Mr. MALLERY. Mr. President, I intend to vote for this bill as it is, in the confidence that those who vote for it will likewise vote for a bill substantially in the same form which will help the country districts.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Ealy,	Lanius,	Snowden,
Bartlett,	Edmonds,	Letzler,	Stevenson,
Becker,	Farrell,	Mallery,	Stiefel,
Cavalcante,	Frey,	McGinnis,	Tallman,
Chapman,	Geltz,	McQuiddy,	Taylor,
Coleman,	Haluska,	Miller,	Thomas,
Cox,	Heyburn,	Mundy,	Tyler,
Crider,	Homsher,	Reed,	Walker,
Deitrick,	James,	Ruth,	Watkins,
Dent,	Jaspan,	Scarlett,	Woodward,
DiSilvestro,	Kephart,	Shapiro,	

NAYS—5

Carr,	Wade,	Wilson, H. I.,	Wilson, T. B.,
Crowe,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 325, as follows:

An Act to further amend section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) entitled as amended "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing that no new project shall be begun without specific authority from the General Assembly and approval of the Governor and providing for a limitation of the costs thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) entitled as amended "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and

Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as last amended by the act approved the fifteenth day of June one thousand nine hundred and thirty-nine (P. L. 379) the act approved the nineteenth day of June one thousand nine hundred and thirty-nine (P. L. 421) and the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 645) is hereby further amended to read as follows

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving equipping furnishing maintaining and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth State arsenals armories and military reserves State airports and landing fields State institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges school buildings and the furnishings and equipment thereof for the use of the public schools county courthouses State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State land and low head dams and improvements to river embankments (any and all the foregoing being herein called "projects") Provided however That no new project shall be begun without specific authority from the General Assembly and the approval of the Governor and any act passed granting such authority shall limit the maximum cost of such project Provided further however That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted hereby (other than for the construction improvement and maintenance of bridges) shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual existence as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department or from any school district or any county any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor or now owned or hereafter acquired by such school district or county for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county school district or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair equipping furnishing maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money made and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however When projects are to be constructed improved equipped furnished maintained repaired or operated for the use of any department of the Commonwealth as hereinbefore listed in this section no plans or specifications therefor shall be presented for quotations or bids until such plans and specifications shall have been submitted to and approved by the department of the Commonwealth which shall use such project the Department of Property and Supplies the Department of Labor and Industry and any other department of the Commonwealth having any jurisdiction over the projects so that the project will conform to standards established by these departments

Provided further That the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties school districts or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or any of its cities counties school districts or political subdivisions nor shall the Commonwealth or any city county school district or political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EALY. Mr. President, the bill now before us for consideration is Senate Bill No. 325. At the time, however, of the introduction of this bill another one, Senate Bill No. 321, was presented by me relating to the same subject matter. In asking for the support of the measure now on the calendar I desire to explain my reasons for so doing, and I beg the indulgence of the Senate so that I may set forth the purposes that I had in mind in bringing before the Senate legislation of this character.

Under our form of government the legislative branch is charged with the duty of raising money and directing

the manner in which it shall be spent. In the United States Constitution, the first section of Article I provides for the Congress. In like manner immediately following the Bill of Rights of the Pennsylvania Constitution, the next Article relates to the Legislative.

This is the branch of government which is closest to the people and upon which they must depend for protection against the Executive branch and indeed, as history proves, on occasions, against the Judiciary.

In times of so-called emergency the legislative power is called upon to subordinate itself to the executive and here in America and in Pennsylvania also, even in normal times, the executive has been permitted to encroach upon the functions of the law making division of government.

The Legislature can only perform its proper duty by standing for its dignity and its prerogatives as a co-ordinate branch of our State Government.

In passing the Act of Assembly which created the General State Authority, the Legislative surrendered to a group of ten officials and citizens power which the Constitution never intended should be so delegated and for use in a manner distinctly prohibited thereby.

Section 5 of Article IX of the State Constitution declares that—"All laws, authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other."

The General State Authority has erected numerous buildings "on behalf of the state" and has borrowed the money necessary for the purposes without any specific authority from the legislature and without any general authority other than that given in the Act which created it. The language of Section 4 of this act, the Act of 1935, as amended, is in part as follows:

"Section 4. Purposes and Powers General The Authority is created for the purpose of constructing, improving, equipping, furnishing, maintaining and operating sewers, sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth, State arsenals, armories and military reserves, State airports and landing fields, State institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges, school buildings and the furnishings and equipment thereof for the use of the public schools, county courthouses, State highways and bridges, tunnels and traffic circles on State highways, swimming pools and lakes on State land and low head dams and improvements to river embankments (any and all the foregoing being herein called 'projects')."

The original Act limited the powers granted to a period of two years but this limitation has now been entirely removed.

If it be said that the buildings constructed were technically not built on behalf of the State I call attention to the fact that the very language of the Section which I have read indicates that the purpose of the Act was to provide for the erection of buildings and works for the use of the Commonwealth (as well as its subdivisions) and the buildings heretofore constructed were built in fulfillment of that purpose.

The bill which is before us will provide a certain check on unrestrained commitments for new construction and to an extent will restore to the Legislature some of the authority which it wrongly surrendered in the Act of 1935 and its amendments.

But it does not go far enough and I am attempting to point out that the other bill which I introduced should also be reported from committee and passed—namely the one to repeal the whole General Authority Act in so far as it relates to new projects. Section 4 of Article IX of the Constitution says, "No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repeal invasion, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed in the aggregate, at any one time, one million dollars:"

It is to be noted that the limitation on borrowing set forth in the Constitution does not apply in any real emergency such as insurrection, invasion, war. When the life of the State is really in immediate danger then such funds may be raised as are necessary to preserve it.

For other matters the people declared that they should be consulted if borrowing in excess of one million dollars was considered desirable. In this manner we have borrowed, by Constitutional amendment, for roads and the Soldiers' Bonus and even for general expenses. This plan should have been followed in the matter of erecting public buildings.

It is true that a number of the buildings erected were needed but none of them were so immediately necessary but that the funds could have been raised by taxation in the Constitutional manner, or by economies in governmental finance.

I call attention to the fact that for the next biennium it is required that the sum of eight and one-half million dollars be appropriated to pay the so-called rentals—that is, interest and sinking fund charges on bonds issued by the General State Authority. If each biennium such a sum had been applied to construction of needed buildings the program would have been carried on more efficiently, and unnecessary construction such as has taken place in many instances would have been avoided. In a budget of $350,000,000 it should not be difficult to find a little money for construction purposes if buildings are very urgently needed for immediate use.

The evasion of the plain mandate of the Pennsylvania Constitution is even more serious than the matter of the increase in the State debt without popular sanction. I think that it needs no argument to show that the indebtedness incurred by the General State Authority is in reality a State debt as all the buildings erected are used by the State or its agencies, and all the bonds sold are held by the Retirement System.

The Construction is a solemn agreement entered into by the people as to their plan of government. It protects the people from the government. It protects the minority from the autocratic acts of the majority. It protects the majority against itself. Any violation of that supreme law in one respect invariably leads to other and more dangerous violations.

A constitution is only a piece of parchment. It has no binding force in itself. Without the full support of the people it falls. The Constitutions of Central and South America were patterned after that of the United States, but their words did not give the people freedom. They

meant only what the dictators in those lands interpreted them to mean.

I regret that under the guise of expediency we should weaken and evade our Constitution. In these days when confusion and disaster reign throughout the world it is more necessary than ever to hold fast to that which has been tried and proved good and substantial.

There is another feature of this legislation to which I wish to refer. It is generally conceded that a not inconsiderable part of the money heretofore spent by the General State Authority was used unwisely or in buildings not planned to give the best results. However, the aggregate amount of perhaps $80,000,000 for projects finished or for which commitments have been made is not an excessive sum in itself. But nevertheless a limit should be put on future spending and it is about this I now wish to speak. It is not a popular course to preach economy in this age of waste and extravagance. It would almost seem that thoughtful people have given up all hope of avoiding the financial collapse which is apparent to them, and that they have abandoned efforts to bring back the country to financial stability.

It is too much to hope that any weak efforts of mine can accomplish what men of power have failed to do. As a member of this Senate, however, I feel that I should not remain wholly silent in regard to the chaos of depression which will inevitably follow the continuation of the present course of spending.

Why will men in authority not read the lessons of history? Individual bankruptcy brings sorrow and poverty. Bankruptcy of government brings riot and insurrection and blood shed and loss of liberty.

The excesses of the French Revolution were due in large measure to the huge debt followed by the public repudiation of the same. A wholesale demoralization of society took place—values became uncertain, thrift was destroyed, motives for economy passed away. In the mania for present enjoyment, extravagance flourished but in the end came chaos and cruelty which ended only with Napoleon who established a pay as you go policy.

The history of Germany after the World War is fresh in our minds. The repudiation of the debts of the various cities and states left the people defenseless against the man who gave them bread in exchange for their liberty.

If we think these things will not happen in America we need only remember that the solemn promise of the government to pay its bonds in gold was broken but a few months after the last of such bonds was issued.

What can we do about it? Let us as the Legislature of Pennsylvania declare a moratorium on unnecessary spending. Let us urge a like course upon the subdivisions of our State and let us endeavor to bring our people back to saner and less extravagant ways of living.

Let us pass this bill as a start in the control of expenditures, but let us also examine in our minds the other measure introduced and raise a sentiment for its return to the floor of this Senate and its eventual passage.

Mr. SHAPIRO. Mr. President, I have no doubt the bill we have before us comes after considerable thought and deliberation on the part of the Senator from Somerset. All of us know if we do not agree with him in his political or social philosophy that he is sincere in whatever he says. There can be no motives impugned to him except that he believes in what he just stated this morning but on the other hand I just as sincerely disagree with him and I disagree with him because I am considering actualities and not theory.

I recently had an experience which brought this more forcibly to my attention. For four or five years or rather during the four years of the last administration, I attempted to convince the Department of Public Health that they could reduce the waiting list of tubercular patients for the hospitals by establishment of a procedure which has been used for years in many states, namely the classification of the degree of illness of tuberculars so that those who could get the modern treatment of pneumothorax could be segregated from those who are hopeless cases and all of the new known methods of phrenic operations and other such advances in medical science could be applied to the patients, who could then be removed from the beds in an ambulatory and thus allow the beds to be used.

I was told at that time that the waiting list was so great that it would not, even if that were done, accomplish the purpose but in any event there was an immediate necessity at that time for additions to and enlargements of the state hospitals treating tubercular patients.

Under no stretch of the imagination of any member of this Senate at the time could we have found a better method and a more speedy method of acquiring additional space to take care of those patients. Nobody will deny that was a governmental function in the real sense of the word and if it were not for the fact in Norristown, particularly in Norristown, and in many other institutions in this state, such as Mont Alto, where there had been additions under the authority built, we would be confronted with the situation that today our waiting list would not be cleaned up by June 1st, as I am informed, but there would be a continuance of the chaotic situation that we had at that time.

Mr. President, when I said Norristown I was thinking of the insane asylum and that is another phase of it, but there are in the tubercular hospitals today, additions being built which will be completed by June 1st, and which Doctor Shaw says will result in the elimination of the waiting list for tubercular patients.

Now, Mr. President, if we destroy this institution, the creature under which these improvements were made, we have no substitute, we have no money and we will be destroying the method found to perform a governmental function in the absence of any other.

What I have said about tubercular patients is true with regard to the mentally ill. For years you have heard about Byberry on this Senate floor and you have heard about other institutions and if this legislature must give its approval we would never have had a situation which is now being progressively worked out with respect to Byberry.

In an institution having six thousand patients or over with room for ony three thousand, we have in Philadelphia a most glaring example of the inability of local and state governments without such a method to carry out the duty of performing a governmental function of the highest degree.

The gentleman who spoke, if he is a member of the State Authority, as I think he is, must have voted in favor of the project which is now increasing the bed capacity at Byberry.

In Norristown the horrible situation there in the district of the gentleman from Montgomery, has been allevi-

ated by one of the finest monuments to state governmental functions I have ever seen and now, because two things have occurred—a local authority has been guilty of an offense against the law, and budgetary items are increasing, we are going to shut our eyes to the fact that there is no other means under which we can authorize this function if you strike this down, and it seems to me to be the wrong way to attack it.

Mr. President, if controls are necessary reasonable controls should be set up, but if this Legislature should adjourn for two years and we should not have a special session for the next two years, if this bill carries out the purpose which the gentleman from Somerset intends, then there will be no power on the part of any official charged with the duty of seeing to it that that function is performed and the government will receive only criticism and will have no way out.

It seems to me, Mr. President, that a matter of this kind should certainly not be passed in such haste.

This is not a government debt, it is not a government bond, it is not a bond on which there will be a default because in the budget we provide the funds necessary to pay the rentals which include amortization of those bonds.

There is no difference in my opinion in the net result in doing it this way or in doing it in the way in which the gentleman from Somerset would have us do it.

The gentleman says this is to confine governmental activities and there is a constitutional provision which says you cannot increase your debt beyond a million dollars and he says because the people in 1874 came to the conclusion under the conditions then existing they should not increase our debt more than a million dollars, that should tie our hands to such an extent that we should go through the procedure of waiting two or three years for the adoption of amendments while the tubercular and the mentally ill are walking our streets and spreading their diseases and endangering the rest of the community. To me that seems an unreasonable view to take, to me that seems to be a misinterpretation of the constitutional prohibition; it was never intended by the framers that that should be done.

Now, Mr. President, if we do it the way that has been urged by the gentleman from Somerset and extend the period for two years we would be back in the position we are today of paying interest on the amortization of these very governmental functions.

Mr. President, I do not think there is any disagreement on the necessity for the operation of the functions of this department and if there is not then there is only the difference as to the method of doing it and I suggest that no man would say that if there is a legal way to give relief to these people promptly we should not do it because the Constitution says you cannot increase your debt.

This has not been charged to be unconstitutional. The Supreme Court has not said these acts are unconstitutional; on the contrary the Supreme Court has said that they are constitutional.

Now, Mr. President, what this bill says is this: do not do this thing promptly; if it is necessary, in your opinion, to do it, the officials who are subject to recall, or the administration which is subject to recall by the people if they do not perform the duty, they are the ones to do it; it is not any political party, it is the executive, it is the gentlemen who have duties to perform which we give to them.

This bill says do not begin any new projects. What does that mean? Does that mean do not begin any of the projects which are set forth in the bill that are authorized or does it mean do not begin any new propect that is not mentioned? Does the bill mean, do not engage in any more projects—any more structures that are authorized or does it mean do not engage in any more projects that are not authorized but which are new ones?

The bill in my opinion is faulty in that it does not clarify that. If it means do not do any more on the projects that are authorized then I say the bill should not be passed. If it means do not take in any new functions then I say that this bill is not necessary because new functions under this act, under the law, rather, cannot be authorized except by an act of legislature. In other words, if we do restrict this to hospitals for tubercular patients, this act, and we now want to allow them to build hospitals for the mentally ill, we would have to have a new act passed by the gentleman of the Senate and the House and approved by the Governor. This bill says no new project shall be begun unless it is approved by a majority of the members of the Senate and the House and approved by the Governor. Under those circumstances I say on the one hand the bill does not add anything to our present law, if it means any additional projects, because the projects shall be authorized; if it means this, that all the authorized projects should not be executed or carried on without legislative action then I say you are destroying a system which in the past four years has shown this to be a help and a Godsend to the Commonwealth of Pennsylvania. Do not confuse this State Authority Act in your mind with the local authority act.

The gentleman from Montgomery has made a careful study and he himself acknowledges that even local authorities in some places have been doing some good. There have been abuses but so far as the Commonwealth of Pennsylvania is concerned in its actions even the gentleman from Somerset admits it has done a good job. There may have been some waste but that applies in anything.

The only thing I can say, Mr. President, is that we are absolutely destroying in this bill something which we need because of our financial situation today. If you vote for this bill you stop the improvements at Byberry—I do not mean the ones already carrying on because even those are not sufficient to relieve the congestion; you stop the improvements which may be or which will be needed in a year from now; you stop new improvements. Destroy this function and you prevent the additions because there will be no money otherwise; you prevent the addition of buildings to state institutions which are becoming more and more necessary every day with the development and the increase in the demands being upon the state.

Now then, Mr. President, nothing in this bill binds the Commonwealth of Pennsylvania to accept the payment of rentals for institutions and projects into which it enters nothing in this bill ties the obligations of these bonds to the Commonwealth; nothing in this bill does anything that increases the indebtedness of the Commonwealth of Pennsylvania.

I say to the members of this Senate it would be a shame and a pity to destroy this system now.

Mr. EALY. Mr. President, personally it does not make a bit of difference to me whether the Senate passes this bill or not.

The argument of the gentleman from Philadelphia cer-

tainly defeats itself. It answers itself fully. His argument is that we should break down entirely all constitutional government. He talks about Byberry. We heard about Byberry in 1937. We have had two regular sessions and one or more special sessions since then. That could have been presented to the Legislature at any time.

We ought to proceed on a pay as you go method. That is the thing I am trying to impress upon the gentleman. We ought to stop this extravagance. During 1938 Pennsylvania became a paradise for architects and contractors. A lot of these buildings are badly built, they are not well planned, the whole scheme was rushed through to conclusion on the thought the Legislature would wake up and stop it.

The Senator says these buildings are not state buildings; that the state is under no obligation. Every bond this General State Authority has sold is a bond under the retirement system of this state.

It seems to me unnecessary to say anything more. If the Legislature wants to utterly abdicate its power entirely let us go ahead and let this group that is set up here ignore the citizens and do what they want to do.

And the question recurring.

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Cavalcante,	Haluska,	Reed,	Wade,
Chapman,	Heyburn,	Scarlett,	Walker,
Crider,	Homsher,	Snowden,	Watkins,
Crowe,	James,	Stevenson,	Wilson, H. I.,
Deitrick,	Lanius,	Tallman,	Wilson, T. B.,
Ealy,			

NAYS—13

Barr,	Frey,	McGinnis,	Ruth,
Coleman,	Jaspan,	McQuiddy,	Shapiro,
Cox,	Kephart,	Mundy,	Stiefel,
DiSilvestro,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 360, as follows:

An Act creating a commission to make a thorough investigation of all matters that might interfere with carrying out of the National Defense Program within the Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Legislature or to the Governor together with its recommendations as to such regulatory legislation as may be needful to promote the production of implements of defense authorizing the commission to employ counsel and employees and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas the explosions fires and other unnatural occurrences recently happening within the Commonwealth lead to the conclusion that they owe their origin to and are the result of the un-American activities of those persons or organizations who are plotting against the effectual carrying out of the National Defense Program and

Whereas if this Commonwealth and its patriotic people are to contribute their full share of assistance in safeguarding and defending the Nation the cause of those occurrences must be found and means determined upon for the frustration of further plots to interfere with the prompt and adequate production of implements of defense and

Whereas so long as subversive and treasonable teachings are permitted within the Commonwealth and so long as those responsible for the damage to industry are at large and unmolested the defense program will lag and our danger will increase

Section 1 There is hereby created a commission to be known as Defense of American Freedom Commission which shall be composed of nine competent persons three to be appointed by the Governor three to be appointed by the President pro tempore of the Senate and three to be appointed by the Speaker of the House of Representatives whose duty it shall be to immediately proceed with a full and thorough investigation of (1) the numerous fires explosions and other unnatural occurrences which have and may hereafter interfere with the prompt and effectual carrying out of the National Defense Program (2) un-American organizations whose purpose or aims or one of whose purposes or aims is the establishment control conduct seizure or overthrow of the Government of Pennsylvania or of the United States by the use of force violence military measures or threats and (3) organizations suspected of attempting or conspiring to attempt to interfere or interfering with the National Defense Program

Section 2 The persons appointed as members of said commission shall meet immediately after appointment and select one of their number to act as chairman of the commission The commission may employ a secretary and an attorney and such clerks stenographers investigators and interpreters as they deem necessary to perform the duties imposed by this act and fix their compensation The members of the commission shall receive no compensation for their services but shall be reimbursed for living and traveling expenses necessarily incurred in the performance of their duties If any vacancy occurs in the membership of the commission the vacancy shall be filled by the person making the appointment of the member whose death or resignation created the vacancy

Section 3 The said commission shall have power to issue subpoenas under the hand of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the commission and to produce such books papers records and documents as the commission may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said commission shall have power to administer oaths and affirmations to witness appearing before the commission Any person who shall wilfully neglect or refuse to testify before said commission or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

Section 4 The commission shall make a report of its findings and recommendations to the Legislature if in session or otherwise to the Governor as soon and as frequently as it determines such report necessary and shall make a final report not later than February 1 1943 containing such drafts or legislation if any as the commission deems necessary to safeguard and render most effective the National Defense Program

Section 5 This act shall become effective immediately upon final enactment

Section 6 The sum of fifty thousand ($50,000) dollars is hereby specifically appropriated to the said commission for the purpose of paying the expenses of employes and any other necessary expenses incident to the work of said commission

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30.

Bartlett,	Edmonds,	Letzler,	Thomas,
Becker,	Farrell,	Mallery,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Haluska,	Snowden,	Walker,
Crider,	Heyburn,	Stevenson,	Watkins,
Crowe,	Homsher,	Tallman,	Wilson, H. I.,
Deitrick,	James,	Taylor,	Wilson, T. B.,
Ealy,	Kephart,		

NAYS—14.

Barr,	DiSilvestro,	McQuiddy,	Ruth,
Cavalcante,	Jaspan,	Mundy,	Shapiro,
Coleman,	Lanius,	Reed,	Stiefel,
Cox,	McGinnis,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. CAVALCANTE. Mr. President, may I ask the indulgence of the Chair. When the last bill was called up, and the roll was called it was considered, I was engrossed in the reading of the Jefferson Manual and I had intended to make just a few short remarks concerning the bill which has just passed, I wonder if my colleagues on the other side would indulge and give me unanimous consent to make these few remarks.

The PRESIDENT. Is there objection? The Chair hears none. The gentleman from Fayette may proceed.

Mr. CAVALCANTE. Mr. President, the remarks that I want to make are simply this: this bill is aimed at creating a committee to investigate the commission's offenses against society in this Commonwealth.

I voted "no" on this bill and I think that everybody else should have voted "no," because the passage of this bill I regard as a direct slap at the efficiency of one of the finest bodies of police in the whole United States of America. We have in this Commonwealth our State Motor Police; it is a large force and it is composed of some of the finest and most intilligent police officers that you can find anywhere in the world. They talk about the Northwest Mounted Police, they talk about their Scotland Yard Police in London, they can talk about their police all over the world, but we have here in the Commonwealth of Pennsylvania a recognized police force all over the world, and yet here now, Mr. President, we are going to appropriate fifty thousand dollars to create a committee similar to the committee that was created at Washington, D. C., known as the Dies Committee.

Now, Mr. President, it is very fresh in my mind the difficulty that committee had with the Department of Justice of the United States and the members of the Federal Bureau of Investigation. We have in the Federal Bureau of Investigation one of the finest trained and most intelligent police forces in the world and they have men with the intelligence and the ability to ferret out and bring to justice any one who might engage in an offense against our nation or our society, and here in the State of Pennsylvania we are going to create that same situation. We are going to create here a commission that will work in direct opposition to our State Motor Police.

I would rather have seen the fifty thousand dollars turned over to the appropriation fund of the State Motor Police, and give them and the Department of Justice this duty to do these things instead of creating this new committee which will no doubt end up the same as the Dies Committee. It will run headlong into disagreement with our State Police force that is so efficient and so good in this Commonwealth.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 411, (House Bill No. 583), as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey two certain plots of land

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized and empowered to sell and convey for such price as may be agreed upon two certain adjoining plots of land together with the improvements thereon erected situate in Clearfield County Plot number one containing 1.103 acres located in Lawrence Township adjacent to Clearfield Borough facing River Street and Old Mill Road and plot number two containing .7427 acres located in Lawrence Township adjacent to Clearfield Borough and adjoining rear property line of plot number one facing Old Mill Road title to which plots of ground is in the Commonwealth and to make and execute a deed in the name of the Commonwealth to the purchaser thereof The moneys received as the purchase price of said plots of ground shall be paid into the General Fund of the State Treasury

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. LETZLER. Mr. President, this bill intends to give the Clearfield School Board an opportunity to purchase property vacated by the Highway Department, by authorizing the Department of Property and Supplies to dispose of these buildings. The property is well suited for the purpose and the school district is anxious to acquire it.

A considerable amount of publicity has been provoked because someone tried to capitalize politically by sending a telegram to one of the local daily papers, when a House bill covering the same subject had passed first reading. The same bill had been previously introduced here in the Senate by myself and passed. When the Senate bill came to the House, it was sent to the Committee on State Government. The House bill introduced by the representative from the first assembly district in Clearfield county, Mr. Breth, was then brought out of committee, and as I have already stated, the bill had passed first reading. Mr. Breth sent a telegram to the Clearfield Progress advising them that his bill had made the first lap of its journey. The result of the discussion in our county newspapers indicates the local interest in the subject.

Mr. President, I have a very long editorial here which I am not going to read but I do want to quote from two columns which are closely printed, just this paragraph.

"Clearfield is overflowing with young men who want and need the training a vocational school would give. Generally speaking, Clearfield does not care whose name adorns the bill which makes a vocational school possible without delay. Clearfield does, however, make note of the fact that Sen. Letzler's bill was passed by the Senate in jig time and could have been made into law by the House in three additional legislative days except for this intervention of partisan politics."

From another county newspaper, I will just quote briefly from a front page editorial entitled "Small-Time Politics" as follows:

"It seems that it was considered smart to throw a monkey wrench into this procedure and pigeon-hole the same and then introduce a similar bill in the Assembly. As has been said, this may possibly have the effect of killing the Letzler bill and as a result this building which would be of value to Clearfield Borough and the tax payers of Clearfield Borough, the School District, will be prevented from securing this building which is ideal for a vocational school."

Mr. President, in reading the discussion that took place in the House as it is recorded in the Legislative Journal for March 25th, I am surprised to know that the course pursued by Mr. Breth is somewhat confusing.

He says, "I have been down here long enough to know that a lot of things can happen to a bill that is good and that has no political significance whatever, and that sometimes do happen, so I ask this side of the House to put the bill through and send it over to the Senate to avoid the death which sometimes comes to good bills."

Mr. President, he seems to place a lot of confidence in the Senate to pass another bill, namely, his own House bill, in order as he says to avoid the death which sometimes comes to good bills.

That is a very evident confession that the bill which we sent to the House on March 18th will have no chance of passing over there.

Well, Mr. President, I am only interested in seeing that the Clearfield School Board is provided the opportunity to secure this property for its use as a vocational school and I have no burning desire or craving for credit as the sponsor of the bill, so I am perfectly willing to have Representative Breth's bill passed in this Senate, in order that he may get the full credit as the sponsor of the bill.

I was surprised also to read the statement of the majority floor leader of the House of Representatives, Mr. Achterman. I just want to quote briefly from that statement. He says:

"Incidentally I think it is an excellent opportunity to find out whether the Senator who introduced this measure is sincerely and honestly interested in the particular measure. If he is, then he will certainly pass the bill that we sent to him. If he is interested in his own power and his own glory, then he will let the bill drop in the Senate and endeavor to see whether we will pass his measure."

Mr. President, as I said before, I have no particular desire to be credited with the sponsorship of the bill. I have only one thought in mind and that is that the Borough of Clearfield and its school board may get this building, which is very well suited for the purpose.

I just want to make this statement in order to clarify the record and the reports that have been made locally, and I ask the Senators, as they have once before, to again vote for and pass this measure.

Mr. SHAPIRO. Mr. President, I would like to place myself on record as saying that I accept the statement of Mr. Letzler as a statesmanlike action, and that I think it sets a very good example for the members of the Legislature to follow.

I do not want to get into the position of criticizing members of the House, but it seems to me that if we follow the proposition that has been just suggested to us, that we should vote on legislation on the subject matter and not on the basis of sponsorship, we will get a great deal better results for our citizens.

Mr. President, I am very happy to be able to vote for this bill, because as I understand, it is a necessity and I am happy that the fairmindedness and the statesmanship of the gentleman from Clearfield makes it possible for us to vote for it.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Barr,	DiSilvestro,	Lanius,	Snowden,
Bartlett,	Ealy,	Letzler,	Stevenson,
Becker,	Edmonds,	Mallery,	Stiefel,
Carr,	Farrell,	McGinnis,	Tallman,
Cavalcante,	Frey,	McQuiddy,	Taylor,
Chapman,	Geltz,	Miller,	Thomas,
Coleman,	Haluska,	Mundy,	Tyler,
Cox,	Heyburn,	Reed,	Wade,
Crider,	Homsher,	Ruth,	Walker,
Crowe,	James,	Scarlett,	Watkins,
Deitrick,	Jaspan,	Shapiro,	Wilson, H. I.,
Dent,	Kephart,		

NAYS—0.

A majority of all the Senators having "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 417, (House Bill No. 688), as follows:

An Act concerning reciprocal agreements for the Interstate Transportation and the support of poor and indigent persons and to make uniform the law with reference thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 RECIPROCAL AGREEMENTS The Department of Public Assistance (with respect to persons of the classes provided for in the Public Assistance Law) and the Department of Welfare (with respect to persons for whom the County Institution Districts are responsible under the County Institution District Law) subject to the approval of the Attorney-General are hereby authorized to enter into reciprocal agreements with corresponding state agencies of other states regarding the interstate transportation of poor and indigent persons and to arrange with the proper officials in this state for the acceptance transfer and support of persons receiving public aid in other states in accordance with the terms of such reciprocal agreements provided that this state shall not nor shall any political subdivision of this state be committed to the support of persons who are not in the opinion of said Department of Public Assistance and the said Department of Welfare entitled to public support by the laws of this

state All such reciprocal agreements entered into by the said Department of Welfare shall be binding upon the County Institution Districts of this state

Section 2 UNIFORMITY OF INTERPRETATION This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it

Section 3 SHORT TITLE This act may be cited as the Uniform Transfer of Dependents Act

Section 4 TIME OF TAKING EFFECT This act shall take effect immediately upon final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Barr,	DiSilvestro,	Lanius,	Snowden,
Bartlett,	Ealy,	Letzler,	Stevenson,
Becker,	Edmonds,	Mallery,	Stiefel,
Carr,	Farrell,	McGinnis,	Tallman,
Cavalcante,	Frey,	McQuiddy,	Taylor,
Chapman,	Geltz,	Miller,	Thomas,
Coleman,	Haluska,	Mundy,	Tyler,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS RECOMMITTED

Mr. MILLER. Mr. President, I move that Senate Bill No. 78 on second reading, entitled:

An Act to amend section eight hundred one of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by further defining political parties and political bodies; excluding therefrom parties or bodies desiring to overthrow the Government of the United States by force.

be recommitted to the Committee on Elections for the purpose of further study.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Mr. MALLERY. Mr. President, I move that Senate Bill No. 161 on second reading, entitled:

An Act to amend section thirty of the act approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," further regulating the check-up of registered electors and the cancellation of their registration by the commission.

be recommitted to the Committee on Elections for the purpose of further study and amendment.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 169 on second reading, entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. TALLMAN. Mr. President, I move that Senate Bill No. 197 on second reading, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

be recommitted to the Committee on Judiciary General.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Mr. President, I want to say I am very happy and pleased to have heard the remarks of the gentleman from Philadelphia, Mr. Shapiro, in connection with the remarks made by the gentleman from Clearfield, Mr. Letzler. For the information of the Senate—and if there is some feeling there should be a more general discussion and appreciation of bills, without significance being placed upon their sponsorship—I should like to remind the Senate that as of the Calendars of March 31st, there were reported out of committee in the House forty-four bills sponsored by Democrats, three bills sponsored by Republicans, and seven bills which had joint sponsorship.

In the Senate, Mr. President, there were reported out of committee seven bills sponsored by Democratic members, sixteen bills which are sponsored by Republican members and seven bills sponsored jointly by Democrats and Republicans.

There have been consistent rumors on the Hill that the feeling in the House and also in the Senate from time to time has been that the sponsorship of bills should control their coming out of committee. I would like to respectfully suggest that since both bodies are made up of able men who are allegedly intelligent, that we owe some duty to the people of this Commonwealth and if anything can be done on the part of the gentlemen on the other side, and particularly the gentleman from Philadelphia, Mr. Shapiro, so that on both sides and in both Houses this matter may come to an end, I feel very certain it will be very helpful to all the people in the interest of some good and decent legislation.

Mr. WALKER. Mr. President, I suggest to the gentleman from Lehigh, Mr. Tallman, that Senate Bill No. 197 came out of the Committee on Municipal Government and not out of the Committee on Judiciary General. However, we would be very glad to pickle the bill for him, because we have had "vat" experience.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 217, entitled:

An Act requiring the Department of Welfare to notify the clerk of court and the county controller of all discharges or releases from institutions under its supervision.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 230, entitled:

An Act making an appropriation to the Department of Military Affairs for the payment of certain moral claims; providing for the hearing, adjustment, and paying of moral claims of persons injured and dependent relatives, members of families and personal representatives of persons killed, through negligence in the operation of trucks of, or under the control of, the Pennsylvania National Guard.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 261, entitled:

An Act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 265, (House Bill No. 349), entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 269, entitled:

An Act authorizing the redemption of real property purchased by political subdivisions at tax sales, upon the payment of the amount charged against the same and costs, by installment payments; and prescribing the procedure therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. WALKER. Mr. President, this bill Senate Bill No. 315, did not come out of the Committee on Judiciary General but I would like to call the attention to the sponsor of this bill to the fact that in the Committee on Judiciary General we have a number of bills relating to the law on adoption and that there is a subcommittee appointed which is attempting to redraft the laws on adoption.

I would like to ask permission from the sponsor of this bill to have Senate Bill No. 315 rereferred to the Committee on Judiciary General so that we may have an opportunity of coordinating it with the new law of adoption being drafted by the committee.

Mr. STIEFEL. Mr. President, I am always ready to extend courtesy to a request of this kind but I am fearful lest the proceedings in the Committee of Judiciary General will be delayed and then we will have no bill. Mr. President, if I could be assured this codification will take place in the near future, I would readily accede to the request of the gentleman from Allegheny, but we are now approaching that period of time when the legislative mills will begin to work constantly and there will be some more important bills on the agenda.

Now, Mr. President, what will happen to this bill if the committee will have no time to proceed with the codification?

Mr. WALKER. Mr. President, may I assure the gentleman from Philadelphia, Mr. Stiefel, there are a number of bills in this Senate relating to the law on adoption and as I said a sub-committee has been busily engaged in redrafting the entire code. We are attempting to unify the law and the court decisions on adoption, in this subcommittee under the very able leadership of the gentleman from Philadelphia, Mr. Kephart, who has charge of that part of the case, and I assure the gentleman from Philadelphia, Mr. Stiefel, that there will be a code brought

out in plenty of time to have it passed by the General Assembly.

However, Mr. President, if the gentleman from Philadelphia, Mr. Stiefel, does not desire to have his bill incorporated in the code, that is all right with me. I am merely suggesting that for expedient codification.

Mr. STIEFEL. Mr. President, in tribute to the splendid remarks of the Chairman of the Committee on Judiciary General and in the light of his assurance, I will accede to his request.

BILL RECOMMITTED

Mr. WALKER. Mr. President, I move that Senate Bill No. 315 on first reading, entitled:

An Act to further amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties.

be recommitted to the Committee on Judiciary General.

Mr. STIEFEL. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 326, entitled:

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material, supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense, to be used for training or retraining workers and prospective workers for industries essential to national defense; waiving all statutory requirements as to advertising for said bils.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 402, (House Bill No. 376), entitled:

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 121, (Senate Bill No. 577), entitled:

An Act approving, ratifying and enacting into law the Ohio River Valley Water Sanitation Compact for the prevention, abatement and control of pollution of the rivers, streams and waters in the Ohio River drainage basin and making the State of Pennsylvania a party thereto, creating the "Ohio River Valley Water Sanitation Commission," providing for the members of such commission from the State of Pennsylvania and providing for the carrying out of said compact.

Which was committed to the Committee on State Government.

House Bill No. 360, (Senate Bill No. 578), entitled:

An Act to further amend section six hundred and twenty-nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 809), entitled "Public School Code," by providing for suitable pupil ceremonies affirming and developing allegiance to the Flag of the United States of America.

Which was committed to the Committee on Education.

House Bill No. 392, (Senate Bill No. 579), entitled:

An Act authorizing county treasurers to execute and perfect deeds for seated lands sold for taxes by their predecessors in office.

Which was committed to the Committee on County Government.

House Bill No. 405, (Senate Bill No. 580), entitled:

An Act to amend section three of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "Undertakers' License Law," by providing that student apprentices shall receive credit toward their apprenticeship for time spent in military training, not exceeding one year.

Which was committed to the Committee on Public Health.

House Bill No. 588, (Senate Bill No. 581), entitled:

An Act providing for the acquisition by the Department of Property and Supplies of a tract of land fronting on Lake Erie, situated in the township of North East, County of Erie, and for its development and maintenance as a state park by the Department of Forests and Waters; and making an appropriation.

Which was committed to the Committee on State Government.

House Bill No. 639, (Senate Bill No. 582), entitled:

An Act requiring the Department of Property and Supplies, with the approval of the Department of Military Affairs to complete and thereafter maintain "The Twenty-eighth Division Shrine," at Boalsburg, Centre County; dedicating the same to the officers and men of the Twenty-eighth Division; and making an appropriation.

Which was committed to the Committee on Military Affairs.

House Bill No. 776, (Senate Bill No. 583), entitled:

An Act to amend subsection (b) of section one of the act, approved the twentieth day of June, one thousand nine hundred thirty-nine (P. L. 508), entitled "An act defining the rights, powers and duties of collectors of county taxes, except in counties of the second class and counties having local or special laws relating thereto. and of collectors of city, in cities of the third class, borough, town, township, school district and institution district taxes; providing for the collection of such taxes by suit, distraint, and lien and

ale of the chattels of taxables and of tenants on the real tate affected, and from employers of delinquent ta ables; uthorizing the appointment of deputies by the tax col-ectors; defining certain defaults of tax collectors as em-ezzlements; and imposing penalties," defining certain ghts and duties of tenants on real property when emand is made on them for the payment of taxes as-essed against such property.

Which was committed to the Committee on County overnment.

House Bill No. 808, (Senate Bill No. 584), entitled:

To further amend section twenty-six, and to amend sec-on twenty-nine of the act, approved the second day of lay, one thousand nine hundred twenty-nine (P. L. 1237), ntitled "Divorce Law," by making the subpoena and pub-cation in divorce proceedings returnable in twenty-one ays.

Which was committed to the Committee on Judiciary eneral.

House Bill No. 809, (Senate Bill No. 585), entitled:

An Act to amend section thirteen of the act, approved he seventh day of June, one thousand nine hundred and eventeen (P. L. 415), entitled "Register of Wills Act of 917," by imposing on registers of wills the duty, when equested, of recording releases in decedents' estates, and prescribing the effect of releases so recorded.

Which was committed to the Committee on County Government.

House Bill No. 1017, (Senate Bill No. 586), entitled:

An Act requiring the Governor of the Commonwealth o issue annual proclamations setting apart September hirteenth of each year as Commodore John Barry Day.

Which was committed to the Committee on State Gov-ernment.

BILLS INTRODUCED

Mr. EDMONDS. Mr. President, I ask unanimous con-sent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS read in place and presented to the Chair Senate Bill No. 587, entitled:

An Act to amend section three hundred six of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institu-tional district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare the State Department of Welfare, and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and ter-minating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and pro-viding for the temporary employment of certain of them, providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on in-stitution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," au-thorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts.

Which was committed to the Committee on County Government.

Messrs. COX and STIEFEL. Mr. President, we ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. COX and STIEFEL read in place and presented to the Chair Senate Bill No. 588, entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, either by re-quiring the release of all such persons, or by prescribing a method of fixing the fair market value of real property sold in execution upon such judgments.

Which was committed to the Committee on Law and Order.

QUESTION OF PERSONAL PRIVILEGE

Mr. LETZLER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Clearfield, will state his question of personal privilege.

Mr. LETZLER. Mr. President, may I take just a minute of the time of the Senate to call attention of the Senators to a very informative publication being placed on their desks, "Mineral Industries." issued by the Pennsylvania State College. I merely mentioned the fact so that the pamphlet will not find its way into the waste baskets of the Senators. I think there is so much of value in it you really should look it over.

It deals with a number of subjects, such as coke, manu-factured gas, refractories, nonferrous metals excepting aluminum, building stone, iron, steel, anthracite and bitu-minous coal, petroleum, natural gas and non-metallic minerals and metals, and on the last page there is an article entitled "Pennsylvania at the Economic Cross-roads; her Future at Stake."

I merely mention that, Mr. President, so that the article will not be overlooked.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. HOMSHER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOMSHER, from the Committee on Appropriations, reported as committed, Senate Bill No. 528, entitled:

An Act making a deficiency appropriation to aid certain school districts.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, April 14, 1941, at 4:30 o'clock p. m.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:24 o'clock p. m., until Mon-day, April 14, 1941, at 4:30 o'clock p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 9, 1941

The House met at 1 o'clock p. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. DONALD McFALL offered the following prayer:

Lord Jesus, who didst suffer and die for the price of our soul's salvation, do Thou guard us by Thy unfailing love, lest we heedlessly cast away that which has become so precious because of the great price Thou hast paid. Help us to make sure our salvation in unfaltering love to Thee.

Grant, O God, that the soul-shaking events which we are reviewing in these days may not fail to arouse our souls to the dangers in which we stand. And do Thou, O Father, give heed to the supplication of our Master, that our faith fail not. Help us to love Thee even as Thou hast loved us. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. REGAN unanimously agreed to, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

QUESTION OF INFORMATION

Mr. GATES. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. GATES. I would like to inquire from the Speaker whether my colleague, the gentleman from Armstrong County, Mr. Helm is in his seat?

The SPEAKER. Is the gentleman from Armstrong, Mr. Helm in his seat? Will the gentleman please rise? The gentleman is in his seat.

Mr. GATES. Mr. Speaker, I ask that the gentleman from Armstrong, Mr. Helm, turn around to receive a message that is to be delivered to him at this time.

(Happy birthday was sung by four Western Union Messenger boys).

The SPEAKER laid before the House a telegram which was read by the Clerk as follows:

"Hon. Stuart Helm, House of Representatives, Harrisburg, Penna. Congratulations on the anniversary of the birth of such an all-around good fellow and loyal friend. Herbert G. Gates, Wm. R. McMillen."

Mr. HELM. Mr. Speaker, I rise to thank my colleague and the other Members of this House for their kind expression. Thank you very much.

The SPEAKER. The Chair extends his best wishes to the gentleman from Armstrong, Mr. Helm.

BILLS INTRODUCED AND REFERRED

By Mr. HEATHERINGTON HOUSE BILL No. 1161.

An Act requiring cities of the third class to allot the sum of sixty dollars to all uniformed officers and men employed in the police department, fire department and health department for the purchase of their prescribed uniforms.

Referred to the Committee on Cities-Third Class.

By Mr. DOLAN HOUSE BILL No. 1162.

An Act to amend article six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," prohibiting discrimination against physically handicapped persons desiring motor vehicle liability insurance where such persons are duly licensed to operate motor vehicles.

Referred to the Committee on Insurance.

By Messrs. HABBYSHAW and DAVID P. REESE HOUSE BILL No. 1163.

An Act making an appropriation to the Department of Property and Supplies for the construction and equipment, with the approval of the Department of Military Affairs of an administration building at the Indiantown Gap Military Reservation, and for the transfer of furniture and equipment thereto.

Referred to the Committee on Appropriations.

By Mr. THOMAS H. LEE HOUSE BILL No. 1164.

An Act to amend the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," as amended, changing provisions concerning the filing of nomination papers to permit persons nominated by political parties and persons who were candidates at the primary to be nominated by nomination papers for the same office, to provide a procedure whereby electors may secure the exclusive right to use a desired appellation in filing nomination papers; and changing the time within which nomination papers may be filed; changing the time within which persons nominated at primaries or by nomination papers may withdraw, and the time within which substituted nomination certificates to fill vacancies caused by such withdrawals may be filed; and otherwise amending said act to conform therewith; and repealing inconsistent legislation.

Referred to the Committee on Elections.

By Messrs. BONEY and FLYNN HOUSE BILL No. 1165.

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hun-

dred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births, and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," providing for special birth certificates for illegitimates.

Referred to the Committee on State Government.

By Mr. SAMUEL ROSE HOUSE BILL No. 1166.

An Act to amend section two of the act, approved the twenty-sixth day of May, one thousand nine hundred and twenty-one (P. L. 1172), entitled "A supplement to the act, approved the seventeenth day of May, one thousand nine hundred seventeen (Pamphlet Laws, two hundred and eight), entitled 'An act to regulate the pratice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words "drug" and "poison"; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law, and providing for the purchase of samples of drugs for determining their quality, strength, and purity; requiring permits to conduct pharmacies; providing for the revocation thereof; and prescribing penalties," further regulating the issuance of permits to conduct pharmacies.

Referred to the Committee on Professional Licensure.

By Mr. YESTER. HOUSE BILL No. 1167.

An Act to amend section three hundred seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," changing the provisions of said act as to the right of residents to hunt and trap without a license.

Referred to the Committee on Game.

By Messrs. POLEN and PETTIT.
HOUSE BILL No. 1168.

An Act relating to the summoning and service of jurors (except grand jurors) in civil and criminal courts of the several counties of the Commonwealth.

Referred to the Committee on Judiciary General.

By Messrs. MAXWELL and WEISS
HOUSE BILL No. 1169.

An Act to further amend section four hundred two, and to amend section five hundred one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "an act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by providing for the issuance of special registration plates bearing the letters M. D. to prysicians; prohibiting the issuance of such plates to others than physicians; and providing penalties.

Referred to the Committee on Motor Vehicles.

By Messrs. LEVY and THOMAS H. LEE
HOUSE BILL No. 1170.

An Act to further amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain adminstrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by establishing a Board of Beauty Culture defining its powers and duties the qualification appointment and terms of office of its members and their compensation.

Referred to the Committee on Professional Licensure.

By Mr. LEYDIC. HOUSE BILL No. 1171.

An Act to amend paragraph (e) of section two hundred two, and to further amend paragraph four of section four hundred three, of the act, approved the third day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred forty-nine), entitled "An act establishing a court of record in the county of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants; providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties", by conforming section two hundred two (e) thereof with the definition of child as contained in the act, and by exempting from the provisions of the act a child, as therein defined, who pleads guilty, is fined, and pays said fine, in a summary proceeding under The Vehicle Code, as amended.

Referred to the Committee on Judiciary General.

By Messrs. LOVETT and LESKO

HOUSE BILL No. 1172.

An Act to further amend the act, approved the second day of May, one thousand nine hunderd and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by empowering counties to acquire real estate by lease, purchase, gift or eminent domain for use as fairground, authorizing the acquisition of property by eminent domain for certain other public purposes; and authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fairgrounds, including the appropriation of funds, joint action with other political subdivisions, the levy and collection of taxes, the creation of county fair boards, and the acceptance of State contributions.

Referred to the Committee on Counties.

By Mr. HARKINS. HOUSE BILL No. 1173.

An Act to further amend the fourth paragraph of section five hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania; together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," allowing further deductions from gross indebtedness in order to determine indebtedness of any school district.

Referred to the Committee on Education.

By Mr. BRADLEY. HOUSE BILL No. 1174.

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing certain requirements with respect to contracts of school districts involving more than certain amounts.

Referred to the Committee on Education.

By Mr. BRADLEY. HOUSE BILL No. 1175.

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

Referred to the Committee on Education.

By Messrs. READINGER and OWENS.

HOUSE BILL No. 1176.

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the method of payment to townships.

Referred to the Committee on Appropriations.

By Messrs. LEVY and GILLETTE.

HOUSE BILL No. 1177.

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety, regulating the use of highways and the operation of vehicles tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth, providing the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers, providing that records are admissable as evidence, imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing certain costs upon counties, providing for the disposition of fines forfeitures, fees and miscellaneous receipts, making an appropriation and providing for refunds," by allocating fees for inspection certificates for promoting of highway safety.

Referred to the Committee on Ways and Means.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. KILROY. (Concurrent) RESOLUTION No. 73.

In the House of Representatives, April 9, 1941.

Whereas, The future of this great Nation depends upon its youth and their capacity to uphold the standards established by their forefathers to safeguard the American way of life; and

Whereas, Clean living and healthful sports are conducive to the development of both virility and morality, and the first essential of capacity to carry on is youth's physical equipment; and

Whereas, One who has lived in our midst for well nigh four score years has by his example and industry made it possible to develop in the ranks of clean sportsmanship exemplars of the value of physical development and clean living as standards for our youth; and

Whereas, The General Assembly desires to show its appreciation to the citizen who has dedicated his life to the development of youth and maintaining their ideals on high standards; therefore be it

Resolved (if the Senate concur), That the Legislature acknowledges the contribution made to our cultural development by endorsing the celebration of May 17th as Connie Mack Day; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating for observance this year the 17th of May as Connie Mack Day.

Referred to the Committee on Rules.

By Mr. GRYSKEWICZ. RESOLUTION No. 74.

In the House of Representatives, April 8, 1941.

Whereas, The administration of the Social Security Act has resulted in a huge sum being accumulated in the United States Treasury for the payment inter alia of old age pensions; and

Whereas, The practical experience of the administrators of the act demonstrates that a more liberal policy regarding the payment of old age pensions may be safely adopted: and

Whereas, It is the desire of the great majority of the citizens of the Commonwealth that the present age limit of eligibles for old age be reduced; therefore be it

Resolved, That the House of Representatives memorialize Congress to pass enabling legislation so that the age of applicants eligible for old age pensions shall be reduced from sixty-five to fifty-five years of age; and be it further

Resolved, That a copy of this resolution be forwarded to each of the following:

The President of the United States, Franklin D. Roosevelt.

Vice-President, Henry A. Wallace, President of the U. S. Senate.

Speaker Rayburn, House of Representatives.

Senator Joseph Guffey.

Senator James P. Davis.

All members of the House delegation from Pennsylvania.

Referred to the Committee on Rules.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 187.

An Act to amend section thirty-eight of article four of the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; defining as a transfer and taxing the right of survivorship in property as to which such right exists; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," changing the time within which a discount is allowed for the payment of said taxes.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SECOND REPORT OF LOCAL GOVERNMENT COMMISSION

The SPEAKER laid before the House the Second Report of the Local Government Commission to the General Assembly of 1941, which was read by the Clerk.

(For report see Appendix)

WILLIAMSBURG HIGH SCHOOL WELCOMED

The SPEAKER. The chair welcomes to the House the Senior Class of the Williamsburg High School of Blair County, who are guests of the gentleman from Blair, Mr. Sollenberger.

PERMISSION TO ADDRESS HOUSE

Mr. McMILLEN asked and obtained unanimous consent to address the House.

Mr. Speaker, inasmuch as these young folks are the guests of Mr. Sollenberger and also I understand are pupils that he may at one time have interrogated many times, I suggest that they now be entitled to listen to the gentleman make a speech on the floor of the House or that they be given the privilege of interrogating him.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Sollenberger. Will the gentleman permit himself to be interrogated by his pupils?

Mr. SOLLENBERGER. No, Mr. Speaker, this is one of the times——

The SPEAKER. The pupils will proceed.

Mr. SOLLENBERGER. Thank you, Mr. Speaker, for recognizing our class. I am happy that they are here and that I had the privilege of teaching them—at least they thought I was teaching them the first part of this year.

I, too, take this opportunity to welcome them to his Legislative Session. I told them they may learn something worth while, and perhaps something not worthwhile when they came down to visit us. I imagine they will receive something of both this afternoon.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. NAGEL for himself for tomorrow's session.

The Speaker for Mr. HERING for the remainder of the week on account of illness.

REPORTS FROM COMMITTEES

Mr. O'MULLEN, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 470, entitled:

A Joint Resolution proposing an amendment to article three of the Constitution, of the Commonwealth of Pennsylvania by adding thereto section thirty-five.

Mr. VOGT, from the Committee on Game, reported as committed, House Bill No. 891, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by revising the provisions of said act relating to the issuance of licenses; and repealing certain sections.

Mr. SCHWAB, from the Committee on Cities—Third Class, reported as committed, House Bill No. 751, entitled:

An Act to amend section two thousand one hundred and one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by fixing the minimum salaries or compensation for paid firemen and paid employees of the fire department in such cities.

Mr. BURNS, from the Committee on Buildings and Loan Associations, reported as committed, House Bill No. 800, entitled:

An Act providing that investment in shares of any savings or building and loan associations organized under the laws of the Commonwealth of Pennsylvania, which is a member of the Federal Home Loan Bank System, shall be legal investments for certain corporations and certain funds.

Mr. BENTZEL, from the Committee on Cities—Third Class, reported as committed, House Bill No. 806, entitled:

An Act to further amend section two thousand five hundred fifty nine of the act approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto" by abolishing tax collectors' right of distress and sale of goods and chattels for the collection of delinquent per capita, poll and occupation taxes.

Mr. BRETHERICK, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 733, entitled:

A joint resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Mr. McCLESTER, from the Committee on Cities—Third Class, reported as committed, House Bill No. 736, entitled:

An Act to further amend section two thousand five hundred and sixty-three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," changing the penalties and interest imposed for the nonpayment of taxes.

Mr. HAINES, from the Committee on Game, reported as committed, House Bill No. 762, entitled:

An Act to further amend section twelve of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties," permitting dogs kept in a kennel to be taken out for training, exercise or entry in field trials.

Mr. McINTOSH, from the Committee on Judiciary General, reported as amended, House Bill No. 404, entitled:

An Act relating to marriage; and amending, revising, consolidating and changing the law relating thereto.

Mr. VOLDOW, from the Committee on Judiciary Special reported as amended, House Bill No. 949, entitled:

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by imposing liability on executors, administrators or trustees for real estate broker's commissions in certain cases.

Mr. HEATHERINGTON, from the Committee on Game, reported as amended, House Bill No. 746, entitled:

An Act to add section nine hundred thirty-eight to the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for the establishment, regulation and use of special dog training areas.

Mr. AUKER, from the Committee on Cities—Third Class, reported as amended, House Bill No. 668, entitled:

An Act to amend article thirty-one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the laws relating thereto," by adding thereto section 3210.1; providing for exonerations of sewer assessments and the satisfaction of sewer liens and the discharge of properties covered thereby.

Mr. YESTER, from the Committee on Game, reported as amended, House Bill No. 1022, entitled:

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties," permitting certain dogs to be brought into the Commonwealth for hunting purposes, by holders of non-resident hunting licenses, without securing a Pennsylvania dog license.

QUESTION OF PERSONAL PRIVILEGE

Mr. SAMUEL ROSE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. SAMUEL ROSE. Mr. Speaker, in studying the Legislative Journal, as I always do covering the deliberations of this House, I noticed that on House Bill No. 868 I am recorded as not having voted. I distinctly voted "Aye" on that particular measure and I desire to be recorded as having so voted.

QUESTION OF PERSONAL PRIVILEGE

Mr. COOPER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. COOPER. Mr. Speaker, on page twenty-eight of the Legislative Journal in which the returns of the election of November 1940 are printed, particularly the twelfth district of Allegheny County, the record shows that Ludwick Zupancic, (D) received fifty three thousand two hundred ten votes. The official record certified to by the Secretary of the Commonwealth and verified by the Chief Clerk's office shows that Ludwick Zupancic, (D) received forty-eight thousand four hundred and forty one votes. I would therefore ask that the record be changed accordingly.

MR. READINGER in the Chair

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 35, entitled:

An Act prohibiting the taxation of income, salaries and wages by political subdivisions of this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 252, entitled:

An Act to further amend clause nine of section eight of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State Employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annunities, allowances, returns, benefits, and rights from taxation and judicial process and providing penalties," permitting employes to change from the one-hundred-sixtieth to the one one-hundredth class of contributors to the State Employes' Retirement Fund within a certain time.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 772, entitled:

An Act making an appropriation to state teachers colleges to enable such institutions to add certain courses to their curricula.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 810, entitled:

An Act to promote the safety of travelers upon street railways in cities of the first class, by requiring a crew of two on each street railway car.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 865, entitled:

An Act to amend section one of the act, approved the fourth day of April, one thousand nine hundred and nineteen (P. L. 38), entitled "An act relating to the parties to writs of scire facias sur mortgage in certain cases, and to the title acquired by a sale on a judgment of foreclosure in such cases," making provision for cases where the original mortgagor is dead; and validating past proceedings and titles acquired thereby.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1032, entitled:

An Act making an appropriation to the Department of Agriculture for use in controlling, combatting or exterminating Japanese beetles.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1126, entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State Government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1049, entitled:

An Act creating a temporary State commission to investigate all State hospitals; conferring powers and duties on said commission; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 860, entitled:

An Act to amend sections nine hundred twenty-two and one thousand four of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," providing that any candidate defeated for nomination to an office at a primary election, shall not be a candidate for the same office at the succeeding election.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three), (Pamphlet Laws one thousand four hundred forty-nine), entitled "An act establishing a court of record in the County of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants; providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties," to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 827, entitled:

An Act to further amend section nine hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three, (Pamphlet Laws one hundred three), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," further regulating the adoption of the annual township budget, the giving of public notice thereof, and the filing of a copy with the Department of Internal Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 691, entitled:

An Act to amend section one thousand three hundred one of the act, approved the third day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand three hundred thirty-three), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by extending the provisions relating to voting by persons in actual military service to primary elections.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 482, entitled:

An Act providing a method of annexation of townships of the second class and parts thereof to cities and boroughs, and regulating the proceedings pertaining thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1005, entitled:

An Act to add section six hundred ninety-nine and six-tenth of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (Pamphlet Laws eight hundred seventy-two), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1006, entitled:

An Act to add section six hundred ninety-nine and seven-tenth to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (Pamphlet Laws eight hundred seventy-two), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth, making it unlawful for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 892, entitled:

An Act authorizing a commission to study recreational facilities available in first class cities; imposing powers and duties on said commission; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1084, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to

a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 437, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation, on behalf of the Commonwealth of Pennsylvania, ten acres of land adjacent to the Daniel Boone Homestead, or so much thereof as may be necessary to properly honor the pioneer, Daniel Boone, on the spot where he was born; providing for the control, management, supervision, improvement, preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 434, entitled:

An Act making an appropriation to the Pennsylvania Department of Highways for the improvement of roads and parking areas within the Daniel Boone Homestead.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 426, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission, to cover the expenses of restoring and maintaining the Daniel Boone Homestead.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 911, entitled:

An Act making hospital records admissible in evidence in civil proceedings with being proven by the persons who made the same.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 365, entitled:

An Act to further amend section one of the act approved the ninth day of July, one thousand nine hundred and nineteen, (P. L. 794), entitled "An act providing that estates in buildings, grounds, books, curios, pictures, statuary and other works of art, passing by will to any municipality, corporation, or unincorporated body, for free exhibition within Pennsylvania, shall not be subject to collateral inheritance tax, and, in certain instances, the date when such tax shall become due," providing for additional exemptions and for exemptions from collateral inheritance and transfer taxes; and extending the provisions of said act to property, money and funds, passing before or after the effective date of this act, including property, money and funds passing to any public educational institution, museum or gallery of art of or under control of or wholly or partially maintained or supported by the Federal Government.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 467, entitled:

An Act to amend subsection (f) of section six hundred twenty-eight of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," requiring licenses issued under the Uniform Firearms Act" to bear the fingerprints and photograph of the person to whom the license is issued.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1039, entitled:

An Act to further amend section one of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (P. L. 129), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," by further regulating retirement allowances, and providing for the return of contributions in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER (Elmer Kilroy) in the Chair.

The SPEAKER. The Chair thanks the gentleman from Berks, Mr. Readinger, for presiding.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 758, entitled:

An Act to further amend sections four and nine of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," including incinerators for rubbish and garbage as projects.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BRETHERICK. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study and amendment.

The motion was agreed to

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1092, entitled:

An Act making an appropriation for the expenses of the committe of the House of Representatives created by House Resolution Serial Number forty-nine adopted the nineteenth day of February one thousand nine hundred forty-one.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 393, entitled:

An Act to amend sections one and two of the act approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark, brand or name," by extending the provisions thereof to vending equipment used in distribution of such articles and further defining parties having a right of action for unfair competition.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 236, Printer's No. 126, was passed over at the request of Mr. HARKINS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 854, entitled:

An Act to further amend section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" permitting hotel and restaurant licensees to sell by the bottle at certain times for consumption off the premises regulating such sales and imposing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. SCANLON. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1, page 2, line 1, by striking out the words "Sections three hundred four and" and inserting in lieu thereof: "Section."

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 360, as follows:

An Act to further amend section six hundred and twenty-nine of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for suitable pupil ceremonies affirming and developing allegiance to the Flag of the United States of America

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred and twenty-nine of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twentieth day of May one thousand nine hundred and twenty-one (P. L. 1011) is hereby further amended to read as follows

Section 629 The board of school directors in each district shall when they are not otherwise provided purchase a United States flag flagstaff and the necessary appliances therefor and shall display said flag upon or near each public school building in clement weather during school hours and at such other times as the said board may determine

All boards of education all proprietors or principals of private schools and all authorities in control of parochial schools or other educational institutions shall display the United States national flag not less than three feet in length within all school buildings under their control during each day such schools are in session In all public schools the board of school directors shall make all rules and necessary regulations for the care and keeping of such flags The expense thereof shall be paid by the school district

All supervising officers and teachers in charge of public private or parochial schools shall establish and direct the conduct of frequent and appropriate pupil ceremonies for the purpose of affirming and developing allegiance to and respect for the Flag of the United States of America.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 202

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Skale,
Bradley,	Gyger,	McLanahan,	Snyder,
Breth,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hall,	Melchiorre,	Stine,
Brunner, P. A.,	Hamilton,	Mihm,	Stockham,
Burns,	Hare,	Modell,	Tarr,
Burris,	Harkins,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chervenak,	Heatherington,	Moran,	Thompson, E.,
Chudoff,	Helm,	Muir,	Thompson, R.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M. M.,	Hersch,	Nagel,	Turner,
Cohen, R. E.,	Hewitt,	Nunemacher,	Van Allsburg,
Cook,	Hirsch,	O'Brien,	Verona,
Cooper,	Holland,	O'Connor,	Vincent,
Cordier,	Huntley,	O'Dare,	Vogt,
Corrigan,	Imbrie,	O'Mullen,	Voldow,
Croop,	James,	O'Neill,	Voorhees,
Cullen,	Jefferson,	Owens,	Wagner,
Dalrymple,	Jones, G. E.,	Petrosky,	Watkins,
Dennison,	Jones, P. N.,	Pettit,	Weingartner,
DiGenova,	Keenan,	Polaski,	Weiss,
Dix,	Kenehan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy,
Fletcher,	Lovett,	Rose, W. E.,	Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 392, as follows:

An Act authorizing county treasurers to execute and perfect deeds for seated lands sold for taxes by their predecessors in office

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any county treasurer who shall have made sale of seated lands for unpaid taxes shall die or be removed from office or when the term of office of such treasurer shall have expired before any valid or effective deed or deeds are executed by him to the purchaser or purchasers then and in every such case it shall be the duty of the treasurer for the time being to perfect such title and execute a deed or deeds to the purchaser or purchasers and they are hereby empowered and required upon the full discharge and payment of the money or price for which the said lands were sold with such cost and charges as remain unpaid to the former treasurer to make execute and acknowledge any deed or deeds and to perform and do all other matters and things that by the former treasurer might could or ought to have been performed or done which when done shall be held and adjudged as effectual in law as if the title had been competed by the former treasurer.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 202

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Skale,
Bradley,	Gyger,	McLanahan,	Snyder,
Breth,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hall,	Melchiorre,	Stine,
Brunner, P. A.,	Hamilton,	Mihm,	Stockham,
Burns,	Hare,	Modell,	Tarr,
Burris,	Harkins,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chervenak,	Heatherington,	Moran,	Thompson, E. F.,
Chudoff,	Helm,	Muir,	Thompson, R. L.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M. M.,	Hersch,	Nagel,	Turner,
Cohen, R. E.,	Hewitt,	Nunemacher,	Van Allsburg,
Cook,	Hirsch,	O'Brien,	Verona,
Cooper,	Holland,	O'Connor,	Vincent,
Cordier,	Huntley,	O'Dare,	Vogt,
Corrigan,	Imbrie,	O'Mullen,	Voldow,
Croop,	James,	O'Neill,	Voorhees,
Cullen,	Jefferson,	Owens,	Wagner,
Dalrymple,	Jones, G. E.,	Petrosky,	Watkins,
Dennison,	Jones, P. N.,	Pettit,	Weingartner,
DiGenova,	Keenan,	Polaski,	Weiss,
Dix,	Kenehan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy,
Fletcher,	Lovett,	Rose, W. E.,	Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1017, entitled as follows:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirteenth of each year as Commodore John Barry Day

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor shall annually issue a proclamation setting apart September thirteenth as Commodore John Barry Day and recommending that it be observed by the people with appropriate exercises in the public schools and otherwise as he may see it fit to the end that the memory of the service rendered by Commodore John Barry during the struggle for American independence may be perpetuated

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. FINNERTY. Mr. Speaker, House Bill 1017, Printer's No. 201, I feel needs some explanation.

Some Members are under the impression that this bill creates another legal holiday. It does not, it just requests the Governor to issue a proclamation calling the attention of the people of this state to that occasion, and providing for proper exercises in the schools on September thirteenth to perpetuate the memory of one of the great heroes of the Revolution, Commodore John Barry, the father of the American navy. It is particularly significant at this time when the navy is so important. On September 13th of each year in different parts of the state, exercises are being held in honor of the memory of this great hero. Philadelphia has the largest demonstration and exercises of all. On last September 13th in Philadelphia, the exercises were attended by the highest officials of Philadelphia and the state, including His Excellency, the Governor of Pennsylvania. I ask all of the members of this House to support this bill.

Mr. WOODSIDE. Mr. Speaker, yesterday on the calendar we had a resolution of this type which we adopted. Today we are setting another day aside for some other person. It seems to me almost every day we are having another resolution or a new bill setting aside a day in honor of a certain person or thing.

There is one thing I am worried about, Mr. Speaker; there are a lot of people in this House who are going to become great people before they die or after they die. For instance, the gentleman from Philadelphia, Mr. Finnerty; the gentleman from Allegheny, Mr. Holland, who is riding on the wave; the gentleman from Monroe, Mr. Achterman, and the Spokesman, as he is sometimes called, the ex-Speaker. There are a lot of men in this House who sooner or later, it seems to me, will become great men, entitled to honor in this great Commonwealth. The thing that concerns me is that by the time they acquire all their greatness and die, and reach the place where they are entitled to have a day set aside, there will not be any days left. While I think this particular bill is all right and we had better pass it, yet we had better call a halt so that there will be some days left to honor the great men of this House of Representatives in the future.

Mr. FINNERTY. Mr. Speaker, I appreciate the gentleman's mentioning the great days in the future for the members of this House, but I wish at least to take this opportunity of adding to that number our friend on the other side, Mr. Woodside. I can appreciate why he did not name himself, but as one member suggested to me maybe some day will be named for him, "Woodside", which would be quite a day. I appreciate the member mentioning me, and I do hope sometime in the future we will have days named after all the Members of this House on this side and on the other side.

Mr. TURNER. Mr. Speaker, in my modesty I hesitate to arise, but as long as you are going to have a lot of these days taken up, I hesitate to say this, but my birthday is the ninth day of August and if you want to preempt that day now, it's all right with me.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Grzskewicz,	McKinney,	Skale,
Bradley,	Gyger,	McLanahan,	Snyder,
Breth,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hall,	Melchiorre,	Stine,
Brunner, P. A.,	Hamilton,	Mihm,	Stockham,
Burns,	Hare,	Modell,	Tarr,
Burris,	Harkins,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chervenak,	Heatherington,	Moran,	Thompson, E.,
Chudoff,	Helm,	Muir,	Thompson, R.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M. M.,	Hersch,	Nagel,	Turner,
Cohen, R. E.,	Hewitt,	Nunemacher,	Verona,
Cook,	Hirsch,	O'Brien,	Vincent,
Cooper,	Holland,	O'Connor,	Vogt,
Cordier,	Huntley,	O'Dare,	Voldow,
Corrigan,	Imbrie,	O'Mullen,	Voorhees,
Croop,	James,	O'Neill,	Wagner,
Cullen,	Jefferson,	Owens,	Watkins,
Dalrymple,	Jones, G. E.,	Petrosky,	Weingartner,
Dennison,	Jones, P. N.,	Pettit,	Weiss,
DiGenova,	Keenan,	Polaski,	Welsh, E. B.,
Dolon,	Kenehan,	Polen,	Welsh, M. J.,
D'Ortona,	Kline,	Powers,	Wilkinson,
Duffy,	Knoble,	Prosen,	Williams,
Early,	Kolankiewicz,	Rank,	Winner,
Eckels,	Komorofski,	Rausch,	Wolf,
Elder,	Krise,	Readinger,	Wood, L. H.,
Elliott,	Lee, E. A.,	Reagan,	Wood, N.,
Ely,	Lee, T. H.,	Reese, D. P.,	Woodring,
Falkenstein,	Leisey,	Reese, R. E.,	Woodside,
Finestone,	Leonard,	Regan,	Wright,
Finnerty,	Lesko,	Reynolds,	Yeakel,
Fisher,	Levy,	Rhea,	Yester,
Fiss,	Leydic,	Riley,	Young,
Fleming,	Lichtenwalter,	Rooney,	Kilroy,
Fletcher,	Longo,	Rose, S.,	Speaker.
	Lovett,	Rose, W. E.,	

NAYS—2

Dix,	Van Allsburg,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PARLIAMENTARY INQUIRY

Mr. REUBEN E. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. REUBEN E. COHEN. Mr. Speaker, I first want to thank the Speaker for the lovely card which I have before me certifying that Mrs. Reuben E. Cohen is the wife of a member of the House for the session of 1941-1942. I would like to ask a few questions about it. First it says "not transferable." Does that refer to the card or the wife?

The SPEAKER. Both.

Mr. REUBEN E. COHEN. Second, after the session of 1941 and 1942 what happens, Mr. Speaker?

The SPEAKER. Let your conscience be your guide.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 405, entitled as follows:

An Act to amend section three of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing that student apprentices shall receive credit toward their apprenticeship for time spent in military training not exceeding one year

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the tenth day of June one thousand nine hundred thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 3 An applicant shall not be entitled to an examination if

(a) The applicant is not a citizen of the United States

(b) The applicant is not at least twenty-one years of age

(c) The applicant is not a graduate of an approved high school of this Commonwealth or has an education equivalent thereto under the rules and regulations of the department

(d) The applicant has not had practical experience in the business or profession of undertaking for two years continuously as a student apprentice and shall have completely embalmed at least twenty-five bodies

Provided however That any applicant duly registered as a student apprentice and thereafter called for military training under the provisions of the Act of Congress known as the "Selective Training and Service Act of 1940" shall be given credit toward the required two years apprenticeship for any period up to twelve months which may have been spent in such military training

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boies,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Skale,
Bradley,	Gyger,	McLanahan,	Snyder,
Breth,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.	Hall,	Melchiorre,	Stine,
Brunner, P. A.,	Hamilton,	Mihm,	Stockham,
Burns	Hare,	Modell,	Tarr,
Burris,	Harkins,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chervenak,	Hertherington,	Moran,	Thompson, E. F.,
Chudoff,	Heim,	Muir,	Thompson, R. L.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M. M.,	Hersch,	Nagel,	Turner,
Cohen, R. E.,	Hewitt,	Nunemacher	VanAllsburg,
Cook,	Hirsch,	O'Brien,	Verona,
Cooper,	Holland,	O'Connor	Vincent,
Cordier,	Huntley,	O'Dare,	Vogt,
Corrigan,	Imbrie,	O'Mullen,	Voldow,
Croop,	James,	O'Neill,	Voorhees,
Cullen,	Jefferson,	Owens,	Wagner,
Dalrymple,	Jones, G. E.,	Petrosky,	Watkins,
Dennison,	Jones, P. N.,	Pettit,	Weingartner,
DiGenova,	Keenan,	Polaski,	Weiss,
Dix,	Kenehan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy, Speaker
Fletcher,	Lovett,	Rose, W. E.,	

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 776, entitled as follows:

An Act to amend subsection (b) of section one of the act approved the twentieth day of June one thousand nine hundred thirty-nine (P. L. 508), entitled "An act defining the rights powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto and of collectors of city in cities of the third class borough town township school district and institution district taxes providing for the collection of such taxes by suit distraint and lien and sale of the chattels of taxables and of tenants on the real estate affected and from employers of delinquent taxables authorizing the appointment of deputies by the tax collectors defining certain defaults of tax collectors as embezzlements and imposing penalties" defining certain rights and duties of tenants on real property when demand is made on them for the payment of taxes assessed against such property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of section one of the act approved the twentieth day of June one thousand nine hundred thirty-nine (P. L. 508), entitled "An act defining the rights powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating thereto and of collectors of

cities of the third class borough town township school district and institution district taxes providing for the collection of such taxes by suit distraint and lien and sale of the chattels of taxables and of tenants on the real estate affected and from employers of delinquent taxables authorizing the appointment of deputies by the tax collectors defining certain defaults of tax collectors as embezzlements and imposing penalties" is hereby amended to read as follows

Section 1 Powers and Authority of Tax Collectors

* * *

(b) The collector of such taxes shall have the power to demand receive and collect from any person firm or corporation occupying any real estate any and all [taxes assessed against such real estate] rentals due and unpaid or rentals becoming due and unpaid and becoming payable after demand during his or its possession or occupancy [and the goods and chattels of any such person firm or corporation shall be liable to distress and sale for the nonpayment of any such taxes in like manner as if they were the goods and chattels of the owner of such real estate] to the extent of the amount required to pay all taxes assessed against such real estate including penalties interest and proper costs Any payments demanded from a tenant as aforesaid need not be paid until such times and not to exceed such amounts as the tenant is required to pay to the landlord as rent under the terms of their lease or agreement Payment under the provisions of this subsection shall constitute a good and sufficient discharge from the obligation to pay such sums as rent to the landlord Upon demand being made by a collector of taxes upon a tenant for any payments above provided the tenant unless he shall pay the full amount of taxes owing forthwith shall inform the tax collector of the amount and the due dates of his rent payments If the tenant fails to make payment as herein provided or fails to furnish to the tax collector the information above set forth then and in that event the goods and chattels of all persons firms and corporations occupying the real estate involved shall be liable to distress and sale for the nonpayment of any such taxes in like manner as if they were the goods and chattels of the owner of such real estate Any tenant refusing to give such information or who gives false information relative thereto and any tenant or landlord who enters into collusion to hinder delay or defeat a collector of taxes in his attempt to collect such taxes from the tenant shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding thirty (30) days or both

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Skale,
Bradley,	Gyger,	McLanahan,	Snyder,
Breth,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hall,	Melchiorre,	Stine,
Brunner, P. A.,	Hamilton,	Mihm,	Stockham,
Burns,	Hare,	Modell,	Tarr,
Burris,	Harkins,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chervenak,	Heatherington,	Moran,	Thompson, E. F.,
Chudoff,	Helm,	Muir,	Thompson, R. L.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M. M.,	Hersch,	Nagel,	Turner,
Cohen, R. E.,	Hewitt,	Nunemacher,	VanAllsburg,
Cook,	Hirsch,	O'Brien,	Verona,
Cooper,	Holland,	O'Connor	Vincent,
Cordier,	Huntley,	O'Dare,	Vogt,
Corrigan,	Imbrie,	O'Mullen,	Voldow,
Croop,	James,	O'Neill,	Voorhees,
Cullen,	Jefferson,	Owens,	Wagner,
Dalrymple,	Jones, G. E.,	Petrosky,	Watkins,
Dennison,	Jones, P. N.,	Pettit,	Weingartner,
DiGenova,	Keenan,	Polaski,	Weiss,
Dix,	Kenehan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy, Speaker
Fletcher,	Lovett,	Rose, W. E.,	

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 121, as follows:

An Act approving ratifying and enacting into law the Ohio River Valley Water Sanitation Compact for the prevention abatement and control of pollution of the rivers streams and waters in the Ohio River drainage basin and making the State of Pennsylvania a party thereto creating the "Ohio River Valley Water Sanitation Commission" providing for the members of such commission from the State of Pennsylvania and providing for the carrying out of said compact

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Ohio River Valley Water Sanitation Compact Approved The following Ohio River Valley Water Sanitation Compact which has been negotiated by representatives of the States of Illinois Indiana Kentucky New York Ohio Pennsylvania Tennessee and West Virginia is hereby approved ratified adopted enacted into law and entered into by the State of Pennsylvania as a party thereto and signatory state namely

Ohio River Valley Sanitation Compact

Whereas A substantial part of the territory of each of the signatory states is situated within the drainage basin of the Ohio River and

Whereas The rapid increase in the population of the various metropolitan areas situate within the Ohio drainage basin and the growth in industrial activity within that area have resulted in recent years in an increasingly serious pollution of the waters and streams within said drainage basin constituting a grave menace to the health welfare and recreational facilities of the people living in such basin and occasioning great economic loss and

Whereas The control of future pollution and the abatement of existing pollution in the waters of said basin are

of prime importance to the people thereof and can best be accomplished through the cooperation of the states situated by and through a joint or common agency

Now Therefore The States of Illinois Indiana Kentucky New York Ohio Pennsylvania Tennessee and West Virginia do hereby covenant and agree as follows

ARTICLE I

Each of the signatory states pledges to each of the other signatory states faithful cooperation in the control of future pollution in and abatement of existing pollution from the rivers streams and waters in the Ohio River Basin which flow through into or border upon any of such signatory states and in order to effect such object agrees to enact any necessary legislation to enable such state to place and maintain the waters of said basin in a satisfactory sanitary condition available for safe and satisfactory use as public and industrial water supplies after reasonable treatment suitable for recreational usage capable of maintaining fish and other aquatic life free from unsightly or malodorous nuisances due to floating solids or sludge deposits and adaptable to such other uses as may be legitimate

ARTICLE II

The signatory states hereby create a district to be known as the "Ohio River Valley Water Sanitation District" hereinafter called the District which shall embrace all territory within the signatory states the water in which flows ultimately into the Ohio River or its tributaries

ARTICLE III

The signatory states hereby create the "Ohio River Valley Water Sanitation Commission" hereinafter called the Commission which shall be a body corporate with the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the signatory states or by act or acts of the Congress of the United States

ARTICLE IV

The Commission shall consist of three commissioners from each state each of whom shall be a citizen of the state from which he is appointed and three commissioners representing the United States Government The commissioners from each state shall be chosen in the manner and for the terms provided by the laws of the state from which they shall be appointed and any commissioner may be removed or suspended from office as provided by the law of the state from which he shall be appointed The commissioners representing the United States shall be appointed by the President of the United States or in such other manner as may be provided by Congress The commissioners shall serve without compensation but shall be paid their actual expenses incurred in and incident to the performance of their duties but nothing herein shall prevent the appointment of an officer or employee of any state or of the United States Government

ARTICLE V

The Commission shall elect from its number a chairman and vice-chairman and shall appoint and at its pleasure remove or discharge such officers and legal clerical expert and other assistants as may be required to carry the provisions of this compact into effect and shall fix and determine their duties qualifications and compensation It shall adopt a seal and suitable by-laws and shall adopt and promulgate rules and regulations for its management and control It may establish and maintain one or more offices within the district for the transaction of its business and may meet at any time or place one or more commissioners from a majority of the member states shall constitute a quorum for the transaction of business

The Commission shall submit to the Governor of each state at such time as he may request a budget of its estimated expenditures for such period as may be required by the laws of such state for presentation to the legislature thereof

The Commission shall keep accurate books of accounts showing in full its receipts and disbursements and said books of accounts shall be open at any reasonable time to the inspection of such representatives of the respective signatory states as may be duly constituted for that purpose

On or before the first day of December of each year the Commission shall submit to the respective governors of the signatory states a full and complete report of its activities for the preceding year

The Commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same nor shall the Commission pledge the credit of any of the signatory states except by and with the authority of the legislature thereof

ARTICLE VI

It is recognized by the signatory states that no single standard for the treatment of sewage or industrial wastes is applicable in all parts of the District due to such variable factors as size flow location character self-purification and usage of waters within the District The guiding principle of this compact shall be that pollution by sewage or industrial wastes originating within a signatory state shall not injuriously affect the various uses of the interstate waters as hereinbefore defined

All sewage from municipalities or other political subdivision public or private institutions or corporations discharged or permitted to flow into these portions of the Ohio River and its tributary waters which form boundaries between or are contiguous to two or more signatory states or which flow from one signatory state into another signatory state shall be so treated within a time reasonable for the construction of the necessary works as to provide for substantially complete removal of settleable solids and the removal of not less than forty-five per cent (45%) of the total suspended solids provided that in order to protect the public health or to preserve the waters for other legitimate purposes including those specified in Article I in specific instances such higher degree of treatment shall be used as may be determined to be necessary by the Commission after investigation due notice and hearing

All industrial wastes discharged or permitted to flow into the aforesaid waters shall be modified or treated within a time reasonable for the construction of the necessary works in order to protect the public health or to preserve the waters for other legitimate purposes including those specified in Article I to such degree as may be determined to be necessary by the Commission after investigation due notice and hearing

All sewage or industrial wastes discharged or permitted to flow into tributaries of the aforesaid waters situated wholly within one state shall be treated to that extent if any which may be necessary to maintain such waters in a sanitary and satisfactory condition at least equal to the condition of the waters of the interstate stream immediately above the confluence

The Commission is hereby authorized to adopt prescribe and promulgate rules regulations and standards for administering and enforcing the provisions of this article

ARTICLE VII

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restictions to further lessen or prevent the pollution of waters within its jurisdiction

ARTICLE VIII

The Commission shall conduct a survey of the territory included within the District shall study the pollution problems of the District and shall make a comprehensive report for the prevention or deduction of stream pollution therein In preparing such report the Commission shall confer with any national or regional planning body which may be established and any department of the Federal Government authorized to deal with matters relating to the pollution problems of the District The Commission shall draft and recommend to the governors of the various signatory states uniform legislation dealing with the pollution of rivers streams and waters and other pollution problems within the District The Commission shall consult with the advise the various states communities muni-

cipalities corporations persons or other entities with regard to particular problems connected with the pollution of waters particularly with regard to the construction of plants for the disposal of sewage industrial and other waste The Commission shall more than one month prior to any regular meeting of the legislature of any state which is a party thereto present to the governor of the state its recommendations relating to enactments to be made by any legislature in furthering intents and purposes of this compact

ARTICLE IX

The Commission may from time to time after investigation and after a hearing issue an order or orders upon any municipality corporation person or other entity discharging sewage or industrial waste into the Ohio River or any other river stream or water any part of which constitutes any part of the boundary line between any two or more of the signatory states or into any stream any part of which flows from any portion of one signatory state through any portion of another signatory state Any such order or orders may prescribe the date on or before which such discharge shall be wholly or partially discontinued modified or treated or otherwise disposed of The Commission shall give reasonable notice of the time and place of the hearing to the municipality corporation or other entity against which such order is proposed No such order shall go into effect unless and until it receives the assent of at least a majority of the commissioners from each of not less than a majority of the signatory states and no such order upon a municipality corporation person or entity in any state shall go into effect unless and until it receives the assent of not less than a majority of the commissioners from such state

It shall be the duty of the municipality corporation person or other entity to comply with any such order issued against it or him by the Commission and any court of general jurisdiction or any United States district court in any of the signatory states shall have the jurisdiction by mandamus injunction specific performance or other form of remedy to enforce any such order against any municipality corporation or other entity domiciled or located within such state or whose discharge of the waste take place within or adjoining such state or against any employe department or subdivision of such municipality corporation person or other entity provided however such court may review the order and affirm reverse or modify the same upon any of the grounds customarily applicable in proceedings for court review of administrative decisions The Commission or at its request the Attorney General or other law enforcing official shall have power to institute in such court any action for the enforcement of such order

ARTICLE X

The signatory states agree to appropriate for the salaries office and other adminstrative expenses their proper proportion of the annual budget as determined by the Commission and approved by the governors of the signatory states one-half of such amount to be prorated among the several states in proportion to their population within the District at the last preceding federal census the other half to be prorated in proportion to their land area within the District.

ARTICLE XI

This compact shall become effective upon ratification by the legislatures of a majority of the states located within the District and upon approval by the Congress of the United States and shall become effective as to any additional states signing thereafter at the time of such signing

In Witness Whereof the various signatory states have executed this compact through their respective compact commissioners

Section 2 Appointment of Members of Ohio River Valley Water Sanitation Commission Secretary of Health to be Member Ex-Officio In pursuance of article four of said compact there shall be three members of the Ohio River Valley Water Commission from the State of Pennsylvania The governor by and with the advice and consent of the Senate shall appoint two persons as two of such commissioners each of whom shall be a resident and citizen of this state The terms of one of the said two commissioners first appointed shall be three years and of the other shall be six years and their successors shall be appointed by the governor by and with the advice and consent of the Senate for terms of six years each Each commissioner shall hold office until his successor shall be appointed and qualified Vacancies i. the office of any such commissioner from any reason or cause shall be filled by appointment by the governor by and with the advice and consent of the Senate for the unexpired term The third commissioner from this state shall be the Secretary of Health ex-officio and the term of any such ex-officio commissioner shall terminate at the time he ceases to hold said office of Secretary of Health and his successor as a commissioner shall be his successor as said Secretary of Health With the exception of the issuance of any order under the provisions of article nine of the compact said ex-officio commissioner may delegate from time to time to any deputy or other subordinate in his department or office the power to be present and participate including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the Commission The terms of each of the initial three members shall begin at the date of the appointment of the two appointive commissioners provided the said compact shall then have gone into effect in accordance with article eleven of the compact otherwise shall begin upon the date which said compact shall become effective in accordance with said article eleven

Any commissioner may be removed from office by the governor

Section 3 Powers of Commisison Duties of State Officers Departments Etc Jurisdiction of Common Pleas Courts Enforcement of Act There is hereby granted to the Commission and commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular All officers of this state are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary to or incidental to the carrying out of said compact in every particular it being hereby declared to be the policy of this state to perform and carry out the said compact and to accomplish the purposes thereof All officers bureaus departments and persons of and in the State Government or administration of this state are hereby authorized and directed at convenient times and upon request of the said Commission to furnish the said Commission with information and data posessed by them or any of them and to aid said Commission by loan of personnel or other means lying within their legal powers respectively

The courts of common pleas of this state are hereby granted the jurisdiction specified in article nine of said compact and the Attorney General or any other law-enforcing officer of this state is hereby granted the power to institute any action for the enforcement of the orders of the commission as specified in said article nine of the compact

Section 4 Powers Herein Granted in Addition to Those Heretofore Granted Any powers herein granted to the Commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said Commission by other laws of this state or by the laws of the States of Illinois Indiana Kentucky New York Ohio West Virginia Tennessee or by Congress or the terms of said compact

Section 5 Expenses of Commission Appropriations Officers and Employes The commissioners shall be reimbursed out of moneys appropriated for such purposes all sums which they necessarily shall expend in the discharge of their duties as members of such Commission

There shall be appropriated to the Commission out of any moneys in the State Treasury unexpended and available therefor and not otherwise appropriated such sums as may be necessary for the uses and purposes of the Commission in carrying out the provisions of this act and the payment of the proper proportion of this state of the annua budget of the Ohio River Valley Water Sanitation Commission in accordance with article ten of said compact

The Commission shall elect from its membership a chairman and may also select a secretary who need not be a member The Commission may employ such assistance as it may deem necessarily required and the duties of such assistants shall be prescribed and their compensation fixed

by the Commission and paid out of the State Treasury out of funds appropriated for such purposes upon the requisition of said Commission

The Commission shall meet at such times and places as agreed upon by the commissioners or upon call of its chairman

Section 6 Consent to State of Virginia Becoming Party The State of Pennsyvania hereby consents that the State of Virginia may become a party to and a signatory state of the aforesaid compact as fully as if it had been expressly named therein

Section 7 When Act to Become Effective This act shall take effect and become operative and the compact be executed for and on behalf of this state only from and after the approval ratification adoption and entering into thereof by the States of New York Ohio and West Virginia

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Achterman,	Flynn	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Skale,
Bradley,	Gyger,	McLanahan,	Snyder,
Breth,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hall,	Melchiorre,	Stine,
Brunner, P. A.,	Hamilton,	Mihm,	Stockham,
Burns,	Hare,	Modell,	Tarr,
Burris,	Harkins,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chervenak,	Heatherington,	Moran,	Thompson, E. F.,
Chudoff,	Helm,	Muir,	Thompson, R. L.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M M.,	Hersch,	Nagel,	Turner,
Cohen, R E.,	Hewitt,	Nunemacher,	Van Allsburg,
Cook,	Hirsch,	O'Brien,	Verona,
Cooper,	Holland,	O'Connor,	Vincent,
Cordier,	Huntley,	O'Dare,	Vogt,
Corrigan,	Imbrie,	O'Mullen,	Voldow,
Croop,	James,	O'Neill,	Voorhees,
Cullen,	Jefferson,	Owens,	Wagner,
Dalrymple,	Jones, G. E.,	Petrosky,	Watkins,
Dennison,	Jones, P. N.,	Pettit,	Weingartner,
DiGenova,	Keenan,	Polaski,	Weiss,
Dix,	Kenehan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Ross, S.,	Kilroy,
Fletcher,	Lovett,	Rose, W. E.,	Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 809, entitled as follows:

An Act to amend section thirteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs thereof the effects of their acts and appeals therefrom" by imposing on registers of wills the duty when requested of recording releases in decedents estates and prescribing the effect of releases so recorded

The General Assembly of the Commonwealth of Penn-Sylvania hereby enacts as follows

Section 1 Section thirteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs thereof the effects of their acts and appeals therefrom" is hereby amended to read as follows

Section 13 It shall be the duty of the registers of wills of the several counties of this Commonwealth to record all inventories and appraisements of and such registers shall on request record all releases in the estate of any decedent filed in the office of the register of wills by the executor or administrator of any such decedents estate in a book to be provided for that purpose and the same shall be indexed by such register of wills in any index book provided for that purpose and true and attested copies or exemplification of all such inventories releases and appraisements so enrolled certified under the hand and seal of such register of wills shall be allowed in all courts when produced and are hereby declared and enacted to be as good evidence and as valid and effectual in law as the original inventory releases and appraisements themselves and the said register of wills shall be allowed for performing such duties the same fees as are now allowed by law to such officers for performing similar services

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Skale,
Bradley,	Gyger,	McLanahan,	Snyder,
Breth,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hall,	Melchiorre,	Stine,
Brunner, P. A.,	Hamilton,	Mihm,	Stockham,
Burns,	Hare,	Modell,	Tarr,
Burris,	Harkins,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chervenak,	Heatherington,	Moran,	Thompson, E. F.,
Chudoff,	Helm,	Muir,	Thompson, R. L.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M M.,	Hersch,	Nagel,	Turner,
	Hewitt,	Nunemacher,	Van Allsburg,

Cohen, R. E.,	Hirsch,	O'Brien,	Verona,
Cook,	Holland,	O'Connor,	Vincent,
Cooper,	Huntley,	O'Dare,	Vogt,
Cordier,	Imbrie,	O'Mullen,	Voldow,
Corrigan,	James,	O'Neill,	Voorhees,
Croop,	Jefferson,	Owens,	Wagner,
Cullen,	Jones, G. E.,	Petrosky,	Watkins,
Dalrymple,	Jones, P. N.,	Pettit,	Weingartner,
Dennison,	Keenan,	Polaski,	Weiss,
DiGenova,	Kenehan,	Polen,	Welsh, E. B.,
Dix,	Kline,	Powers,	Welsh, M. J.,
Dolon,	Knoble,	Prosen,	Wilkinson,
D'Ortona,	Kolankiewicz,	Rank,	Williams,
Duffy,	Komorofski,	Rausch,	Winner,
Early,	Krise,	Readinger,	Wolf,
Eckels,	Lee, E. A.,	Reagan,	Wood, L. H.
Elder,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Elliott,	Leisey,	Reese, R. E.,	Woodring,
Ely,	Leonard,	Regan,	Woodside,
Falkenstein,	Lesko,	Reynolds,	Wright,
Finestone,	Levy,	Rhea,	Yeakel,
Finnerty,	Leydic,	Riley,	Yester,
Fisher,	Lichtenwalter,	Rooney,	Young,
Fiss,	Longo,	Rose, S.,	Kilroy,
Fleming,	Lovett,	Rose, W. E.,	Speaker.
Fletcher,			

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 808, entitled as follows:

An Act to further amend section twenty-six and to amend sections twenty-eight and twenty-nine of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1237), entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" by making the subpoena alias subpoena and publication in divorce proceedings returnable in twenty-one days

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-six of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1237), entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as last amended by the act approved the twentieth day of June one thousand nine hundred thirty-nine (P. L. 467), is hereby further amended to read as follows

Section 26 Awarding Subpoena When Returnable Upon the presentation of the petition or libel a subpoena may be awarded by the said court or a judge thereof in vacation signed by the prothonotary and directed to the party so complained against commanding him or her to appear which subpoena shall be returnable not less than [thirty] twenty-one days after the award thereof either to the next or subsequent term or to such next or subsequent term or to such next or subsequent monthly or intermediate return day as shall have been or may be established for such court of common pleas either by statute or rule of court or both

Section 2 Sections twenty-eight and twenty-nine of said act are hereby amended to read as follows

Section 28 Awarding Service and Return of Alias Subpoena If upon the return of said subpoena proof shall be made that the said respondent could not be found an alias subpoena shall issue returnable not less than [thirty] twenty-one days after the award thereof to the next or any subsequent term or to such next or subsequent monthly or intermediate return day as shall have been or may be established for such court either by statute or rule of the court or both which alias subpoena shall be served personally in the manner provided for the service of the subpoena and if so served the same proceedings shall be had as are directed after the personal service of a subpoena

Section 29 Service by Publication If on the return of the alias subpoena or any pluries subpoena proof shall be made that the respondent could not be found the sheriff of the county upon the filing of a praecipe in the office of the prothonotary shall cause notice to be published in one or more newspapers printed within or nearest to the said county and in the legal journal of any designated by the rules of the court for the publication of legal notices once a week for three successive weeks requiring the said party to appear and to answer said complaint which publication shall be returnable not less than [thirty] twenty-one days after filing date of the praecipe to the next or subsequent term or to such next or subsequent monthly or intermediate return days as shall have been or may be established for such court either by statute or rule of court or both after which the same proceedings shall be had as directed after the personal service of a subpoena

And said bill having been read at length the third time, considered and agreed to .

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Skale,
Bradley,	Gyger,	McLanahan,	Snyder,
Breth,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hall,	Melchiorre,	Stine,
Brunner, P. A.	Hamilton,	Mihm,	Stockham,
Burns,	Hare,	Modell,	Tarr,
Burris,	Harkins,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chervenak	Heatherington,	Moran,	Thompson, E. F.,
Chudoff,	Helm,	Muir,	Thompson, R. L.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M. M.	Hersch,	Nagel,	Turner,
Cohen, R. E.	Hewitt,	Nunemacher,	Van Allsburg,
Cook,	Hirsch,	O'Brien,	Verona,
Cooper,	Holland,	O'Connor,	Vincent,
Cordier,	Huntley,	O'Dare,	Vogt,
Corrigan,	Imbrie,	O'Mullen,	Voldow,
Croop,	James,	O'Neill,	Voorhees,
Cullen,	Jefferson,	Owens,	Wagner,
Dalrymple,	Jones, G. E.,	Petrosky,	Watkins,
Dennison,	Jones, P. N.,	Pettit,	Weingartner,
DiGenova,	Keenan,	Polaski,	Weiss,
Dix,	Kenehan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy,
Fletcher,	Lovett,	Rose, W. E.,	Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

JUNIATA JOINT HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House the students from Juniata Joint High School, of Mifflintown, who are majoring on problems in democracy. They are the guest of the gentleman from Juniata, Mr. Burris.

Mr. AUKER. Mr. Speaker, may I say at this time that the gentleman from Blair was also born, raised and received his early training in Mifflintown.

The SPEAKER. The Chair is glad to receive that information. Will he be seated with the students from Mifflintown?

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 639, as follows:

An Act requiring the Department of Property and Supplies with the approval of the Department of Military Affairs to complete and thereafter maintain "The Twenty-eighth Division Shrine" at Boalsburg Centre County dedicating the same to the officers and men of the Twenty-eighth Division and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies is hereby directed subject to the approval of the Department of Military Affairs to complete and thereafter maintain the shrine erected by the officers of the Twenty-eighth Division on property at Boalsburg Centre County Pennsylvania now owned by the Commonwealth which shall hereafter be known as the "Twenty-eighth Division Shrine" and is hereby dedicated to honor the officers and men of the Twenty-eighth Division who served in the World War of 1917—1918 and the officers and men of the Twenty-eighth Division who in the future may serve the State and Country in combat with any enemy of the United States of America

Section 2 The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the two fiscal years beginning June first one thousand nine hundred and forty-one for the payment of salaries wages or other compensation of such superintendent guards and workmen as may be necessary for the completion care preservation and maintenance of The Twenty-eighth Division Shrine for the necessary cost of materials freight fertilizers seeds and other supplies for plowing and mowing for the purchase of trees and shrubs and for the planting of the same for the construction and improvement of roads and parking areas within the property and for such other purposes in connection with the same as shall be deemed proper

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 202

Achterman,	Fletcher,	Lyons,	Rosenfeld,
Allmond,	Flynn,	Malloy,	Royer,
Auker,	Foor,	Marks,	Sarge,
Baker,	French,	Maxwell,	Sarraf,
Balthaser,	Gallagher,	McClanaghan,	Scanlon,
Baugher,	Gates,	McClester,	Schwab,
Bentley,	Gerard,	McDermott,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Greenwood,	McIntosh,	Simons,
Bower,	Gross,	McKinney,	Skale,
Bradley,	Gryskewicz,	McLanahan,	Snyder,
Breth,	Gyger,	McLane,	Sollenberger,
Bretherick,	Habbyshaw	McMillen,	Sorg,
Brown,	Haberlen,	McSurdy,	Stambaugh,
Brunner, C. H.,	Haines,	Melchiorre,	Stine,
Brunner, P. A.,	Hamilton,	Mihm,	Stockham,
Burns,	Hare,	Modell,	Tarr,
Burris,	Harkins,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chervenak,	Heatherington,	Moran,	Thompson, E. F.,
Chudoff,	Helm,	Muir,	Thompson, R. L.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M. M.,	Hersch,	Nagel,	Turner,
Cohen, R. E.,	Hewitt,	Nunemacher,	Van Allsburg,
Cook,	Hirsch,	O'Brien,	Verona,
Cooper,	Holland,	O'Connor,	Vincent,
Cordier,	Huntley,	O'Dare,	Vogt,
Corrigan,	Imbrie,	O'Mullen,	Voldow,
Croop,	James,	O'Neill,	Voorhees,
Cullen,	Jefferson,	Owens,	Wagner,
Dalrymple,	Jones, G. E.,	Petrosky,	Watkins,
Dennison,	Jones, P. N.,	Pettit,	Weiss,
DiGenova,	Keenan,	Polaski,	Weingartner,
Dix,	Kenehan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yeater,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy,
	Lovett,	Rose, W. E.,	Speaker

NAYS 1

Hall,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 588, as follows:

An Act providing for the acquisition by the Department of Property and Supplies of a tract of land fronting on Lake Erie situated in the township of North East County of Erie and for its development and maintenance as a state park by the Department of Forests and Waters and making an appropriation

Whereas There is need for additional public recreation and park area in that portion of the Commonwealth which touches upon Lake Erie and

Whereas Lands which might be needed by the Commonwealth for such purposes are rapidly being acquired and developed for private uses with the result that the acquisition thereof by the Commonwealth will very soon entail prohibitive expense and

Whereas There is yet available along Lake Erie between the borough of North East and the New York state boundary a suitable tract of land presenting great natural advantages for development as a state park including ade-

quate lake frontage virgin timber sand beach and level ground therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies is hereby authorized to acquire by purchase gift or condemnation in the name of the Commonwealth of Pennsylvania all or so much as may be necessary of a tract of land located and described as follows

Eastern Tract

All that certain piece or parcel of land lying and being situated in the township of North East County of Erie and state of Pennsylvania and being part of tract No 166 bounded and described as follows to wit beginning at a post on the bank of Lake Erie on the line dividing part of said tract conveyed to Jeremiah Mann thence along said line and the center of highway S 00° 15′ W (2001) feet to a pin in the angle of the road thence S 28°00 east along the center of said road (422) feet thence S 17° 45′ east still along the center of the road (1500) feet to a stake and land of Ira Gay thence S 64° 30′ W along lands Gay and Stetson farm (1890) feet to the center of the road leading north from Stinsons Corners thence N 01° 15′ east along the center of the road and west line of tract No 166 (4501) feet to the shore of Lake Erie thence N 74° 15′ east along the shore of Lake Erie (820) feet thence S 58° 15′ E 183 feet to the place of beginning containing about 120 acres of land

Also that other certain piece or parcel of land situated in North East Township Erie County Pennsylvania Adjoining the above described land on the west and being a part of tract No 167 bounded and described as follows to wit beginning at the north east corner of lot No 167 at a sugar tree on the east side of the mouth of the Twenty Mile Creek on the bank of Lake Erie thence south 1° 15′ west along the tract line (82) perches and 14 links to the center of the Twenty Mile Creek thence along the center of said creek (80) perches and 10 links to the beach of Lake Erie and from thence north 64° 30′ east (54) perches and 8 links to the place of beginning containing all the land lying north and east of the Twenty Mile Creek aforesaid in said tract of land No 167 Be the same more or less containing about 22-3/10 acres of land

Central Tract

All that certain piece or parcel of land situated in the township of North East County of Erie State of Pennsylvania bounded and described as follows Beginning at the north east corner of lot No 167 at a sugar tree on the east side of the mouth of the Twenty Mile Creek on the bank of Lake Erie thence south 225.8 perches to a post thence by the residue of said tract south 64° west 154 perches to a post thence north 195.8 perches to a beech tree on the bank of the lake aforesaid thence north 60° east 46 perches thence north 47° east 66 perches thence north 64½° east 59 perches to the place of beginning containing about 175 acres of land Exclusive of that portion of land lying on the east side of the twenty Mile Creek which is expected and reserved having formerly been conveyed to Lewis Peer having erected thereon two frame dwelling houses barn and out buildings Also excepting and reserving land and rights therein conveyed to W C Walter Jordan and Doreatta Jordan his wife by deed dated December second one thousand nine hundred and thirty-two and recorded in Erie County Deed Book No. 350 at page No. 447 Also excepting and reserving the land and rights therein conveyed to Albert J. Dohler by deed dated September ..... one thousand nine hundred and thirty-two recorded in Erie County Deed Book ..... page .....

Western Tract

All that certain piece or parcel of land situated in the township of North East County of Erie State of Pennsylvania bounded and described as follows to wit on the north by Lake Erie on the east by land of Ammon Stetson on the south by land of heirs of David Belnap and containing 36 acres of land Be the same more or less Being the same land conveyed by John Hanlin and wife to Mary Nolan by deed dated March ..... one thousand eight hundred and sixty-five

Also that certain other piece or parcel of land situated in the township of north East County of Erie State of Pennsylvania bounded and described as follows to wit it being the twenty acres lying on the east side of the farm formerly owned by David Belnap and adjoining on the west the parcel of land described immediately above the west line of said twenty acres to run parallel with the east line thereof

Section 2 In the event of condemnation the Department of Property and Supplies shall follow the procedure prescribed by law for the condemnation of lands by said department

Section 3 After this tract of land shall have been acquired in whole or in part by purchase gift or condemnation by the Commonwealth it shall be turned over to the Department of Forests and Waters which shall thereafter have full control and supervision thereof

Section 4 The tract of land so acquired shall be developed improved preserved and maintained as a state park for the use and enjoyment of the citizens of the Commonwealth This park shall hereafter be known by such appropriate name as the Department of Forests and Waters may designate

Section 5 The Department of Forests and Waters is hereby authorized to adopt and effectuate all necessary plans for the development preservation and maintenance of this park including appropriate works and improvements along the water front and extending into Lake Erie for a distance of 500′ subject however to any international laws or Federal laws rules or regulations

Section 6 The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment of the cost of acquiring said tract of land and for all expenses in connection therewith including the expense of investigating the title

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf,
Balthaser,	Gates,	McDermott,	Scanlon,
Baugher,	Gerard,	McClanaghan,	Schwab,
Bentley,	Gillan,	McClester,	Serrill,
Bertzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Skale,
Bradley,	Gyger,	McLanahan,	Snyder,
Breth,	Habbyshaw,	McLane,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Haines,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hall,	Melchiorre,	Stine,
Brunner, P. A.,	Hamilton,	Mihm,	Stockham,
Burns,	Hare,	Modell,	Tarr,
Burris,	Harkins,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chervenak,	Heatherington,	Moran,	Thompson, E. F.,
Chudoff,	Helm,	Muir,	Thompson, R. L.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M. M.,	Hersch,	Nagel,	Turner,
Cohen, R. E.,	Hewitt,	Nunemacher,	Van Allsburg,
Cook,	Hirsch,	O'Brien,	Verona,
Cooper,	Holland,	O'Connor,	Vincent,
Cordier,	Huntley,	O'Dare,	Vogt,
Corrigan,	Imbrie,	O'Mullen,	Voldow,
Croop,	James,	O'Neill,	Voorhees,
Cullen,	Jefferson,	Owens,	Wagner,
Dalrymple,	Jones, G. E.,	Petrosky,	Watkins,
Dennison,	Jones, P. N.,	Pettit,	Weingartner,
DiGenova,	Keenan,	Polaski,	Weiss,
	Kenehan,	Polen,	Welsh, E. B.,

Dix,	Kline,	Powers,	Welsh, M. J.,
Dolon,	Knoble,	Prosen,	Wilkinson,
D'Ortona,	Kolankiewicz,	Rank,	Williams,
Duffy,	Komorofski,	Rausch,	Winner,
Early,	Krise,	Readinger,	Wolf,
Eckels,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elder,	Lee, T. H.,	Reese, David P.,	Wood, N.,
Elliott,	Leisey,	Regan,	Woodring,
Ely,	Leonard,	Reynolds,	Woodside,
Falkenstein,	Lesko,	Rhea,	Wright,
Finestone,	Levy,	Riley,	Yeakel,
Finnerty,	Leydic,	Roone,	Yester,
Fisher,	Lichtenwalter,	Rose, S.,	Young,
Fiss,	Longo,	Rose, W. E.,	Kilroy,
Fleming,	Lovett,		Speaker.
Fletcher,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. IMBRIE asked and obtained unanimous consent to addresses the House.

For some time now I have been studying the problems associated with profit and non-profit cemetery associations and in an effort to curb some of the evils connected with cemetery organizations organized for profit, I ask your consideration of a bill which fully covers the situation.

For many years, Pennsylvania has been plagued by numerous cemetery associations which spring up overnight and fade almost as quickly. The unfortunate part of this type of real estate development is that it is based on the element of hoax and deception.

Thousands of Pennsylvanians have been lured into purchasing cemetery lots from these travelling real estate manipulators only to find that they had acquired an interest in a worthless and undeveloped piece of property.

As you know, state law requires cemetery associations organized for profit to deposit one-tenth of the gross amount received from the sale of lots as a special fund to be used for the perpetuation and care of cemetery property. In most cases these funds are never used for that purpose.

Experience has shown that high pressure salesmen, who float from state to state, set up their organization in a promising community; buy or lease a piece of land; announce the formation of a cemetery association and start selling lots at 10,000 percent profit. They agree that it will be a permanent association; that funds will be set aside for that purpose.

Instead, after exhausting sales prospects, and making a land office clean-up, they move on to other more lucrative fields, taking with them the funds supposedly set aside for the permanent care of cemetery property.

My measure is aimed at checking the nefarious practice of migratory land exploiters and if the 10 percent maintenance fund is regulated by law so that mandatory deposits are made with accredited Banking institutions, it will curb the operations of the floating real estate sharper and bunco artist.

Banks, acting in the capacity of trustees, would be a protective guarantee that the money actually would be used for the perpetuation of cemetery lots and other property coming under the jurisdiction of the cemetery association.

The State Banking Department, under the provisions of my bill, also would be empowered to examine securities purchased by commercial cemetery associations to further insure proper execution of the maintenance fund. Likewise, an annual report would be required to the Quarter Sessions Court of the County in which the cemetery was located.

This, I believe, is an important piece of legislation; one that will have a strong value in combating fraudulent land deals in this state and protecting the savings of thousands of Pennsylvanians who have been victimized in recent years.

I now offer this bill for your consideration.

The SPEAKER. The bill will be filed with the Clerk.

PERMISSION TO ADDRESS HOUSE

Mr. SARGE asked and received unanimous consent to address the House.

I take the privilege of calling your attention to a very important issue..... one that I believe is essential if we are to regard the importance of economical government, and that, I might add, has been the basic reason for the success with which the James administration has operated since 1939. During the session of 1939 methods were inaugurated which saved considerable sums in printing. Further improvement is necessary and possible.

I am greatly concerned with the matter of bill printing for I believe this is one of the most abused privileges connected with the mechanism of the state legislature.

For years, now, the state has been saddled with the exorbitant cost of printing thousands of bills, most of which are impractical and improvident and I see no reason why this custom should continue.

The discontinuance of unnecessary legislation will smooth out the course of practical legislation because the very act of preventing the hopper from becoming overcrowded will prevent a cluttering of the calendar and better enable legislators to focus their attention on vital issues.

The process of elimination figures here for it stands to reason that we, as lawmakers, will be better qualified to concentrate on a minor number of important bills rather than have our perspective confused by a haphazard flow of inconsequential measures which contribute absolutely nothing to the well being of the people of this Commonwealth.

I cannot help believe that many of these bills are created purely in a hope of attracting political publicity and I reiterate my contention that I do not believe the people of this state should be obliged to pay for this privilege.

We all know that only a small percentage of these bills have a ghost of a chance of ever reaching the statute books. In 1937 more than three thousand measures were introduced in the General Assembly and of this number only 756 were ever enacted into law.

This drives home my point precisely and I commend this to your attention, gentlemen, as a matter affecting in great detail the course of government procedure so that we as legislators may feel that we have fulfilled our obligations to the people of this Commonwealth.

Therefore, I now submit a resolution to study this matter further by a special committee..not a study confused with other studies..but specially considered.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

CONGRATULATORY RESOLUTION

Mr. CORRIGAN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, April 9, 1941.

Whereas, In accordance with the rules governing such business the meeting opened on April 7, 1921, with a prayer by the officiating clergyman; and

Whereas, To the best knowledge of all the members present the reading of any and all journals was dispensed with and the proceedings approved by a unanimous vote; and

Whereas, All references made during the course of the daily business on the above date were thoroughly satisfactory to all parties concerned; and

Whereas, No leave of absence under the circumstances could possibly be granted to the members; and

Whereas, The only agenda on the calendar was passed by all the members present without a dissenting vote; and

Whereas, All resolutions made and introduced by S. Edward Moore and Anne Bacon Moore have been kept inviolate for a period of twenty years; and

Whereas, By action of a majority of the parties above named, a new member was admitted to the general assembly by name of Barbara Anne Moore; and

Whereas, There may or may not be at present unfinished business; and

Whereas, For twenty years S. Edward Moore and his wife have enjoyed a happy and successful marriage; and

Whereas, Any motion to adjourn will never be in order; be it therefore

Resolved, That the House of Representatives felicitates the Honorable S. Edward Moore and his wife on the occasion of their twentieth wedding anniversary; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House of Representatives to the Honorable S. Edward Moore and his wife, Anne Bacon Moore.

The SPEAKER. The Chair recognizes the Parliamentarian of the House, Mr. S. Edward Moore.

Mr. MOORE. Mr. Speaker, this resolution is indeed a pleasant surprise and on behalf of Mrs. Moore and myself, I want you to know how sincerely we appreciate the sentiments and good wishes expressed by the Members of the House today.

PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I arise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, isn't the first hundred years the hardest

The SPEAKER. The gentleman from Delaware should know.

PERMISSION TO ADDRESS HOUSE

Mr. WOODRING asked and obtained unanimous consent to address the House.

Mr. Speaker, I am in receipt of a very beautiful card extending special rights and privileges to Mrs. Woodring as the wife of a member of this House. I understand all of the members of the House have received similiar cards.

The card I received is signed by Elmer Kilroy, Speaker, and in behalf of myself,—and I believe that the other members agree with me—I want to take this opportunity to thank the Speaker for his kindness and consideration in extending this honor to our wives. I want to extend my commiseration to those members who do not have wives and who have not received cards.

The SPEAKER. The Chair is very happy to extend all possible privileges to the members and their wives.

PERMISSION TO ADDRESS HOUSE

Mr. HOLLAND asked and obtained unanimous consent to address the House.

Mr. Speaker, on behalf of the Members of this House who do not have wives, we do not need the married men of this House to extend apologies to us. On the other hand we sympathize with them. If the Speaker of the House would be kind enough to give the single members of the House a lot of blank cards, we would have a lot of places to put them.

The SPEAKER. For the information of the gentleman from Allegheny, he will note at the bottom of the card that it is not transferrable. A single man might abuse the privilege.

PERMISSION TO ADDRESS HOUSE

Mr. BENTZEL asked and obtained unanimous consent to address the House.

Mr. Speaker, I have a very beautiful card in my hand that I just borrowed from a married man. It is very beautifully engraved—you can mark it exhibit A if you care to do so. As a widower and in behalf of a lot of unmarried men in the House I would like to know whether or not some provision could not be made whereby a great many of our lady friends might carry cards of this nature. I have in mind Jimmy McLane. Then we have quite a few men in this House who are unmarried. I have reference to Stuart Helm, to Mr. McClester, Mr. Leydic and quite a few more. We as an organization protest, Mr. Speaker. We think we should receive a card of some kind whereby we too would have an entree to some of the things these married members of the House have.

The SPEAKER. For the information of the gentleman from York the Chair is of the opinion that all the Members ought to be married.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtain unanimous consent to address the House.

Mr. Speaker, I have great sympathy for my friends Felix Bentzel, Stuart Helm, Albert McClester, Jimmy McLane and some of the others he mentioned as not being included in that exclusive class of happily married men. On the other hand I just heard the gentleman from Lebanon, Mr. Sarge, introduce a resolution, after a very earnest plea for economy, in which he said he thought we ought to have a committee to investigate printing, to keep down the cost to the taxpayers. Knowing the gentlemen who have been mentioned and others who have not, I beg to state that if the Speaker attempted to give them cards for their lady-friends, the printing costs of this Commonwealth would go up exceedingly.

PERMISSION TO ADDRESS HOUSE

Mr. SARGE asked and obtained unanimous consent to address the House.

I want to say, Mr. Speaker, that what annoys me is this matter of expression. It behooves one to beware of

ponderosity and not to indulge in too much verbiage. I would like to ask the Speaker if he will not say to the class that is visiting the House today and who are studying democracy that the question that has just been discussed has nothing to do with democracy.

The SPEAKER. For the information of the gentleman from Lebanon, he missed the boat. The class is not present at this time.

PERMISSION TO ADDRESS HOUSE

Mr. FLYNN asked and obtained unanimous consent to address the House.

Mr. Speaker, I received a card from one of my constituents and I am at a loss as to the proper procedure. I will read the card:

"Mr. Edward Flynn, LaPorte, Sullivan County, Pennsylvania. Dear Sir: I voted for you. Please try to find me a nice young woman for housekeeper. Respectfully, George Breitmeier, Jonestown, Pa."

The SPEAKER. It should be signed "Yours Hopefully"

Mr. FLYNN. Mr. Speaker, he did not state whether he preferred a blonde, brunette or red-head, but I thought since you are issuing cards to members' wives, you may be able to issue him a card offering him consolation which will be an incentive for him to get a woman.

PERMISSION TO ADDRESS HOUSE

Mr. VOLDOW asked and obtained unanimous consent to address the House.

Mr. Speaker, I have just received a telephone call from Mrs. Voldow. who asked me to advise the Speaker that she is very much married and desires a card.

The SPEAKER. She will get it.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Shaw who is also a bachelor but still hopeful.

PERMISSION TO ADDRESS HOUSE

Mr. SHAW asked and obtained unanimous consent to address the House.

Mr. Speaker, I would ask the Speaker to advise the gentleman who read the postcard he has received, that that does not fall within the province of the Chairman of the Welfare Committee, who handles other matters of assistance but does not handle matters of that kind.

The SPEAKER. The parliamentarian advises me he understands the problem comes under Ways and Means and not Welfare.

PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, it sounds more like Public Assistance than Ways and Means.

PERMISSION TO ADDRESS HOUSE

Mr. HEWITT asked and obtained unanimous consent to address the House.

Mr. Speaker, after having served in this Session for three months I am fully convinced that the Speaker needs no defense. However, I rather resent the remarks of the gentleman from Delaware. These cards came from the Speaker and not from the State.

PERMISSION TO ADDRESS HOUSE

Mr. DALRYMPLE asked and obtained unanimous consent to address the House.

Mr. Speaker, as I recall yesterday the first termers were called into the caucus room for instructions. Now, if these bachelors will come into the caucus room after the adjournment of this afternoon's session I will be glad to volunteer, as a married man, to give them instructions. I can instruct them out of twenty years of experience as a married man, and I am sure I agree with Mr. and Mrs. Moore. We can possibly get other instructors to assist.

The SPEAKER. After twenty years anything can happen.

REQUEST TO USE HALL OF HOUSE

Mr. O'BRIEN. Mr. Speaker, I ask consent of the House to use the House next Tuesday for a public hearing before the Liquor Control Committee at ten o'clock a. m.

The SPEAKER. Will the House give its unanimous consent? Is there objection?

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I know the problem we have been having in providing sufficient space for large hearings, but it seems to me it is a bad policy to permit the use of the Hall of the House on days we have sessions at noon for hearings at ten o'clock. It ought to leave enough time, but I remember the last hearing we had there was some question about it.

Some Members must use their desks, the only space they have for work. If the hearing is so large that it cannot be held in the old Caucus Room or in the present Caucus Room, then it seems to me we ought to secure permission to use the Forum where there is plenty of room for holding hearings and it does not disturb or interfere with the work of the House. If the hearing continues close to the time for the session to convene, you will not disrupt and disturb conditions that leave it somewhat hard to organize the House. I remember at one of these hearings the Speaker had a great deal of difficulty in getting the House to order, and getting the visitors off the floor of the House. That is a burden we ought not put on the Speaker. I would ask the gentleman from Philadelphia to try and find another place for his hearing other than the Hall of the House.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, supplementing very briefly what was said by the gentleman from Delaware, Mr. Turner, I might particularly call attention to the fact that we are coming very close to the end of the session, we hope, and the calendar is long. As far as the gentleman from Delaware is concerned and as far as I am concerned, we have our own offices with our files as do some of the gentlemen on the other side. Chairmen of committees have their own

offices and their own files, but most of the Members want to look over the calendar in the morning or look over the bills and they must come to the House early for that purpose. They have no other place to get this information. I think that is an important matter to be taken into consideration in reference to the use of the Hall of the House at any time, prior to a session on any day, particularly on a Tuesday.

The SPEAKER. The gentleman from Philadelphia, Mr. O'Brien withdraws his request for the use of the House for next Tuesday. The understanding of the Chair is that the hearing will be held in the new House caucus room.

For the information of Chairmen of various Committees, when hearings are too large for the House Caucus room, the Forum in the Educational Building can be obtained at the request of the Chairman. This will not inconvenience the individual members nor will it interfere with the filing of bills on the member's desks.

COMMITTEE MEETINGS

The following Committee meetings were announced:

Professional Licensure, Thursday, April 10 at 9:30 a. m. in Room 246.

There will be a Public Hearing before the Committee on State Government on House Bill No. 849 on Wednesday, April 16, 1941 at 6:00 p. m. in the Forum.

There will be a Public Hearing before the Committee on Liquor Control on House Bill No. 259 on Tuesday, April 15, 1941 at 10 a. m in the New House Caucus Room.

ADJOURNMENT

Mr. PETTIT. Mr. Speaker, I move that this House do now adjourn until Thursday, April 10, 1941, at 10 a. m.

The motion was agreed to, and (at 2:30 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

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HOUSE OF REPRESENTATIVES

THURSDAY, April 10, 1941

The House met at 10 a. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. DONALD McFALL offered the following prayer:

Almighty God, we beseech Thee to grant Thy blessing upon all of this House of Representatives, its members, its officers, its visitors. As each journeys homeward may he be conscious of the fact that before he returns to this place, there will be great days observed within the Christian Church throughout the world. Grant, O God, that each might seriously consider that which marks Good Friday, and especially Easter Sunday. May the story of Easter Morn encourage us to seek to do Thy will in all things. Bless the homes represented within this House. Be with thy servants everywhere, and may we return, better men, than when we went away. Hear our prayer, we ask in the name of Jesus, the Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. WAGNER unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. GRYSKEWICZ. HOUSE BILL No. 1178.

An Act providing that the compensation of tax collectors shall be fixed by the taxing authorities at least ninety days prior to their election.

Referred to the Committee on Municipal Corporations.

By Mr. HUNTLEY. HOUSE BILL No. 1179.

An Act to amend section four of the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1595), entitled "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts," by regulating also the appointment of special deputy sheriffs and prohibiting the use of such deputies as "strike breakers" in cases involving labor disputes but authorizing sheriffs to appoint and arm special deputies for certain purposes who may be compensated for their services, mileage and expenses out of private funds or local, State or Federal appropriations, or by the proper county when appointed to preserve public peace or to patrol the highways in case of an emergency.

Referred to the Committee on Labor.

By Mr. MARKS. HOUSE BILL No. 1180.

An Act to further amend clause (j) of section two hundred and eight of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on pay-rolls to provide for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by setting up preferences for veterans when promotions among eligibles are to be made.

Referred to the Committee on Labor.

By Messrs. WEISS and MUNLEY. HOUSE BILL No. 1181.

An Act abating certain tax penalties and interest on unpaid county, city, (except cities of the first and second class) borough, town, township, school district, (except school districts of the first class), poor district and county institution district taxes, prohibiting the sale of real property for the nonpayment of any such taxes for a certain period, and preserving certain tax liens, and providing for the extension thereof.

Referred to the Committee on Municipal Corporations.

By Mr. DAVID P. REESE. HOUSE BILL No. 1182.

An Act to increase the usefulness of the Farm Show Building and Arena; providing for holding of various exhibitions and shows; creating State show commissions as departmental administrative commissions in various departments and agencies of the State government; and making appropriations.

Referred to the Committee on Agriculture.

By Mr. COCHRAN. HOUSE BILL No. 1183.

An Act making an appropriation to the Department of Highways for the construction of a bridge over the Youghiogheny River at the City of Connellsville, and for the necessary approaches thereto.

Referred to the Committee on Highways.

By Mr. COCHRAN. HOUSE BILL No. 1184.

An Act making an appropriation to the Department of Highways for the construction of a bridge over the Youg-

hiogheny River between the borough of South Connellsville and the borough of Dunbar, and for the construction and extension of the necessary approaches and connecting highway.

Referred to the Committee on Highways.

By Messrs. GOODWIN and SHAFFER.

HOUSE BILL No. 1185.

An Act to further amend section five hundred and two and section five hundred and four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring submission of all plans for public improvements to the county planning commission for approval, and prohibiting the recording of plans and sales of lots before their approval, under penalties.

Referred to the Committee on Counties.

By Messrs. BONEY and KOMOROFSKI.

HOUSE BILL No. 1186.

An Act to amend clause (c) of section three of the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government and colrts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of the employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue, subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," redefining the term "employer" to include the Commonwealth of Pennsylvania or any political sub-division thereof.

Referred to the Committee on Labor.

By Mr. ACHTERMAN. HOUSE BILL No. 1187.

An Act for conveyance to the United States of America of title in and to certain land compromising the Marcus Hook Pennsylvania Quarantine Station property, and ceding to the United States jurisdiction over said land.

Referred to the Committee on State Government.

By Mr. O'BRIEN. HOUSE BILL No. 1188.

An Act to amend section six hundred ninety-nine and four-tenths of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," increasing the penalties for performing worldly employment, games or diversion on Sunday.

Referred to the Committee on Law and Order.

By Mr. McLANE. HOUSE BILL No. 1189.

An Act to further amend section two of the act approved the seventeenth day of June, one thousand nine hundred and fifteen, (P. L. 1012), entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rate of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," by reducing the rate of interest on loans in certain cases.

Referred to the Committee on Banking.

By Messrs. WILLIAMS and O'NEILL.

HOUSE BILL No. 1190.

An Act relating to coal stripping operations; providing for the health and safety of persons employed therein; and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports; and prescribing penalties.

Referred to the Committee on Mines and Mining.

By Messrs. McLANE and O'NEILL.

HOUSE BILL No. 1191.

An Act to further amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon board having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by further extending the time for present employes, as defined in the act, to elect to be covered by the retirement system.

Referred to the Committee on Education.

By Mr. ROSENFELD (By request).

HOUSE BILL No. 1192.

An Act licensing roller skating and ice skating rinks; conferring certain powers and duties on the Department of Revenue; and providing penalties.

Referred to the Committee on State Government.

By Messrs. CROOP and KOMOROFSKI.

HOUSE BILL No. 1193.

An Act to further amend section fifty of the act approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating the taking of eels.

Referred to the Committee on Fisheries.

By Mr. HARKINS. HOUSE BILL No. 1194.

An Act to amend sections two and three of the act approved the eleventh day of May, one thousand nine hundred and eleven, (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended, by providing for the issuance of certificates of approval for weights and measures of county, city, and borough sealers.

Referred to the Committee on Municipal Corporations.

By Mr. McFALL. HOUSE BILL No. 1195.

An Act to amend article three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the formation of State and county associations of assessors or other assessing and taxing officers; providing for the organization, operation and meetings thereof; and imposing the duty of paying certain expenses connected therewith upon counties.

Referred to the Committee on Counties.

By Mr. IMBRIE. HOUSE BILL No. 1196.

An act to amend section two hundred nine and to add section three hundred twenty to article three of the act, approved the fifth day of March, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by regulating the depositing of certain funds of cemetery associations with a bank or banking institution as trustee and requiring such trustee to make reports and file a bond; and requiring the examination of securities in which such funds are invested by the Department of Banking.

Referred to the Committee on Corporations and Industry.

By Mr. HARKINS. HOUSE BILL No. 1197.

An Act to amend Sections 201, 202, 204, 205, 211 and 805 of the act, approved the fourth day of May, one thusand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," changing certain provisions relating to the incorporation of new boroughs, and providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more, and for the organization of the government therein.

Referred to the Committee on Boroughs.

By Mr. HARKINS. HOUSE BILL No. 1198.

An Act to add subdivision (e) to article two and to amend section eight hundred five of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more by referendum, and prescribing the procedure therefor.

Referred to the Committee on Boroughs.

By Mr. BOIES. HOUSE BILL No. 1199.

An Act to further amend subsection (e) of section six hundred fifteen, clause (e) of section six hundred fifteen and one-tenth and section six hundred sixteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," further regulating the suspension of, and the deprivation of the privilege of applying for operators' licenses and learners' permits, and appeals to court from such suspension and deprivations.

Referred to the Committee on Motor Vehicles.

By Messrs. RONALD L. THOMPSON and GOODWIN. HOUSE BILL No. 1200.

An Act authorizing and directing the Legislative Reference Bureau to compile, edit and publish, a compilation of laws relating to townships of the first class; and making an appropriation.

Referred to the Committee on Townships.

By Messrs. WOODRING and LONGO. HOUSE BILL No. 1201.

An Act relieving all counties and officers thereof of liability for damages sustained by persons in the Commonwealth to property, as a result of riots, strikes or illegal or improper conduct.

Referred to the Committee on Counties.

By Messrs. WOODRING and EARLY. HOUSE BILL No. 1202.

An Act to further amend section one thousand four hundred and eighteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commnwealth of Pensylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing full reimbursement for free transportation of pupils in certain cases.

Referred to the Committee on Education.

By Messrs. VOLDOW and ROSENFELD. HOUSE BILL No. 1203.

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

Referred to the Committee on Appropriations.

By Mr. HIRSCH. HOUSE BILL No. 1204.

An Act to license and regulate and to promote competition in the business of purchasing contracts arising out of retail installment sales; prescribing the form of such sales; imposing said licensing and regulation in the De-

partment of Banking; imposing duties in and granting powers to the Department of Banking in the classification of retail installment sales and contracts arising therefrom, and in fixing and prescribing maximum charges for the extension of credit in retail installment sales; and prescribing penalties.

Referred to the Committee on Banking.

By Mr. KEENAN. HOUSE BILL No. 1205.

An Act to amend subsections (b) and (c) of section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

Referred to the Committee on Counties.

By Mr. KEENAN. HOUSE BILL No. 1206.

An Act to amend sections five, eight, and nine of the act approved the twenty-fourth day of July, one thousand nine hundred and thirteen (P. L. 965), entitled "An act defining commodities; regulating the sale thereof; and providing penalties for violation thereof," as amended, by eliminating the requirement of intent to defraud in violation under this act; by changing the penalties for violation hereof; and by providing for the seizure of commodities not labeled to conform to the provisions hereof.

Referred to the Committee on Judiciary Special.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 285. (HOUSE BILL No. 1207).

An Act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class, and on unpaid delinquent poll, poor district, institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens and providing for the extension thereof.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 80 (HOUSE BILL No. 1208).

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

Referred to the Committee on Labor.

SENATE BILL No. 1. (HOUSE BILL No. 1209).

An Act providing that when inmates of an orphans' home or other children's institution, or private home, are maintained at the cost of any county, and attend public school and are not legal residents of such school district, the county shall pay the tuition charges and collect the same from the school district liable therefor.

Referred to the Committee on Education.

SENATE BILL No. 24. (HOUSE BILL No. 1210).

An Act defining and prohibiting unfair sales providing remedies for violations thereof, and establishing penalties therefor.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 58. (HOUSE BILL No. 1211).

An Act to further amend section nine of the Act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, three hundred sixty-three), entitled "An act relating to the organization, jurisdiction, and procedure of the Orphans' Courts; the powers and duties of the judges thereof; and appeals therefrom," as amended on the twenty-sixth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, three hundred forty-nine), by extending the jurisdiction of the Orphans' Court to supervision and enforcement of gifts for charitable uses, even though such gifts have passed out of fiduciaries now subject to the jurisdiction of the Orphans' Court directly to corporations or others charged with their administration.

Referred to the Committee on Judiciary General.

SENATE BILL No. 172 (HOUSE BILL No. 1212).

An Act to amend section eight hundred one and nine hundred seventy-six of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by further defining parties and political bodies providing procedure for rejection of nomination petitions papers or certificates in certain cases imposing duties on the Governor and the Attorney General and imposing additional duties on county boards of elections the Secretary of the Commonwealth and the courts.

Referred to the Committee on Elections.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. SARGE. (Concurrent) RESOLUTION No. 75.

In the House of Representatives, April 8, 1941.

The vast number of bills introduced during a legislative session which are never reported to the House or Senate by the committee to which they were assigned has added tremendously to the cost of a legislative session.

During the session of 1935 three thousand five hundred and thirteen bills were introduced and only five hundred and eighty-seven were finally passed; during the 1937 session two thousand nine hundred and ninety-nine were introduced and only seven hundred and fifty-six were

passed; and during the 1939 session two thousand and seventy-three were introduced and five hundred and forty-nine were passed.

It often happens that at one session a half dozen bills bearing on the same subject and seeking the same remedy are introduced, which practice aids materially in increasing the number of bills that remain in committee.

During the past three regular sessions a total of eight thousand five hundred and eighty-five bills were introduced and one thousand eight hundred and eighty-two were passed.

This situation demands a remedy in order to cut down the useless cost of printing bills, and eliminates waste occasioned by the handling and filing of bills that should not have been introduced and printed.

In order to arrive at some remedy for this waste of money and work, a special study should be made of the condition by a commission charged with no other duty; therefore be it

Resolved (if the Senate concur), That a committee of three members of the House of Representatives to be appointed by the Speaker of the House, three Snators to be appointed by the President pro tempore of the Senate, and three persons to be appointed by the Governor, is hereby created whose duty it shall be to make a study of the question of the introduction of bills in the legislature and endeavor to arrive at some method which could effectively be used in reducing the number of bills introduced and printed and to report its findings to the regular session of the legislature to be convened in January, one thousand nine hundred forty-three.

The said committee shall organize immediately after its appointment and elect a chairman and a secretary from its membership and appoint any clerks or stenographers necessary to carry out the purpose of this resolution.

The members of the commission shall receive no compensation but shall be reimbursed for any necessary traveling and living expenses actually incurred in the performance of the duties hereby imposed.

An item of five thousand dollars shall be inserted in the general appropriation bill for the purpose of paying such expenses and the salaries of such clerks and stenographers, appointed by the committee.

Referred to the Committee on Rules.

By Mr. JEFFERSON. RESOLUTION No. 76.

In the House of Representatives, April 9, 1941.

Whereas, Music is the agency that synchronizes and soothes the feelings of mankind, and, at the same time, creates an emotional reaction that brings ease to the mind and solace to the soul; and

Whereas, Music, from time immemorial, has been intended by mankind to create an emotional response which is fitting and proper for particular occasions in man's life; and

Whereas, Music can be best appreciated when it is performed under proper circumstances; and

Whereas, The commercialism of today, and the resultant swing or jazz arrangements of certain music, is in absolute derogation of the composer's or creator's expression of such music; and

Whereas, The songs known as spirituals and folk songs have meant a great deal in the development of the American negro, and have been a great cultural contribution by him to the development of American music; and

Whereas, Spirituals are symbolic of the deep religious devotion of the American negro to his God and creator; and

Whereas, Today negro spirituals are being used by leading orchestras throughout the country in jazz and swing arrangements, which are nothing but ribald desecrations of such beautiful music; therefore be it

Resolved, That the House of Representatives request all radio broadcasting stations in this Commonwealth to cooperate with it in its attempt to have the spiritual and folk song assume its proper place in our cultural life by limiting the use of such music to religious occasions or to programs of a religious nature on the Sabbath day or other religious holiday, and by also eliminating the jazz and swing arrangements of such music which tend to desecrate it; and be it further

Resolved, That the Chief Clerk of the House mail a copy of this resolution to all radio broadcasting stations in this Commonwealth, in order to apprise them of the feeling of the membership of the House towards these great songs.

Referred to the Committee on Rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. GERARD, asked and obtained permission for the Committee on Mines and Mining to meet during the session of the House.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 9, 1941.

Whereas, The future of this great Nation depends upon its youth and their capacity to uphold the standards established by their forefathers to safeguard the American way of life; and

Whereas, lean living and healthful sports are conducive to the development of both virility and morality, and the first essential of capacity to carry on is youth's physical equipment; and

Whereas, One who has lived in our midst for well nigh four score years has by his example and industry made it possible to develop in the ranks of clean sportsmanship exemplars of the value of physical development and clean living as standards for our youth; and

Whereas, The General Assembly desires to show its appreciation to the citizen who has dedicated his life to the development of youth and maintaining their ideals on high standards; therefore be it

Resolved (if the House of Representatives concur), That the Legislature acknowledges the contribution made to our cultural development by endorsing the celebration of May 17, 1941 as Connie Mack Day; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating for observance this year the 17th of May as Connie Mack Day.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

REPORTS FROM COMMITTEES

Mr. O'NEILL, from the Committee on Professional Licensure, reported as amended, House Bill No. 671, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administration work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of

certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes in certain departments boards and commissions shall be determined" as amended by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction.

Mr. EDWIN F. THOMPSON, from the Committee on Professional Licensure, reported as committed, House Bill No. 678, entitled:

An Act to safeguard life, health and property; defining, regulating and licensing contractors and journeymen engaged in the business of painting, paperhanging and decorating; fixing license fees; providing for the revocation of such licenses and appeals therefrom; creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry, and conferring powers and imposing duties thereon; providing penalties and making an appropriation.

Mr. O'NEILL, from the Committee on Professional Licensure, reported as amended, House Bill No. 993, entitled:

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled, as amended "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by changing the provisions as to fees charged apprentices and students; prohibiting advertising of prices by registrants; requiring all barber shops to be registered; transferring the administration of certain provisions of said act to the State Board of Barber Examiners; and prescribing additional penalties.

Mr. DAVID P. REESE in the Chair

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 470, entitled:

A Joint Resolution proposing an amendment to article three of the Constitution, of the Commonwealth of Pennsylvania by adding thereto section thirty-five.

And said bill having been read at length the first time, Ordered to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 891, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by revising the provisions of said act to the issuance of licenses; and repealing certain sections.

And said bill having been read at length the first time, Ordered to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 751, entitled:

An Act to amend section two thousand one hundred and one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by fixing the minimum salaries or compensation for paid firemen and paid employes of the fire department in such cities.

And said bill having been read at length the first time, Ordered to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 800, entitled:

An Act providing that investment in shares of any savings or building and loan associations organized under the laws of the Commonwealth of Pennsylvania, which is a member of the Federal Home Loan Bank System, shall be legal investments for certain corporations and certain funds.

And said bill having been read at length the first time, Ordered to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 806, entitled:

An Act to further amend section two thousand five hundred fifty-nine of the act approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto" by abolishing tax collectors' right of distress and sale of goods and chattels for the collection of delinquent per capita, poll and occupation taxes.

And said bill having been read at length the first time, Ordered to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 733, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

And said bill having been read at length the first time, Ordered to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 736, entitled:

An Act to further amend section two thousand five hundred and sixty-three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," changing the penalties and interest imposed for the nonpayment of taxes.

And said bill having been read at length the first time, Ordered to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 762, entitled:

An Act to further amend section twelve of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of li-

censed dogs, and for dogs temporarily imported for trial show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties," permitting dogs kept in a kennel to be taken out for training, exercise or entry in field trials.

And said bill having been read at length the first time,
Ordered to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 404, entitled:

An Act relating to marriage; and amending, revising, consolidating and changing the law relating thereto.

And said bill having been read at length the first time,
Ordered to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 949, entitled:

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by imposing liability on executors, administrators or trustees for real estate broker's commissions in certain cases.

And said bill having been read at length the first time,
Ordered to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 764, entitled:

An Act to add section nine hundred thirty-eight to the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for the establishment, regulation and use of special dog training areas.

And said bill having been read at length the first time,
Ordered to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 668, entitled:

An Act to amend article thirty-two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the laws relating thereto," by adding thereto section 3210.1; providing for exonerations of sewer assessments and the satisfaction of sewer liens and the discharge of properties covered thereby.

And said bill having been read at length the first time,
Ordered to be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1022, entitled:

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from rabies, and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties," permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of non-resident hunting licenses, without securing a Pennsylvania dog license.

And said bill having been read at length the first time,
Ordered to be laid aside for second reading.

The SPEAKER (Elmer Kilroy) in the Chair.

The SPEAKER. The Chair thanks the gentleman from Dauphin, Mr. Reese, for presiding.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 505, entitled:

An Act providing for the licensing bonding and regulation of junk dealers and prescribing penalties

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 252, entitled:

An Act to further amend clause nine of section eight of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" permitting employes to change from the one one-hundred-sixtieth to the one one-hundredth class of contributors to the State Employes' Retirement Fund within a certain time

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 865, entitled:

An Act to amend section one of the act approved the fourth day of April one thousand nine hundred and nineteen (P. L. 38) entitled "An act relating to the parties to writs of scire facias sur mortgage in certain cases and to the title acquired by a sale on a judgment of foreclosure in such cases" making provision for cases where the original mortgagor is dead and validating past proceedings and titles acquired thereby

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1032, entitled:

An Act making an appropriation to the Department of Agriculture for use in controlling combatting or exterminating Japanese beetles

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1126, entitled:

An Act to further amend part of section three hundred and two to amend section three hundred and seven and part of section fifteen hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commnwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" establishing the Surplus Commodities Stamp Fund and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 860, entitled:

An Act to amend sections nine hundred twenty-two and one thousand four of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of canditaes primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commnwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" providing that any candidate defeated for nomination to an office at a primary election shall not be a candidate for the same office at the succeeding election

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. MUNLEY. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court

The first section was read.

On the question,

Will the House agree to the section?

Messrs. SARRAF and KEENAN. Mr. Speaker, We desire to offer the following amendmnts.

The amendments were read by the Clerk as follows:

Amend Section 1, page 3, line 13 by inserting after the word "district" the following: "In which the child is residing at the time of assumption of jurisdiction of the Juvenile Court."

Amend Section 1, page 3, line 19 by inserting after the word "district" the following: "In which the child resides."

The amendments were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to as follows:

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 827, entitled:

An Act to further amend section nine hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating the adoption of the annual township budget the giving of public notice thereof and the filing of a copy with the Department of Internal Affairs

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 482, entitled:

An Act providing a method of annexation of townships of the second class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1005, entitled:

An act to add section six hundred ninety-nine and six-tenth of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency and providing penalties

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1006, entitled:

An Act to add section six hundred ninety-nine and seven-tenth to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it unlawful for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture and providing penalties

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 892, entitled:

An Act authorizing a commission to study recreational facilities available in first class cities imposing powers and duties on said commission and making an appropriation

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. MELCHOIRRE. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1084, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 437, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase gift lease or condemnation on behalf of the Commonwealth of Pennsylvania ten acres of land adjacent to the Daniel Boone Homestead or so much thereof as may be necessary to properly honor the pioneer Daniel Boone on the spot where he was born providing for the control management supervision improvement preservation and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 434, entitled:

An Act making an appropriation to the Pennsylvania Department of Highways for the improvement of roads and parking areas within the Daniel Boone Homestead

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 426, entitled:

An Act making an appropriation to the Pennsylvania Historical Commission to cover the expenses of restoring and maintaining the Daniel Boone Homestead

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 911, entitled:

An Act making hospital records admissible in evidence

in civil proceedings without being proven by the persons who made the same

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 365, entitled:

An Act to further amend section one of the act approved the ninth day of July one thousand nine hundred and nineteen (P. L. 794) entitled "An act providing that estates in building ground books curios pictures statuary and other works of art passing by will to any municipality corporation or unincorporated body for free exhibition within Pennsylvania shall not be subject to collateral inheritance tax and in certain instances the date when such tax shall become due" providing for additional exemptions and for exemptions from collateral inheritance and transfer taxes and extending the provisions of said act to property money and funds passing before or after the effective date of this act including property money and funds passing to any public educational institution museum or gallery of art of or under the control of or wholly or partially maintained or supported by the Federal Government

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 467, entitled:

An Act to amend subsection (f) of section six hundred twenty-eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" requiring licenses issued under the "Uniform Firearms Act" to bear the fingerprints and photograph of the person to whom the license is issued

The first section was read.

On the question,

Will the House agree to the section?

Mr. LEISEY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 628), page 3, line 1, by inserting after the word "hunter's" the following: "or fishing".

Amend Sec. 1 (Sec. 628), page 3, line 2, by inserting after the word "charged" the following: "nor shall the photograph or fingerprinting be required".

The amendments were agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

Mr. LEISEY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, last line of title, by inserting after the word "issued" the following: "in certain cases".

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1039, entitled:

An Act to further amend section one of the act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (P. L. 129) entitled "An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same" by further regulating retirement allowances and providing for the return of contributions in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I notice that the Members have been introducing amendments generally without sending a corbon copy to the floor leaders. It would be well to follow the practice which was adopted at the last session, and which I think was meant to be followed at this session, of giving copies of the amendments to the floor leaders. Otherwise, the floor leaders may find it necessary to hold up the reading of the amendments until those interested in the bill have a chance to write them down. It will greatly delay the proceedings of the House. If the Legislative Reference Bureau, the Attorney General's office or whatever other places are preparing amendments do not furnish enough copies, arrangements ought to be made to supply sufficient copies to the members so that one copy can be furnished to each of the floor leaders, and each floor leader in turn can give it to the Members on his side of the House who are interested in the particular bill.

I call this to the attention of all of the Members of the House because from now on I think the House is going to be busy, and it would be bad practice for the House to take time to read and study the amendments from the desk. The work of the House will be carried on a lot easier if extra copies are prepared.

The SPEAKER. The Chair appreciates the remarks of the gentleman from Dauphin concerning amendments offered without the knowledge of the floor leaders. The Chair requests Members offering amendments to give a copy to each floor leader before they are considered. If you do not have a sufficient number of copies, request them from the Legislative Reference Bureau. The Desk requires four copies. The Reference Bureau can easily furnish six copies.

BILLS PASSED OVER

There being no objection House Bill No. 854, Printer's No. 253 was passed over at the request of Mr. ACHTERMAN.

There being no objection House Bill No. 236, Printer's No. 126, was passed over at the request of Mr. HARKINS.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1092, as follows:

An Act making an appropriation for the expenses of the committee of the House of Representatives created by House Resolution Serial Number forty-nine adopted the nineteenth day of February one thousand nine hundred forty-one

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the committee created by House Resolution Serial Number forty-nine adopted the nineteenth day of February one thousand nine hundred forty-one and authorized thereby to make an investigation of the causes and reasons for gas main explosions in the city and county of Philadelphia for the payment of the expenses of such investigation by the committee including the cost of subpoenas witnesses witness fees stenographic service the wages or other compensation of necessary clerical assistants and any other expenses of every kind and description which may be authorized by a majority of the committee in connection with the conduct of its work

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. D'ORTONA. Mr. Speaker and members of the House,

As Chairman of a Committee of this House, appointed to investigate a terrible catastrophe in South Philadelphia, which resulted in the death of five persons by explosion and burning, in injury to more than sixty persons, and vast destruction of property, I rise to ask support of this House for the appropriation requested by the Committee.

The Committee has proceeded with the investigation thoroughly and expeditiously. After organization we selected James F. Masterson, as counsel for the Committee, and sought expert engineering and chemical advice. We requested Mr. Wm. H. Gravell, an eminent engineer, and Dr. Louis Gershenfeld, professor of chemistry at the Philadelphia College of Pharmacy and Science to co-operate with the Committee. We explained to these gentlemen that no appropriation had been granted the Committee, but that we felt that this body would make an appropriation to compensate them for such services as would become necessary in making the investigation.

Our counsel and engineers have spent days and nights on this investigation. We held three all day public hearings and two public night hearings lasting until 11 P. M. We held these hearings during both the day and evenings to give the public an opportunity to be heard. We have heard every citizen we could locate or who volunteered who could throw any light on the subject matter under investigation. We gave the City of Philadelphia the same opportunity, and we have heard from responsible employes and officials who were in a position to know the true conditions. The testimony taken up to the present time covers approximately six hundred pages. We are now affording the Philadelphia Gas Works Company the same opportunity to produce whatever records or facts it has in its possession to show the cause of this frightful tragedy.

We have learned many things with respect to the conditions of the water system of the City of Philadelphia, and the gas main system of the Philadelphia Gas Works Company.

From the beginning of this investigation the Committee has had in mind the idea that if at all possible such tragedies should be prevented in the future, and it is our purpose when the investigation is completed to recommend to this House legislation which may eliminate some of the fundamental, underlying causes which led to these explosions.

The 20th Century Fox Film Corporation took about six hundred feet of film of the scene, but most of it was so gruesome that the negative was not printed. However, the company agreed to show the negative to the Committee and when the Committee saw it, it was determined to have the negative printed and to purchase a copy so that it can be shown to this House when the report of this committee is made.

Our counsel and engineers have worked day and night in preparing the testimony which has been produced before the Committee, and that which remains to be heard. A great deal of physical investigation has been done including chemical analysis of the soil, physical examination of the scene, buildings, pipes, and investigations into the records of the City of Philadelphia with respect to alleged breaks in the water and sewer systems.

The members of the Committee having to be in Harrisburg in connection with their duties here, the work of preparation for the hearings naturally devolved upon our counsel and the engineers, and these men devoted practically all of their time from February 20th to April 4th to matters affecting this investigation.

It is believed that additional experts will have to be obtained upon the conclusion of the testimony of the Philadelphia Gas Works Company, as we propose upon the completion of the testimony to seek the advice of eminent gas engineers to see if improvements could be made in the manner of gas and water distribution, and what precautions can or should be taken to avoid any such future catastrophe.

It certainly requires no argument on my part to convince the members of this House, and without prejudging the investigation, that gas mains and water pipes laid 50 to 75 years ago cannot be in good condition, and the Committee intends to seek the advice of the best engineers available on the subject in order to protect, if possible, by law the lives and properties of the citizens against any recurrence of such a frightful tragedy.

In these days of safety drives to protect the lives and limbs of citizens from the operators of automobiles, railroads, industrial accidents, etc., it seems to this Committee that there should be some way of requiring by law, measures which science has developed to protect and guard the lives and properties of our people from damage and injury caused by pipes carrying gas and water under city streets, and into the homes of our people, who have elected us to provide laws for their safety.

I would, therefore, request that the House pass the appropriation bill as recommended by the Committee.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 152

Achterman,	Finnerty,	Lovett,	Rhea,
Allmond,	French,	Malloy,	Riley,
Baker,	Gallagher,	Marks,	Rooney,
Balthaser,	Gates,	Maxwell,	Rose, S.,

Baugher,	Gerard,	McClanaghan,	Rose, W. E.,
Bentzel,	Goodwin,	McDermott,	Rosenfeld,
Boies,	Gryskewicz,	McFall,	Royer,
Boney,	Haberlen,	McGrath,	Rush,
Boorse,	Haines,	McIntosh,	Sarraf,
Bower,	Hall,	McLanahan,	Scanlon,
Bradley,	Hamilton,	McLane,	Schwab,
Breth,	Harkins,	McMillen,	Shaffer,
Brunner, C. H.,	Harmuth,	McSurdy,	Shaw,
Brunner, P. A.,	Harris,	Melchiorre,	Sollenberger,
Burns,	Heatherington,	Modell,	Stank,
Burris,	Hering,	Monks,	Stine,
Cadwalader,	Herman,	Moran,	Tarr,
Chudoff,	Hersch,	Moul,	Tate,
Cochran,	Hirsch,	Munley,	Turner,
Cohen, M. M.,	Holland,	Nunemacher,	Verona,
Cohen, R. E.,	Huntley,	O'Brien,	Vincent,
Cook,	Imbrie,	O'Connor,	Vogt,
Corrigan,	Jefferson,	O'Mullen,	Voldow,
Croop,	Jones, G. E.,	O'Neill,	Wagner,
Cullen,	Keenan,	Owens,	Weingartner,
Dalrymple,	Kenehan,	Petrosky,	Weiss,
Dennison,	Kline,	Pettit,	Welsh, E. B.,
DiGenova,	Knoble,	Polaski,	Welsh, M. J.,
Dix,	Kolankiewicz,	Polen,	Williams,
Dolon,	Komorofski,	Powers,	Wolf,
D'Ortona,	Krise,	Prosen,	Woodring,
Duffy,	Lee, T. H.,	Rausch,	Woodside,
Early,	Leisey,	Readinger,	Wright,
Eckels,	Lesko,	Reese, D. P.,	Yeakel,
Elder,	Levy,	Reese, R. E.,	Yester,
Elliott,	Leydic,	Regan,	Young,
Falkenstein,	Lichtenwalter,	Reynolds,	Kilroy,
Finestone,	Longo,		Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 393, Printer's No. 235, was passed over at the request of Mr. VOLDOW.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 583.

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey two certain plots of land.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

With the information that the Senate has passed the same without amendment.

PERMISSION TO ADDRESS HOUSE

Mr. McCLESTER asked and obtained unanimous consent to address the House.

Mr. Speaker, we have a Member of this House who by his genial personality, love for fair play and magnanimous generosity has endeared himself to every member of this august body. Although it is not generally known he never turns down a request for financial assistance whether it be large or small (exclusive of fellow members). Only last week he heeded a call and made a very worth while bequest and not only did that but assured the recipients that he would be glad to increase his donation one hundred fold for the following year.

The Easter Season is upon us and the spirit of generosity gets into every person's anatomy. So in keeping with the spirit, Mr. Speaker, we the friends of the party referred to wish to express our appreciation. Will you therefore, Mr. Speaker, appoint a committee to escort Hon. Kenneth L. Leydic, the gentleman from Allegheny County, to the rostrum to receive said token of appreciation in the form of an Easter Basket.

The SPEAKER. The Chair at this time appoints Messrs. McMillen, and Helm, to escort the gentleman from Allegheny, Mr. Leydic to the rostrum.

It is with a great deal of pleasure that the chair presents Easter Greetings, very much alive, to the gentleman from Allegheny, Mr. Leydic. I hope he has a very happy Easter holiday. The Members having asked the gentleman from Allegheny Mr. Leydic to make a speech, the Speaker yields.

Mr. LEYDIC. Mr. Speaker, and gentlemen, it is a pleasure to be here on such a grand morning and to be presented with something that is near and dear to my heart. I am not so sure what is in the bottom of this basket. I wish you all a grand and glorious Easter.

RESOLUTIONS

SYMPATHY EXTENDED

Mr. FRENCH offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, April 10, 1941.

From Washington flashes the news of the passing of another outstanding national figure, in the death of United States Senator Morris Sheppard of Texas, widely known as the "Father of the Eighteenth Amendment," and as Chairman of the presently most important Senate Military Affairs Committee, having charge of all measures for national defense.

Senator Sheppard was a veteran in Congress, having first entered the House of Representatives in 1902, and having served without interruption in the House and Senate until the time of his death. His experience and knowledge of national affairs made his services invaluable, and his loss will be the more keenly felt. Be it, therefore,

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania pay fitting tribute to the memory of a great statesman and patriot and an able leader in the affairs of the National Government; and that this commemorative resolution be spread upon the journal of this House, and a properly certified copy thereof be forwarded to the family of the deceased and to the Senate of the United States in which he served at the time of his death.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 688.

An Act concerning reciprocal agreements for the Interstate Transportation and the support of poor and indigent

persons, and to make uniform the law with reference thereto.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 2, by inserting after the word "Assistance" the following: "(with respect to persons of the classes provided for in the Public Assistance Law) and the Department of Welfare (with respect to persons for whom the County Institution Districts are responsible under the County Institution District Law)"; also in line 3 by striking out after the word "General" the word "is" and inserting in lieu thereof the word "are"; also in line 6, by striking out after the word "persons" the following; "who do not require institutional care because of physical or mental infirmity"; also on page 2 line 4, by inserting after the word "Assistance" the words "and the said Department of Welfare"; also on page 2, line 5, by inserting after the word "state" the following: "All such reciprocal agreements entered into by the said Department of Welfare shall be binding upon the County Institution Districts of this state."

On the question,

Will the House concur in the amendments made by the Senate

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the message from the Senate, together with the bill be laid upon the table.

The motion was agreed to.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 583.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey two certain plots of land

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. HARKINS, from the Committee on Ways and Means, reported as committed, House Bill No. 199, entitled:

An Act to amend the act, approved the sixteenth day of May, one thousand nine hundred forty (Act No. 4), entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money," by further defining moneys transferred to the General Fund.

Mr. SHAW, from the Committee on Ways and Means, reported as committed, House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one; evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectable, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

Mr. SARRAF, from the Committee on Professional Licensure, reported as committed, House Bill No. 649, entitled:

To further amend subsection (c) of section seven of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by providing for the granting of a real estate brokers license to certain persons without examination.

COMMITTEE MEETINGS

The Committee on Municipal Corporations will meet Monday, April 14, 1941 at 8:30 p. m. (before the session) in Room 323.

There will be a Public Hearing before the Committee on State Government on House Bill No. 849 on Wednesday, April 16, 1941 at 6:00 p. m. in the Forum of the Educational Building.

There will be a Public Hearing before the Committee on Liquor Control on House Bill No. 259 on Tuesday, April 15, 1941 at 10 a. m. in the New House Caucus Room.

ADJOURNMENT

Mr. BOWER. Mr. Speaker, I move that this House do now adjourn until Monday, April 14, 1941, at 9 p. m.

The motion was agreed to, and (at 10:59 a. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., MONDAY, APRIL 14, 1941. No. 35.

SENATE

MONDAY, April 14, 1941

The Senate met at 4:30 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Thou kind and Beneficient Father, most definitely are we thankful for this beautiful day with the many evidences of an awakening nature in another springtime. Not one of us should accept these benefications without deep gratitude unto Thee.

And especially are we thankful for another blessed Easter season literally sensed throughout the world. We are grateful for its direct message unto a dying world together with its by-products of such sustaining value unto us all regardless of race, color and creed. May it please Thee to cause Thy message of peace and hope and immortality to be heard and obeyed among the nations of the earth, even those who in this day are engaged in mortal combat. O that men would learn the lesson of arbitration in matters of personal differences and philosophy of life rather than a recourse to arms leaving its long trail of human suffering and death in its wake!

O Father, in these days sober our thinking and correct our living and prune our spiritual growth that we may quit us like men and be strong, putting on the whole armor of God.

This is our prayer here in this Senate today. May it likewise be such throughout the nation for we pray in the name of the resurrected One who possesses all power, wisdom and might. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HEYBURN and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Barr asked and obtained leave of absence for the Senator from Allegheny, Mr. McGINNIS.

Mr. Jaspan asked and obtained leave of absence for the Senator from Philadelphia, Mr. SHAPIRO.

Mr. Geltz asked and obtained leave of absence for the Senator from Allegheny, Mr. WALKER.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 14,, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Miss Beulah Irene May, Pittsburgh, 3216 Grant Building. April 15, 1941.

PHILADELPHIA COUNTY

Miss Katherine D. McDowell, Phila., 112 South 16th Street, April 22, 1941.

ALLEGHENY COUNTY

Elmer L. Woods, Pittsburgh, 1319 Farmers Bank Bldg., April 27, 1941.

McKEAN COUNTY

F. M. Nash, Bradford, April 27, 1941.

PHILADELPHIA COUNTY

Mrs. Sadie Fine, Phila., 1000 Bankers Securities Bldg., April 27, 1941.

YORK COUNTY

A. A. Zeigler, Goldsboro, April 27, 1941.

ALLEGHENY COUNTY

John S. Likovich, Rankin, May 3, 1941.

Clarence L. O'Donnell, Pittsburgh, 805 Brookline Blvd., May 3, 1941.

Albert D. Yost, Dormont, May 3, 1941.

CHESTER COUNTY

Thomas B. Worrall, Kennett Square, May 3, 1941.

CUMBERLAND COUNTY

William Emenheiser, East Pennsboro Twp., 125 Columbia Road, Enola, May 3, 1941.

DELAWARE COUNTY

Frank McClatchy, Upper Darby Twp., 69th and Chestnut Sts., Upper Darby, May 3, 1941.

ELK COUNTY

Alfred Straub, St. Marys, May 3, 1941.

FAYETTE COUNTY

Fred J. Chalfont, Brownsville, May 3, 1941.

FRANKLIN COUNTY

Miss Jessie M. McCleary, Chambersburg, May 3, 1941.

MONTGOMERY COUNTY

Mrs. Nellie S. Dayton, Conshohocken, May 3, 1941.

PHILADELPHIA COUNTY

S. Royden Fanning, Phila., 1421 Chestnut Street, May 3, 1941.
Miss Anna R. Kirschner Phila., 5232 Heston St., May 3, 1941.
Stanley Langman, Phila., 19 North 60th Street, May 3. 1941.
Charles Weinberg, Phila., 4213 Viola St., May 3, 1941.

SULLIVAN COUNTY

L. T. Connolly, Dushore, May 3, 1941.

YORK COUNTY

Mrs. Esther Doll, York, May 3, 1941.

ALLEGHENY COUNTY

Henry Romersa, Turtle Creek, May 4, 1941.

BLAIR COUNTY

Miss Lee Anna Laubacher, Altoona, May 4, 1941.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 14, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

James V. Flanagan, Pittsburgh, 918 Berger Bldg.
Miss Jane M. Heckathorne, Pittsburgh, 406 Law and Finance Building.
John A. Maloney, Pittsburgh, 506 Grant St.

ARMSTRONG COUNTY

Roy M. Gidel, Kittanning.

BEAVER COUNTY

Miss Irene Grosshans, Monaca.
George H. Merrin, Rochester.

BERKS COUNTY

Harold A. Er[illegible], Reading.

BUTLER COUNTY

W. T. Furey, Butler.

CRAWFORD COUNTY

Mrs. Laurene Smith, Meadville.

DELAWARE COUNTY

F. L. Clark, Media.

HUNTINGDON COUNTY

Mrs. Martha J. Smith, Cassville.

LEBANON COUNTY

Arthur U. Nuss, South Londonderry Twp., Campbelltown.

LEHIGH COUNTY

William H. Schellhamer, Allentown.

LUZERNE COUNTY

Bartholomew Collett, Wilkes-Barre.

PHILADELPHIA COUNTY

Walter S. Pytko, Phila., 4476 East Thompson St.

POTTER COUNTY

Mrs. Beryl E. Burrous, Genesee Twp., Genesee.

SCHUYLKILL COUNTY

Miss Mary C. Dauck, Ashland.
Edward J. Gilmore, Mahanoy Twp., Hills Road, Mahanoy City.

TIOGA COUNTY

G. A. Houghtaling, Wellsboro.

WARREN COUNTY

Miss Wilda E. Peel, Warren.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nay were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Jaspan,	Stevenson,
Bartlett,	DiSilvestro,	Kephart,	Stiefel,
Becker,	Ealy,	Lanius,	Tallman,
Carr,	Edmonds,	Letzler,	Taylor,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	Miller,	Tyler,
Coleman,	Geltz,	Mundy,	Wade,
Cox,	Haluska,	Reed,	Watkins,
Crider,	Heyburn,	Ruth,	Wilson, H. I.,
Crowe,	Homsher,	Scarlett,	Woodward,
Deitrick,	James,	Snowden,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBERS OF STATE BOARD OF PUBLIC ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Board of Public Assistance:

Mrs. Harriet D. Phillips, 2336 Brownsville Road, Pittsburgh, Allegheny County, until the third Tuesday of January, 1947. (Reappointment.)

Gilbert S. McClintock, Esq., 44 South River St., Wilkes-Barre, Luzerne County, until the third Tuesday of January, 1947, and until his successor shall have been appointed and qualified, vice John W. Howell, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF PEACE OF FAYETTE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James R. Newton, Everson, Fayette County, for appointment as Justice of the Peace in and for the Township of Upper Tyrone, Fayette County, until the first Monday in January, 1942, to fill a vacancy.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF STATE BOARD OF EXAMINERS OF ARCHITECTS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Henry Y. Shaub, 20½ North Queen Street, Lancaster, Lancaster County, for appointment as a member of the State Board of Examiners of Architects, for the term of six years, and until his successor is appointed and qualified, vice Frederick A. Muhlenberg, resigned.

ARTHUR H. JAMES.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bill of the House, as follows:

House Bill No. 1092, (Senate Bill No. 589), entitled:

An Act making an appropriation for the expenses of the committee of the House of Representatives created by House Resolution Serial Number forty-nine, adopted the nineteenth day of February, one thousand nine hundred forty-one.

Which was committed to the Committee on Appropriations.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 583, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey two certain plots of land.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

APPOINTMENT AS MEMBER OF SUPERIOR COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles E. Kenworthey of Ardmore, Montgomery County for appointment as Judge of the Superior Court of Pennsylvania, vice William M. Parker, resigned, to serve until the first Monday of January, 1942.

ARTHUR H. JAMES.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, on behalf of the Committee on Executive Nominations I report with favorable recommendation the nomination of Charles E. Kenworthey Esq., as a judge of the Superior Court of the Commonwealth of Pennsylvania. The nomination of Mr. Kenworthey came to the Senate the last day of the Session of last week and in the opinion of the Committee on Executive Nominations, due to the high character of the office and in consideration of the Bar of the Commonwealth and the importance of this office, we believe that opportunity should be afforded to members of the Bar of the Commonwealth of Pennsylvania to obtain their reaction upon this appointment.

Mr. President, I am glad to say that since the last session I have seen and have had an interview with Mr. Kenworthey, which was indeed very satisfactory.

I find from the recommendations he has received that he is a man of very marked legal ability, belongs to a prominent law firm in the City of Philadelphia and has received the unanimous recommendation of the State Bar Association for this high office.

I have received also, Mr. President, up to the present time a great many communications, letters and messages of commendation. In fact, I have read a hundred letters or more written to him, or messages delivered to him, by distinguished lawyers and judges of the Commonwealth, all of them advocating his being admitted or being brought

into the judiciary as a member of the Superior Court of Pennsylvania.

He has the recommendation of the Chief Justice of the Supreme Court of the Commonwealth of Pennsylvania and nearly every associate justice of that Court. He has the recommendation and the approval of the President Judge of the Superior Court of Pennsylvania and nearly if not all of the members of that Court. I have received recommendations of him from nearly every judge of the Courts of Common Pleas, and of the Orphan's Court of the County of Philadelphia and adjoining and contiguous counties and even a number of Federal Judges have certified to his character, reputation and training as an able trial lawyer.

Mr. President, I am glad to say that during this interim I have not received nor heard one dissenting voice raised against the confirmation of Mr. Kenworthey and therefore I believe he is the man for the job.

Hence, Mr. President, it affords me very great pleasure on behalf of the Committee on Executive Nominations as well as myself to move that Rule No. 38 of the Senate be suspended and we do now go into Executive Session for the purpose of acting upon and considering the confirmation of this appointee.

Mr. EDMONDS. It gives me very great pleasure to second the motion the gentleman from Bucks, Mr. James, has just made and in doing so I desire to express my appreciation of the careful way which he as an attorney and the other members of the committee have looked into the qualifications of this candidate.

Mr. President, we have before us a candidate who is distinguished for his legal ability and who in addition to that has a personality and a worth which warrants recommending him for public service in this state and I take very great pleasure in seconding the motion of the gentleman from Bucks, Mr. James.

RULE 38 SUSPENDED

By unanimous consent,

A motion was made by Mr. JAMES and Mr. EDMONDS.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. EDMONDS.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Frey,	McCreesh,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Woodward,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. EDMONDS. Mr. President. I second the motion.

The motion was agreed to.

EMPLOYE OF SENATE ELECTED

Mr. CHAPMAN offered the following resolution which was twice read, considered. and agreed to:

In the Senate, April 14, 1941.

Resolved, That Clare A. Berger, Warren, Pennsylvania, be elected Custodian of the Senate basement vice Roy A. Carlson, resigned.

BILLS INTRODUCED

Mr. THOMAS read in his place and presented to the Chair Senate Bill No. 590, entitled:

An Act to amend section one of the act, approved the sixteenth day of May, one thousand nine hundred nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," by making the provisions of the act effective as to sales occurring after its enactment.

Which was committed to the Committee on Judiciary General.

Mr. WADE read in his place and presented to the Chair Senate Bill No. 591, entitled:

An Act making an appropriation to the Lower Allen Fire Company for the protection of State property at the Pennsylvania Industrial School at White Hill.

Which was committed to the Committee on Appropriations.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 592, entitled:

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183), entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

Mr. EDMONDS. Mr. President, this is a bill which proposes to reduce the acreage in Valley Forge Park from five thousand to twenty-five hundred acres, which the members of the Valley Forge Park Commission will meet all requirements.

Which was committed to the Committee on State Government.

Messrs. LETZLER and STEVENSON read in their places and presented to the Chair Senate Bill No. 593, entitled:

An Act to further amend section four hundred one of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Common-

wealth; providing for the titling, including liens, encumbrances, and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garagekeepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by exempting owners of motor vehicles engaged in transportation of farm produce and farm materials from payment of registration fees.

Which was committed to the Committee on Highways.

Mr. HEYBURN read in his place and presented to the Chair Senate Bill No. 594, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Boards, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief board," as amended, by redefining assistance to include work relief, and authorizing the Department of Public Assistance, with the approval of the Governor, to administer work relief projects.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. TALLMAN read in his place and presented to the Chair Senate Bill No. 595, entitled:

An Act to amend clause (f) of paragraph two of section two thousand fifty-four A of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined." by changing the requirements for promotion of employes of the board.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 596, entitled:

An Act to amend clause (a) of section nineteen of the act, approved the fifth day of June, one thousand nine hundred thirty-seven (P. L. 1705), entitled "An act to promote public health, morals, safety, and welfare by providing for the supervision and encouragement of housing; creating a State Board of Housing, a departmental administrative board within the Department of Health; providing for the organization of the board, the appointment and removal of its members; enumerating its duties and powers, including the powers to conduct investigations, issue supoenas, apply to courts for punishments of contempts, make orders, rules and regulations, prescribe forms, require reports, supervise the operations of limited dividend housing companies and housing authorities and their members and employes; acquire property by eminent domain for limited dividend housing companies; commence actions to prevent violations of law and to surcharge members of authorities, supervise rental charged by limited dividend companies, charge fees for services; providing for the selection and removal of the board's employes, providing for appeals from its orders; and making an appropriation," by changing the requirements for promotion of employes of the board.

Which was committed to the Committee on State Government.

Mr. KEPHART read in his place and presented to the Chair Senate Bill No. 597, entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefore.

Which was committed to the Committee on Forests and Waters, Game and Fish.

Mr. STEVENSON read in his place and presented to the Chair Senate Bill No. 598, entitled:

An Act to further amend section two thousand two of the act approved the eighteenth day of May, one thousand nine hundred eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for the admission to State Teachers Colleges of students preparing for occupations other than teaching for cooperation with other agencies in furthering public service programs and activities.

Which was committed to the Committee on Education.

Mr. COX read in his place and presented to the Chair Senate Bill No. 599, entitled:

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

Which was committed to the Committee on Law and Order.

Mr. JASPAN. Mr. President, on behalf of the gentleman from Cambria, Mr. Haluska and myself I wish to present the Chair the following bill and in doing so I ask permission to make a brief statement.

The PRESIDENT. Is there any objection? The Chair hears none. The gentleman from Philadelphia may proceed.

Mr. JASPAN. Mr. President, we feel that we can venture to say without fear of contradiction that if a popular poll were taken as to the most controversial law on our statute books it would be the Law of April 22, 1794, best known as the "Blue Law" or "Sunday Law," and which provides:

> "If any person shall do or perform any worldly employment or business whatsoever on the Lord's day, commonly called Sunday (work of necessity and charity only excepted), shall use or practice any unlawful game, hunting, shooting, sport or diversion whatsoever on the same day and be convicted thereof, every such person so offending shall, for every such offense, forfeit and pay four dollars—That nothing herein contained be construed to prohibit the dressing of victuals in private families, bake-houses, lodging-houses, inns and other houses of entertainment for the use of sojourners, travellers or strangers, or to hinder watermen from landing their passengers, or ferrymen from carrying over the water travellers, or persons removing with their families on the Lord's day, commonly called Sunday, nor to the delivery of milk or the necessaries of life, before nine of the clock in the forenoon, nor after five of the clock in the afternoon of the same day."

together with its supplements modifying some of the rigours of the early law.

Sunday has, from the earliest days, been dedicated to spiritual devotions and as a respite from worldly toil. But things being what they are today, with the whirling of motor cars, eighteen-hole golf, the excursion to the shore or country, not to mention the nine-course dinner mother has to cook over a hot oven for a large, hungry family, there is very little rest for anyone on that day, whatever the degree of participation in spiritual exercises.

The history of the Sabbath or Sunday as it is known in the Christian Church is worth recalling. The ancient institution of the Sabbath was as a stated religious feast—a time for feasting, a time for wearing one's best clothes, a time to eat, drink and be glad. (I quote from Isaiah, LVIII, 13.) It was not until after the Babylonian exile that the Hebrews, from whom stems all our conceptions of the sanctity of the Sabbath, made it a day of total abstinence and restraint. It was to this more ancient law and not the post-exilic law period that Christ appealed when he said "The Sabbath is made for man and not man for the Sabbath." (Matthew, XII, 1-14). The early Christian church adopted this later, post-exilic concept, only changing the Sabbath from the seventh day to the first day of the week because that was the day of the Resurrection. Constantine, in 321 A. D., enacted a law that all courts of justice and inhabitants of town and workship were to be at rest on Sunday, save for agricultural labor. Later, Charlemagne forbade labor of any kind. In England, as early as the Seventh Century, laws were passed forbidding working, marketing or hunting. Then follows a long history that persists down to modern times, but a short portion of which I find time to repeat to you as it concerns the application of Sunday Laws in this State and in the early colonies.

In New England, for example, Sunday was a day of restraint. The Puritans brought with them to this country a fixed idea that the first day of the week, the Sabbath, should be strictly observed. Even in Virginia and New York, where the people were not so strict, there were rigid laws for the ordering of one's conduct on the Sabbath day. In Massachusetts, the law provided that no person should be permitted to walk in the streets on Sunday, except in reverently going to church or returning from the services. It was even considered wrong to have a fire in the church, so that most of the worshippers, unless they were extremely hardy, suffered severely.

The Sabbath began, in New England, at sunset Saturday afternoon, and all work stopped and the children's play hushed to prepare their minds for the coming of the Sabbath. Next morning the whole family arose early. No work, except such as was absolutely necessary, was done. No hot meals were prepared and the dishes were left unwashed until Monday morning. Whether the weather was stormy or fair, the entire household, save the tiniest children, set out for the meeting house, oftentimes several miles distant. The services were long and lasted all day and "noon houses" were provided for the worshippers to stay to eat their dinner. The commencement of the Sabbath on Saturday followed the Jewish Sabbath, as it was the early Jewish laws I have stated which influenced the Sabbath practices in this country.

In Pennsylvania, the strict Sunday observances of the Puritans were matched by the Act of 1794, which was introduced and enforced by the Quakers themselves, but for somewhat different reasons. To understand the severity of these long past days, even in the minds of that religious sect that we have learned to associate with tolerance and regard with great respect, we must regard the Quaker faith of that day, which consisted of a severe discipline in morals and manners. They prohibited every act of life, every amusement and every occupation which interfered with the tranquility of mind which tended to disturb the meditation and repose which were necessary to the development of the inward light. Not only were courts and games of chance forbidden in this Quaker faith, but all games of skill, all kinds of hunting and sports, which they said aroused too much excitement in the mind. Balls and the theatre were equally dangerous; all works of novel, fiction and poetry were condemned; and they were particularly opposed to music. It is easy to see, therefore, why the Quakers carried into the Blue Laws of 1794 the severe rigour of their own lives, especially since they were legislating concerning the Sabbath day.

It has only been at the centers where wealth has accumulated that holy days lost their severity and became holidays. Men who work from dawn to dusk had little time or inclination for diversion of any kind on Sunday, especially so if on a preceding Saturday night he gave himself over to sexual dissipation, gluttony and more likely drunkenness. His weekly life was an alternate cycle of drudgery and indulgence. Nowadays, there is leisure for all. The modern worker, under good conditions, gets his daily, weekly and annual leisure as he gets his daily bread. He even has daylight to waste.

In recognition of these changing conditions, we have been slowly reverting to the ancient Hebrew conception of the Sabbath as a day on which to wear one's best clothes, to eat, drink and be glad. In this State, we have relaxed the Blue Laws to permit certain sports or other

recreational diversions. In neighboring Delaware, recently many of you have read of the dramatic manner in which referendums were provided for to deal with the Sunday Laws. Everywhere are faint rustlings of man's clamor for the Biblical prospect that you cannot live by bread alone and that in his leisure time he must, after performing his devotions in the church of his choice, minister to the cravings of his temporal self as he did to his spiritual self.

Of course, we cannot brush aside Sunday as an irrevelancy, as a day for wreckless worldly pleasures or enterprises, a day that has lost its flavor with the masses completely; on the contrary, it is a day whose enjoyment for holy purposes and meditation and repose is too deeply ingrained in the lives of many God-fearing men and women of Christian faith to be disposed of so capriciously. Such an idea would be wholly unthinkable.

Sunday is, Emerson once said, "the core of our civilization's conduct to thought and reverence" but even he admitted that "it changes its form from age to age." All men do not think alike or act alike, and communities which are but aggregations of man likewise differ in their conception as to how they choose to spend their time. If a community wishes to enjoy its Sabbath in quiet, peace and tranquility of the past, there should be none to say nay. Likewise, if a community desires to enjoy Sabbath in whatever form it pleases, there should be no interference from the minority who do not see eye to eye with the majority. Each community should be allowed to decide for itself by referendum just as was done in Delaware how they choose to enjoy their Sabbath. This method can harm no one and can only help preserve the Democratic process of life.

This is the purpose of my bill and that is precisely what it means. It is simply a case of home rule applied to a subject which can best be solved by the majority of the people in each city, town or township.

In short it authorizes the counties throughout the state through a referendum to repeal the blue laws and their supplement in whole or in part. Now on behalf of the noted liberal Senator John J. Haluska of Cambria County and myself, I read in place and present to the Chair the following bill.

Messrs. JASPAN and HALUSKA read in their places and presented to the Chair Senate Bill No. 600, entitled:

An Act making the performance of worldly business and worldly employment, and the engaging, conducting or participation in any game, sport, hunting, shooting, or any other diversion whatsoever, which is now prohibited by law from being conducted at any time on Sunday, lawful and proper to be conducted on Sunday, providing for referendums to ascertain the will of the electors of any city, borough, town or township of this Commonwealth relative thereto; and repealing inconsistent legislation.

Which was committed to the Committee on Law and Order.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 601, entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 602, entitled:

An Act to further amend section one thousand four hundred and thirty-nine of the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for education of blind children by the Department of Public Instruction, and for the payment therefor out of appropriation made for such purposes.

Which was committed to the Committee on Education.

REPORT FROM COMMITTEE

Mr. KEPHART, from the Committee on Highways, reported as committed, Senate Bill No 30, entitled:

An Act providing for the establishment, construction, maintenance and use of a mountain ridge road or skyway on State forest, game and fish lands in the Pocono Mountains, through or bordering the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike, to be known as the "Rim Parkway"; conferring powers and imposing duties on the Department of Highways; providing for the acquisition and taking of additional land; and the use of Federal Funds; authorizing the collection of tolls and rentals: and appropriating moneys out of the Motor License Fund.

MEMORIALIZING CONGRESS TO AMEND SOCIAL SECURITY LAW BY PROVIDING CONTRIBUTION OF FEDERAL FUNDS FOR ASSISTANCE TO THE BLIND

Mr. CARR offered the following resolution which was twice read, considered, and referred to Committee on Welfare, Public Assistance and Pensions:

In the Senate, April 14, 1941.

Whereas, The Commonwealth of Pennsylvania recognizing the duty of the Commonwealth to provide for its unfortunate blind citizens has provided for the payment to them of a pension; and

Whereas, The Federal Government contributes toward the care of blind persons but insists that moneys apportioned to any state for such purpose must and can only be contributed on a basis of the actual need of the blind; and

Whereas, This Commonwealth receives no part of Federal funds apportioned for blind persons because its system of assistance for the blind is on a liberal pension basis instead of the basis of actual need as required by the Federal Social Security Act; therefore be it

Resolved (if the House concur), That the Congress of the United States is hereby memorialized to amend the Social Security Law of the Federal Government by providing for the contribution of Federal funds for assistance to blind persons to states which provide for such assistance either on a basis of actual need or on a pension basis; and be it further

Resolved, That a copy hereof be transmitted to the President and Vice President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the Senators and Representatives in the Congress of the United States from this Commonwealth.

TIME OF NEXT MEETING

Mr. WADE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 14, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, April 21, 1941, at 4:30 o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, April 21, 1941, at 9:00 o'clock p. m.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 206, as follows:

An Act to further amend subsection (a) of section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by providing for the furnishing of statements to persons against whom claims are due for support maintenance and assistance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-nine (P. L. 310) is hereby further amended to read as follows

Section 4 Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance (a) The real and personal property of any indigent person shall be liable for the expenses of his support maintenance assistance and burial incurred by any public body or public agency if such property was owned during the time such expenses were incurred of if the right to ownership of such property existed or was acquired during the time such expenses were incurred Any public body or public agency may sue for moneys so expended and any judgment obtained shall be a lien upon the real estate of such indigent person and be collected as other judgments except as to the real and personal property comprising the home and furnishings of such indigent person which home shall be subject to the lien of such judgment but shall not be subject to execution on such judgment during the lifetime of the indigent person surviving spouse or dependent children Should any person against whom any judgment has been entered by any public body or public agency for the expenses of his support maintenance and assistance become self supporting such public body or public agency shall forward to such person semi-annually a statement of the amount due on such judgment and in case the claim of such public body or agency has not been reduced to judgment the said public body or public agency shall forward such statement semi-annually and in both cases shall advise such person where and to whom payments are to be made on account of its claim

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I desire to interrogate the sponsor of this bill.

The PRESIDENT. Will the gentleman from Clinton permit himself to be interrogated?

Mr. STEVENSON. Yes, Mr. President.

Mr. CAVALVANTE. Will the gentleman from Clinton state whether or not the passage of this bill will require the employment of more persons by the Department of Public Assistance?

Mr. STEVENSON. Mr. President, I can not answer that question directly but it seems to me the present personnel of the Department of Public Assistance should be able to handle this.

Mr. CAVALCANTE. I thank the gentleman from Clinton. Mr. President, I am glad the sponsor of the bill in his frankness has stated he is not certain whether or not this bill will require more employes to carry out its provisions.

I personally feel, Mr. President, that the purpose of the bill is laudable but I do say if the bill will require the employment of more persons to carry its provisions out, then I say the bill is not the kind of a bill we ought to pass at this time. The provisions of the bill warn me it is going to require more employes in the Department of Public Assistance. If the bill is passed, it is going to permit the setting up in the Department of Public Assistance of another set-up for the purpose of going out to find out when a man or person receiving assistance has become self-supporting. It is going to open up a field of work that has not been opened up to this time and that field, Mr. President, is this: it is going to give to the Department of Public Assistance and the County Boards of Public Assistance an opportunity or a leeway to go out and check up on all persons who have received assistance to see whether they have become self-supporting or not.

It is going to open the door for the employment or the establishment of another branch of this great army of flat heels that we already have. It is going to create a different line of endeavor that they have been pursuing so far. They are going to go out now to train flat heels to go out and find out where these hundreds of persons who are not off of relief have become self-supporting or self-sustaining and then to write up another case history for the files of the department.

Mr. President, if I was assured or had the slightest thought the bill would not require additional employment I would gladly vote for the bill, but whenever the sponsor himself is not certain—and I am one of the members of this body who is not ready, judging from past experience, to trust this group of flat heels, that they will not start a new set-up in the Department of Public Assistance or the County Boards of Public Assistance for the purpose of pursuing this new line of endeavor set-up in this bill.

Mr. DENT. Mr. President, I am opposed to this bill not only on the grounds stated by my colleague from Fayette but also because of a few other reasons. One of the main reasons is that the mere sending of a notice will not in any way affect the payment of the so-called claims against the relief recipients because as the bill states now, the claim against a relief recipent is against a parcel of real estate and at no time during lifetime of the recipient of relief, may the State enforce that claim, and so the only purpose

this bill serves, as I see it, is to set up another bureau in the Department of Public Assistance.

Mr. President, we all know from the local paper report that these relief rolls are at their lowest since 1935. Mr. President, the relief rolls are low, I understand there has been a sixty per cent cut in the relief rolls or the relief load—however, Mr. President, there has not been a sixty per cent cut in the administrative force of the Department of Public Assistance and so therefore they are seeking new avenues of keeping the various employees at work.

That would not be so bad if it were not for the fact the relief department in itself is a cancer and one we must get rid of if we are going to have good government. In other words, Mr. President, it is an extra department of government that is not at all essential to the welfare of the state, and the sooner we get rid of it the better off we will be. In setting up this new department or new bureau we set up a great office force to send out thousands and thousands of reports twice a year which in no way will enhance the chances of collecting the money, because under the law they do not have to pay the money until the party is no longer alive.

In other words, Mr. President, during the life time of a relief recipient, they cannot enforce a claim against his real estate, and of course the question comes up whether or not we in the Senate are to sanction the actions of the Department of Public Assistance in getting a bond executed by the relief recipient. Some of us think perhaps those who receive relief and who do not own property ought to be liable too for the amount they receive and here again there is a setup which says when they become sufficiently able to take care of themselves.

In other words, Mr. President, who is to judge as to when they have sufficient income and are able to pay back according to this bill the amounts that are owed to the state?

You must remember, Mr. President, that a person may be unemployed for a period of five or six years, he may have signed a bond that forever puts a lien against his property or until he can pay the lien off. Suppose he gets a job in the defense set up. Probably there are many things he may need for himself and his family before he will be able to make enough money to pay the amount back which he owes to the state. Then can you say to one group because you own property and have tried to be a good citizen we now insist on your paying back to the state this amount of money and then say to those who have never tried and never did own a property and have never tried to take care of their families, we will allow you to go scot free?

I therefore, Mr. President, oppose this bill because it will not have any good effect, it will not do any good, it will not increase the chances of collection, and therefore it should be defeated.

Mr. STEVENSON. Mr. President. in answer to the gentleman from Westmoreland, may I say that he classifies all relief recipients as being of one type of citizen, as having subscribed to the something for nothing philosophy; he overlooks the fact that among the relief recipients are a great many good citizens who accepted this relief with injured pride and who welcome this opportunity to repay this money, if they know how much they owe and to whom it is to be paid.

At the same time, Mr. President, it gives them an opportunity to wipe off the lien against their property and redeem it and become full owners of that property again.

I think this is a very constructive piece of legislation and I think it will mean millons of dollars to the State of Pennsylvana from these people who have now rehabi- of Pennsylvania from these people who have now rehabilitated themselves and are able now to pay money back able to receive benefits.

I think this is a very constructive piece of legislation and urge my colleagues to support it.

Mr. DENT. Mr. President, I do not want to ask the reporter to read what I said but in order that there be no misunderstanding, I have never taken the position that all persons who received relief belonged in that group that will take what they can get and do not hope to pay it back.

I say under the present relief law in the State of Pennsylvania there is nothing that stops the Department of Public Assistance from notifying relief recipients of how much they owe to the government, or to the state government; there is nothing in the law. All you need to add to this act is to say twice a year some clerk must send out notices.

Now, Mr. President, if you know how many persons have received relief in the State of Pennsylvania and how many have signed bonds you will see what a sizeable group of employes you are festering on the taxpayers of the State of Pennsylvania for no good purpose whatsoever, because the department can certainly send out a letter now whenever it thinks it is necessary, whenever they have information a person who has received money can pay it back. There is nothing to stop them from sending it out. The only thing they do by this bill is to freeze it so that they can put on a group of employes to do nothing but send out notices.

That is the only thing I object to, Mr. President, and I do not say everybody who has been receiving relief does not want to pay it back.

Mr. MUNDY. Mr. President, this bill is a bill perpetuating the employment of social workers in the Department of Public Assistance and I know, regardless of what the gentleman from Clinton says, human nature is the same the world over. The honest man, realizing he has incurred an obligation, will eventually pay that obligation, but the man who is dishonest will try to resist payment and all the notices and all the reminders this Department of Public Assistance sends to this type, this peculiar divisional type, will make no difference in the voluntary contributions in return for relief given.

Mr. President, if there were back of this notice some power or some force or some threat it probably would bring about the proper result, but as a voluntary measure the only thing it does is that it produces new employment and new expense upon the State of Pennsylvania.

I am not diverging from the subject except to take up what the Senator from Fayette said about these so-called flat heels in the Department of Public Assistance, relative to their self-perpetuation, which is along the line of discussing this bill proper.

From my experience of over some thirty odd years with social workers of all types I say they pretend to the minds of the Senators and members of the House they are a non-political body. I was invited at one time about some two years ago to address a gathering of social workers and the last warning I got before I went in to speak was that I was told to be careful, that these social workers

were non-political. I said, "What do you mean by the term non-political; do you mean to say they have no knowledge or any means of using their intelligence to interpret the political situation as it exists in America today?" I said, "Don't you worry, I am not going to talk partisan politics because I do not think any citizen of the United States at the present time under present conditions should be devoid of having an opinion as to how this country should be conducted."

It is strange to me, Mr. President, not only here in the Senate of Pennsylvania and in the House of Representatives, but also in federal affairs at Washington, that during I will say the last four sessions nobody either in this branch or the other branch in the federal government has had the courage to get up and present the facts concerning social workers as they should be presented and should be understood.

I say to you, Mr. President, if they are not political under present conditions then they are not good citizens of the United States. My experience with them shows to me or demonstrates to me the average social worker group is divided into probably a percentage class. I would say probably twenty-five per cent of the social workers are active good citizens, interested in the civic affairs of community, some fifty per cent of them are simply parasites upon the social life of America, and the remaining twenty-five per cent, as I place them, are distinctly undesirable citizens of this country and are responsible for a lot of new ideas, new thoughts and new "isms" that are springing up throughout the United States of America.

Mr. President, somebody should have the courage to tell these ladies and gentlemen they are drawing public money and they are paid out of public funds and as public servants they should be interested in promoting good government and should not go around preaching the fact they are non-political.

I want to tell you gentlemen—both on the Democratic and Republican side, they have the greatest political organization existent in America today. If you do not believe that take one of their number and put him at the head of a bureau in any city in Pennsylvania and any idle social worker from San Francisco to Portland, Maine, will smell that ham and eggs and they will be all in this State and well taken care of in jobs while your citizens are lying idle, citizens who are very capable of filling those positions.

It is this underground net work of a super-political organization we are allowing ourselves to build up that is eventually going to strangle the vote of the Republican and the Democratic organizations and we are going to have in America here a lot of flat heels, seventy-five per cent flat heels and twenty-five per cent round heels, that are going to take the affairs away from the Legislators and conduct them themselves.

Go into the legislative halls for this session, for three sessions over in the House, for three terms down in the Federal Government at Washington, and see where anybody rose to his feet on the floor to tell the social workers what they are—the most highly organized, intensely organized political organization that is controlling the future of America and the future of your children, and I think, Mr. President and gentlemen of the Senate, it is time we stand up and assert ourselves as legislators and say here, we are going to conduct these affairs.

I have been a member of the Committee on Welfare, Public Assistance and Pensions, and was at one time chairman of it. These social workers came in and it seems to me they were an authority on every thing that affects human emotions and human welfare. The last word was to be said by them, whereas the truth of the matter is the average man, the average citizen of common sense in his community, has more sense of feeling and sense of idea and sense of the future for the people of his community, than all the social workers.

I am not concerned whether you are Democrats or Republicans, but, Mr. President, I say this relief situation frankly as it is presented today is neglecting the most important item of the American Citizenry.

We have millions of them, both federal and in the state. For instance, a man who has been frugal enough in the past to have worked, to have been a good citizen, to have accumulated a home, now when he has a mortgage on it, he can not get any money, he can not eat it, and here in the sovereign State of Pennsylvania and also the federal government we say to him, "you have an equity in real estate and we can not assist you," but we go out to the fellow who sleeps in the park with the squirrels and say to him, "we will establish you on a basis a future basis, your future is secure; you live better now than you ever lived in your life and your future is secure."

Is that a courageous way to face this situation, Mr. President? You keep on perpetuating these social workers and give them jobs and coddling them and listening to their opinions and you are going to make very, very peculiar Americans.

You have your citizens now in Pennsylvania who have lost their identity as John So and So, they no longer remain individuals, they have been catalogued like prisoners in a prison with numbers, and when these social workers get an individual they do no speak of him as John So and So; he has lost his respectability, he becomes a case record, he becomes a case number down in the indexes of Pennsylvania as number So on and So and that is not going to promote a good future America.

Mr. HALUSKA. Mr. President, last week I asked that this bill go over in its order so I might have an opportunity to go home and check over a few items of importance to me. I found in my county—and my county is no different from other counties—I checked specifically one case where within the last four months this man has received four notices asking for reimbursement, and therefore the policy the gentleman fom Clinton has in mind is now in force, they are sending out notices, not twice a year but practically every month.

I must agree with my colleague from Luzerne, Mr. Mundy, when he states you are going after the man who has been conservative.

As given by Mr. Russell, the record shows that only one out of every fourteen persons who applies for relief in Pennsylvania is a property owner. Thirteen of them have no property and you have made no plans to secure anything from them but you are going back to that one of the fourteen who has built America and made this country just what it is and now because he is old and feeble or crippled and must apply for aid, you say to him you must pay back what we give you.

I think this is a silly bill and has no place in this chamber. Talk about constructive bills—I think this a a very unconstructive bill.

Mr. STEVENSON. Mr. President, it is not my purpose

to attempt to perpetuate the system of public assistance. I know it has been the policy of a lot of social service workers to maintain themselves in jobs, and as far as I am concerned I am perfectly willing at any time to dump the whole thing overboard. I do not think it is the proper way to handle public assistance but I do think that while we do have it we should strengthen the public assistance law, and this is one means of strengthening it.

As I have said before, Mr. President, there are a lot of people who have asked for statements. It is not the general policy to send out these statements; if it is done at all in Cambria County, it is not done in other counties to my knowledge, and it must be done in a very haphazard manner.

However, Mr. President, in order to promote uniformity throughout the state and give these people statements as to how much money they owe and where they shall pay the money, that is the purpose of this bill.

There has been enough laxity in work for these social workers so they could do this work without any additional help. As has been stated, the amount of public assistance has greatly diminished and these people have ample time to take care of this work; they have the files in their offices, and they know against whom these liens have been entered and it is a simple matter to mail out statements.

I believe this is a very wise policy to adopt, Mr. President.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	Miller,	Tyler,
Carr,	Geltz,	Scarlett,	Wade,
Chapman,	Heyburn,	Snowden,	Watkins,
Crider,	Homsher,	Stevenson,	Wilson, H. I.,
Crowe,	James,	Tallman,	Woodward,
Deitrick,	Kephart,	Taylor,	Ziesenheim,
Ealy,	Letzler,		

NAYS—15

Barr,	Dent,	Lanius,	Reed,
Cavalcante,	DiSilvestro,	McCreesh,	Ruth,
Coleman,	Haluska,	McQuiddy,	Stiefel,
Cox,	Jaspan,	Mundy,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 6:15 o'clock, p. m.

Mr. LETZLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 169, entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 217, entitled:

An Act requiring the Department of Welfare to notify the Clerk of court and the county controller of all discharges or releases from institutions under its supervision.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL No. 169

Mr. BARR. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 169, entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and

duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records.

passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. BARR. Mr. President, I voted "aye."

Mr. GELTZ. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring?

Will the Senate agree to the bill on second reading?

BILL OVER IN ORDER

Mr. BARR. Mr. President, I ask unanimous consent that Senate Bill No. 169, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 230, entitled:

An Act making an appropriation to the Department of Military Affairs for the payment of certain moral claims; providing for the hearing, adjustment, and paying of moral claims of persons injured and dependent relatives, members of families and personal representatives of persons killed, through negligence in the operation of trucks of, or under the control of, the Pennsylvania National Guard.

And said bill having been read at length the second time and agreed to,

On the question,

Will the Senate agree to have the bill transcribed for a third reading?

BILLS RECOMMITTED

Mr. WADE. Mr. President, I move that Senate Bill No. 230, the bill just read, be recommitted to the Committee on Appropriations.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 261, entitled:

An Act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon; and making an appropriation.

And said bill having been read at length the second time and agreed to,

On the question,

Will the Senate agree to have the bill transcribed for a third reading?

Mr. TAYLOR. Mr. President, I move that Senate Bill No. 261, the bill just read, be recommitted to the Committee on Appropriations.

Mr. WADE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 265, (House Bill No. 349), entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 269, entitled:

An Act authorizing the redemption of real property purchased by political subdivisions at tax sales upon the payment of the amount charged against the same and costs by installment payments and prescribing the procedure therefor

The first and second sections of the bill were read as follows and agreed to:

Section 1 In all cases where heretofore or hereafter real property shall have been or shall be purchased at any tax sale by any political subdivision it shall be lawful for the taxing authorities of such political subdivision in their discretion to permit a redemption of said real property or part thereof so long as the title thereto remains in said political subdivision upon the payment of the amount due thereon by installments in the manner hereinafter provided whether or not the period during which the right of redemption existed shall have expired

Section 2 In order for any person who was or is entitled by law to redeem such property to receive the benefits of the installment system or payment authorized and provided by this act they shall enter into a written agreement with the taxing authorities of the said political subdivision which shall be prepared by the solicitor for such political subdivision in the nature of a lease which

shall require at the time of signing the agreement the payment of all costs incident to the aforesaid tax sale and twenty per centum of the amount of all taxes and municipal claims and penalties and interest accrued thereon charged against said property and the payment of the remainder of said amount of tax and municipal claims penalties and interest in four equal installments each of which shall be made within one year after the last day fixed by said agreement for the payment of the previous installment Said agreement shall further require that the respective current taxes assessed on said real property for each year during such installment period shall be paid before a penalty attaches thereto

The third section of the bill was read as follows:

Section 3 The aforesaid agreement shall provide for the delivery of possession to such person upon the execution thereof and the receipt of the required first payment and such person shall have the right to retain possession of the property unless and until he shall default in one installment payment or shall fail to pay the current taxes for any year as required by the agreement Upon default of either or both of said payments the political subdivision shall have the right to repossess said property in the same manner provided by law for the owner of real property to repossess the same upon the nonpayment of rent by a tenant The agreement shall further provide for the conveyance of said property to the person with whom the agreement is entered into upon final payment of the total amount of said costs taxes municipal claims penalties and interest as aforesaid and the payment of all current taxes as aforesaid and the title so conveyed shall be free and clear of all tax and municipal claims but shall not be discharged from any other liens not discharged by the tax sale

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I move to amend Page 3, Section 3, Line 1, by striking out the word "same"; amend Page 3, Section 3, Line 1, by striking out the following "by law for," all of Line 2, and Line 3 before the word "The"; amend Page 3, Section 3, Line 1, by inserting after the word "provided" the following: "by the agreement specified in Section Two of this Act or by the entry of a judgment in ejectment upon affidavit of default and the issuance of a writ habere facias possessionem in due form according to law."

Mr. GELTZ. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth and seventh sections of the bill were read as follows and agreed to:

Section 4 The taxing authorities of said political subdivision shall have power to execute and deliver any deeds necessary to render the redemption authorized by this act effective

Section 5 The proceeds of such agreement and payments shall be distributed upon the receipt thereof to the respective political subdivisions and taxing authorities in proportion to their tax and municipal claims against said property

Section 6 All acts or parts of acts inconsistent herewith are hereby repealed

Section 7 The provisions of this act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act authorizing the redemption of real property purchased by political subdivisions at tax sales, upon the payment of the amount charged against the same and costs, by installment payments; and prescribing the procedure therefor.

And said bill as amended having been read at length the second time and agreed to:

Ordered, To be transcribed for a third reading.

Mr. COLEMAN. Mr. President, I desire to interrogate the gentleman from Luzerne.

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MILLER. I will, Mr. President.

Mr. COLEMAN. Mr. President, I desire to ask the gentleman from Luzerne whether or not this bill contemplates the passage of an abatement bill.

Mr. MILLER. I would say it does not, Mr. President.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 326, entitled:

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material, supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense, to be used for training or retraining workers and prospective workers for industries essential to national defense; waiving all statutory requirements as to advertising for said bids.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 402 (House Bill No. 376), entitled:

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale, exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser.

And said bill having been read at length the second time and agreed to,

On the question,

Will the Senate agree to have the bill transcribed for a third reading?

BILL RECOMMITTED

Mr. BECKER. Mr. President, I move that Senate Bill No. 402 (House Bill No. 376), the bill just read, be recommitted to the Committee on Judiciary General, for the purpose of further consideration.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 45, entitled:

An Act to further amend section four hundred and twenty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing certain contributions by county commissioners toward the burial of deceased service men regardless of the total cost thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. WADE. Mr. President, after this bill has passed first reading, I desire to offer amendments.

The PRESIDENT. The bill has passed first reading.

Mr. WADE. I offer amendments, Mr. President.

POINT OF ORDER

Mr. COLEMAN. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Lackawanna will state his point of order.

Mr. COLEMAN. Mr. President, I desire to raise the point of order we would be establishing a very dangerous precedent to start amending bills on first reading. Since there does not appear to be any haste with regard to the passage of this bill I suggest we should wait until tomorrow. I think to inaugurate a system of amending bills on first reading, before they have been printed on second reading, would be to establish a dangerous precedent and this would be the first time such a thing has been done since I have been a member of the Senate.

Mr. WADE. Mr. President, after the bill has been read on first reading, I am offering the amendments and then it is the intention that the bill shall lay over for printing.

The PRESIDENT. According to the understanding of the Chair the bill must be read three times on three separate days and can not be amended on first reading.

Mr. WADE. I withdraw the amendments, Mr. President.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 292, (House Bill No. 382), entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for said purpose.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. CROWE. Mr. President, I move that Senate Bill No. 310 on first reading, entitled:

An Act to amend article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it unlawful to take for the purpose of sale, sell or expose for sale any bitter-sweet growing in the wild, and providing a penalty.

be recommitted to the Committee on Forest and Waters, Game and Fish, for the purpose of further consideration.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 331, entitled:

An Act to further amend section two of the act, approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," providing for the return and payment of said county (and in certain cases city and county) tax to the county treasurer on or before February fifteenth of each year.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. MILLER. Mr. President, I move that Senate Bill No. 381 on first reading, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes.

be recommitted to the Committee on County Government for the purpose of further amendment.

Mr. TALLMAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 420, entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 421, entitled:

A Joint Resolution proposing an amendment to section one, article eight, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 422, entitled:

A Joint Resolution proposing an amendment to section four, article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 528, entitled:

An Act making a deficiency appropriation to aid certain school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 538, (House Bill No. 593), entitled:

An Act to amend section two hundred twelve to further amend sections two hundred thirteen, two hundred fourteen, 701, and 709, and to amend section 1,201, of the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof; including the boards of trustees of State Normal Schools or Teachers Colleges abolishing, creating, reorganizing, or authorizing the reorganization of certain administrative departments, boards and commissions defining the powers and duties of the Governor, and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" by exempting the Department of Internal Affairs from the provisions of said sections and further defining powers of the Secretary of Internal Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

PERMISSION TO ADDRESS THE SENATE

Mr. DENT. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Westmoreland may proceed.

Mr. DENT. Mr. President, I have prepared a statement on the question of labor and its position in this emergency. Due to the fact I have a rather bad throat and have over-exercised it a little this afternoon, I ask the indulgence of the Senate to insert this statement in the record of the proceedings of the Senate, without the formality of reading it to the Senate.

The PRESIDENT. Is there any objection? The Chair hears none. It is so ordered.

Mr. DENT. Mr. President and Members of the Senate.

Again I feel called upon, as a public servant, to review the labor position in this emergency, as I see it.

Recent developments are causing a general stampede of the fake liberals who are literally running over each other to climb upon the anti-labor bandwagon. On every hand, we hear the question, "Why are there so many strikes in the Defense Program"? What's wrong with labor?

Every now and then a courageous person will ask, "What's wrong with Industry"? I, for one, cannot believe that labor is entirely to blame and yet when the State Police under Mr. Adams swung their billy clubs and riot sticks at Bethlehem, the only ones who had their heads cracked were the laborites. Why hasn't someone inquired into the reasons for the strike at Bethlehem? As a layman, I would be tempted to ask this question, "Why did Bethlehem Steel pick this particular time to challenge the C.I.O."? Why was it so important to the Steel Company to hold a Company Union election at this time"? If the Steel Company felt that Defense comes first on its list of activities why couldn't the Company Union election have waited until the emergency was over. The same was true of the Johnstown crisis.

Many firms have received orders from the Government with little or no search being made by the O.P.M. Some companies may have taken orders that they can't possibly put out on schedule and a little labor trouble will help alibi their delay in the completion of their orders. Certainly we're against strikes when they are called without considering the consequences, especially when they are called against Defense Industries. But I claim it is as much or more a concern of the Industry to see to it that grievances do not reach the stage where a strike is inevitable.

Consider for a minute the position of a working man. Take a man with a family who has come through the depression with considerable debts piled against his future earnings. During the last eight or ten years he has been on relief or working part time. During this period, debts have piled up and now he is working in an industry that is working on Defense work. He knows that speed is the essence of defense production. He knows that every day his food bill is a little more than it was the day before. He knows that when the defense work is done he will in all probability be thrown back onto part time or perhaps onto complete unemployment. He sees the various Legislatures passing laws curtailing his freedom and the freedom of his Union Organization. He sees the newspapers and reads in them the dire prophesies of the calamity that will follow the war orders. He sees one or more of his sons drafted for Army Service. How can a man who knows and sees all this be anything but receptive when a motion is made to claim better working conditions. Instead of using plain horse sense and reassuring their employees, many companys are taking advantage of public opinion and are waving the Red Flag of challenge to him, to his family and to his Union. You wonder why so many labor disturbances occur in the plants having Government Orders. It is not true that in many of these plants the dispute goes back to days before the National Emergency. I would hate to think that there is a scheme on foot to use this emergency and Defense Program as a wedge to force the cracking up of the labor movement. I would hate to think that under the guise of patriotism, labor baiters and union haters are attempting to mould public opinion against the rights of labor.

Do any of you remember when the proposition was advanced to limit the profit of Industry on Defense orders there was a general protest and even threats of non-participation on the part of some concerns. And yet, when

labor protests against limited earnings it's the signal for a general strike against labor leaders and labor rights.

During this emergency large tracts of land have been sold to the Government, does anyone doubt that the interested parties will reap a hugh profit. During this emergency huge contracts have been given to some corporations. Does anyone doubt that handsome profits will be made by these employers. During this emergency labor has asked for increased wages, to meet increased living costs and to share more equitably in the increased profits of employers, does anyone think labor will get their just dues, the same as the land salesman or the Industrial producer without a fight? Does anyone stop to consider that the first to feel the pinch of poverty and depression is the wage earner. Sometimes the wage earner sits and ponders on the futility of the future and perhaps he feels justified in saying to the legislators, why don't you put as many restrictions on all other commodities as you put upon the labor of this country? For truly, since the last war, this Country has seen a great regrowth of Labor Organizations. This is a natural growth because more and more persons find themselves in the wage earners group from which the avenues of escape have been practically all shut off. The wage earner is therefore, driven into an organization of his fellow workers for mutual aid and protection.

Labor through its Unions will contribute its share and more to National Defense and Unity. The times immediately ahead of us are going to be trying times. They will test the capacity of men in public life to think clearly and vote courageously. They will test the fairness of the Press, they will test the ability of Labor Leaders to steer their organizations over the rocks and shoals of adverse propaganda and public opinion. They will test the fortitude and loyalty of union membership. They will be interesting times to the students of progress and civil rights.

Personally, I go into the future as I have come through the past, a firm believer in the rights of men and women to organize and bargain collectively.

I do not expect to set aside these beliefs because of political expediency or because of adverse popular opinion. I am against strikes in vital Defense Industries, except that I qualify my opposition by saying that when these strikes are part of a prearranged plan on the part of management whose patriotism is measured by the dollar sign. I never have condoned violence in labor disputes, I abhor blood shed under any circumstances.

I do not believe labor and its dependents should be made pay the major cost of this supreme effort through service in the Army, long working hours, short pay schedules and anti-labor legislation. If employers are to reap unlimited profits and the taxpayers have to pay the added costs piled onto defense orders, why should labor be persecuted. I do not believe labor ought to be expected to pay more and more for clothes, food, shelter, and public utilities and other essentials without due consideration being given to the earnings of the average wage earner. I believe the employer should give labor the same consideration he expects from Labor in the interest of harmony and unity

When we consider the years of sacrifice and privation endured by the pioneers of the Labor movement we must admit that the battle being fought for the preservation of these Unions today is a worthwhile endeavor.

The Labor movement is not new. It is as old as the system of working for wages and goes back to the early days of American History in this country. Mistakes have been made in the past and will in all probability be made again in the future. But in spite of mistakes the main purpose of organized labor has been to elevate the wage earner, to raise his standards of living, to give to the families of wage earners an opportunity to enjoy a sense of security that would be impossible without the protection of a Labor Union. Allow me to read the Supreme Court Decision on the right to strike.

"American Steel Foundries vs. Tri-City Central Trades Council (257 U. S. 184 1921), in the words of Chief Justice Taft!" "Labor Unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers an opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court. The strike became a lawful instrument in a lawful economic struggle or competition between employer and employees as to the share or division between them of the joint product of labor and capital."

Remember that organized labor has fought the good fight for Workmen's Compensation, Unemployment Compensation, the right to organize, the right to strike, limited work weeks, minimum wages, and other necessary social reforms. Men in this Senate have opposed many of these reforms and stand always ready to amend or repeal the gains made by labor after years of struggle.

If after my service in the General Assembly, I can point to one piece of legislation that has made the road easier for the wage earner in Pennsylvania, I will feel that in a measure, my job has been well done.

In closing this statement, I do so convinced that the right thinking people of Pennsylvania will not condemn all labor unions because a few of them may at times seem unreasonable. I'm sure the Members of this Senate will not be stampeded into passing anti-labor legislation by the cries of wolf, wolf, by a few corporations whose entire histories have been contrary to the rights of labor to organize and to bargain collectively I'm sure that the majority of men in this Senate will want both sides of the story before condemning either side in the disputes, that may take place in Defense Industries in Pennsylvania.

I believe the police powers of the Governor should be used only when all else fails. I don't believe the mere mention of a strike should result in a riot call by the Governor and the State Police. It has taken many years for labor to learn to trust the State Police as such. It has been a well deserved victory on the part of the State Police who have gained the confidence of the mine

workers and steel workers after a bloody past history in labor disputes in Western Pennsylvania. For years mine workers refused to march in a parade where State Police were used as an escort. Only in recent years has this prejudice been wiped out. All of us were glad to see mutual trust and confidence between the Unions and State Police.

After all these years it seems a pity that the incident at Bethlehem may again place the State Police in the ranks where they were so many years ago. Many fine men have come through the ranks of the State Police. Many have been my personal friends. I hate the thought of how far the use of State Police in labor disputes may go under an unfair Administration. I dislike the idea of having my friends in the State Police branded by the same stick that years ago labeled them cossacks and strike breakers. I sincerely hope the Governor will refrain from using the power of the State Police in labor disputes and remember that wage earners are human beings and are more amenable to persuasion than they are to threats and big sticks. Give labor a fair break and I for one am confident that the wheels will keep turning and Defense of this nation will become an accomplished fact through the skill and production of the hands and brains of the wage earner.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Warren may proceed.

Mr. DENT. Mr. President, someone has asked whether the gentleman from Warren, Dr. Chapman's throat might be a little sore tonight also.

Mr. CHAPMAN. Mr. President, due to the lateness of the hour, I will accede to the request of the gentleman from Westmoreland.

The PRESIDENT. Permission is asked by the gentleman from Warren to insert his statement in the Journal of the Senate without reading. Is there objection? The Chair hears none. It is so ordered.

Mr. CHAPMAN:

MR. PRESIDENT, WHAT'S WRONG WITH THE UNITED STATES

These are dire days. The forces of the dictators are driving forward despite the sacrifices and endeavors that are being made to halt them. The threat of a giant pincer movement that will encircle both shores of the Mediterranean Sea seems to be under way. With the Suez Canal lost or closed Great Britain will suffer. One of its life lines will be cut. Despite the efforts of the fleet, the bombers will be able to harry and perhaps destroy the British Fleet and do horrible damage.

This is the picture as seen by the scores, hundreds and thousands of the faint hearted. The British Empire is about to collapse, according to the view which they are having of the situation Some of them seem to have the idea that the Nazi forces are invincible and that we ought to get a Swastika embroidered on the seat of our trousers to save ourselves from a kicking by the Storm Troopers.

But these folk with the sour stomaches and of little faith we have seen before. They were singing their song of doom and darkness when the British were forced to withdraw from Norway, when the Nazi hordes rolled into Belgium, into the Netherlands and their number became countless when the British came out of Dunkirk and France fell and all seemed lost.

Pictures taken then and displayed by the Nazi Press showed Hitler and Gobbels doing a little dance of joy and getting ready for the invasion of the British Isles. The date was set for July 15 when the Hitler steamroller would crush England. That date, however, has been postponed and is still far in the offing.

At that time the British had lost all of their equipment in France. The Italian Navy was still intact. The Fascists clung to all of Northern Africa and Germany's air forces was four or five times greater than that of the Democracy.

But Hitler did not move to the west. British diplomacy was busy and so was the navy moving the famous Aussies and New Zealanders into Africa to cooperate with South African forces. Now Mussolini's African Empire has crumbled. The fall of Massaua last week finished it. Haile Selassie driven from his land by the rapacity of the Italians legions is back in his capital the first ruler of a country to be restored by the power of the Democracies. Meanwhile, a composite force of Italians and Germans is attacking places in Libia against small British forces. The armies of Great Britain at the moment had more important work to do but they are now streaming into positions to meet the Nazi panzers and the Italian hangers on. The tribesmen of Africa can attend to the scattered Italians and how they love to do it. The Red Sea is opened and the American flag will soon be seen there on ships. The invading forces in Labia are still far from the Suez Canal.

That the Nazis have made great gains in the Balkans is true. How long Yugo Slavia can battle the invaders is unknown to any observer but that she can wage guerilla warfare for weeks is expected. This will compel the Germans to keep large forces there busy. The fall of Salonika is not a great loss. In the World War it was a port and the Allies despite their navies were unable to use it effectively. The Germans have no navy. It has no value except for propaganda purposes to claim prestige. Its capture was a hollow victory.

All Northern Greece is mountainous. The British are there strongly fortified. The British convoys moving forces and supplies to Greece have been unopposed and losses have been small. British submarines are at work and this past week have done wonderful service sinking thousands of tons of transports.

The movements have kept the German armies busy. Two hundred and ten of the Nazi 240 divisions are immobilized. More than a million men are in Poland and along the Russian border. More are in Norway, 60,000 are in Belgium and 900,000 are in France. Few of these can be put into service in other places as much as Hitler and his war staff could desire.

War in the Balkans increases the Nazi requirements of food, gasoline, munitions and essential war supplies. Rumania gives most of the oil but the closing of the Danube for 300 miles by sunken ships filled with concrete, blocks much of that. Unless the war in the Balkans can be ended speedily the Nazi situation will become grave.

Britain and her Allies dominate the seas. Eventually the dulled German brain must register the fact that even

if Hitler's hordes conquer the European continent the war will hardly have begun. United States has turned more ships over to the English. The flow of airplanes is increasing and food and necessities will reach England in spite of the German submarines. Free France is beginning to awaken, sabotage in Norway, Czecho-Slovakia, Denmark and other countries is hamstringing the Germans to a degree. The sweep of British planes and the exploding of bombs in German cities is increasing.

Of course, the Nazis will gain. Perhaps in Africa the Italians and Nazis will advance. But as Hitler gets his armies farther and farther away from home bases, his problems grow greater and greater. The resources of three quarters of the world are against Germany.

There is only one fly in the ointment and that is the lethargy that is felt by our people here at home. Their homes are not yet endangered; they have not been roused to the needs of the Democracies. The war is so far away they do not feel its burden. But when the shores of United States are touched off some of these days by a daring Nazi raider, we will awaken to the need. And I feel it is not far away that we will be stunned some of these mornings to learn of a call from a German raider at an eastern port.

Help us to get our feet on the ground and end this epidemic of strikes and arguments holding up our program of defense. Let us keep our heads cool, our hands busy and let the flow of ships, planes, guns, shells and food on a bridge of ships become a reality and not a figure of speech [for a suave orator.]

Stop the politics, speed the machines and let the tide of victory soon be reached. There is no need for pessimism if we all do our part and if Americans all look with clear vision to the future.

REPORTS FROM COMMITTEES

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on Appropriations reported as amended, Senate Bill No. 452, entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for use in research work dealing with flax and other farm produce.

Mr. MALLERY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY, from the Committee on Appropriations reported as committed, Senate Bill No. 447, entitled:

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations.

Mr. CROWE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE, from the Committee on Education reported as committed, Senate Bill No. 518, entitled:

An Act to further amend the first paragraph of subsection (a) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," prescribing additional causes for termination of a contract of a professional employee.

BILL INTRODUCED

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZIESENHEIM, read in place and presented to the Chair Senate Bill No. 603, entitled:

An Act to amend by adding section two hundred five to article two, of the act approved the twenty-second day of May, one thousand nine hundred thirty-three (P. L. 853), entilted "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulaing the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations, amending, revising and consolidating the law relating thereto; and repealing existing laws," by giving the taxing authorities the right to exonerate from taxation, property leased to and used and occupied by the American Red Cross or similar charitable organizations, during the actual occupancy thereof.

Which was committed to the Committee on County Government.

REPORTS FROM COMMITTEES

Mr. HALUSKA. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA, from the Committee on Education, reported as committed, Senate Bill No. 559, entitled:

An Act creating a joint legislative commission to be known as the Educational Survey Commission; prescribing its powers and duties; conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; imposing duties on departments and agencies of the State government and on colleges and universities; and making an appropriation.

Mr. WADE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE, from the Committee on Elections, reported as committed, Senate Bill No. 561, entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribnig certain procedure for the conduct of elections and primaries and the challenge and proof of qualifica-

tions of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by redefining amplifying and changing the powers and duties of the commission its employes and commissioners further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon the inspection of the records of the commission providing for appeals by the commission to appellate courts repealing and changing certain provisions of said act relating to removal notices and for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties.

Mr. WADE. Mr. President, I ask unanimous consent to deliver the report to the Librarian in person.

The PRESIDENT. If there is no objection the gentleman from Cumberland may do so.

The Senate will note the report is returned to the Librarian.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. H. I. WILSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. H. I. WILSON, from the Committee on Elections reported as committed, Senate Bill No. 515, entitled:

An Act to amend article nine of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests, creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by requiring an additional affidavit by candidates for nomination for any office.

Mr. CARR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CARR, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 567, entitled:

An Act to further amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1982), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record;" empowering the Supreme Court to prescribe rules of practice and procedure and for the conduct of the business of the Orphans' Court.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, April 15, 1941, at 12:30 o'clock. p. m.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:37 o'clock p. m. until Tuesday, April 15, 1941, at 12:30 o'clock p. m.

HOUSE OF REPRESENTATIVES

MONDAY, April 14, 1941

The House met at 9 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. DONALD McFALL offered the following prayer:

Almighty and Everlasting God, from whom comes all power and dominion in heaven and on earth, we humbly bow before Thee as we ask Thee, our God, to look with pity upon our bewildered but greatly beloved nation. Let Thy children within this State remember their Creator. Grant to our leaders, and to all citizens of this democracy a spirit of true wisdom, a spirit of unselfish desire to establish good will and fair play as the controlling force of our great State and Nation.

Rule our hearts and establish Thy will to the end that security, order, and peace may prevail. Take vain pride and foolish boastings from our lips and make us strong within through our devotion to Thee and to Thy laws, so that being blessed we may become a blessing to all with whom we come into contact as individuals, as a State, and as a Nation. May each of us have a part in the establishment of a true commonwealth of men, the fruits of which are love and joy and peace forevermore. We beseech Thee to hear our prayer in the name of Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, April 10, 1941.

The Clerk proceeded to read the Journal of Thursday, April 10, 1941, when, on motion of Mr. HERMAN, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. REUBEN E. COHEN. HOUSE BILL No. 1213.

An Act to amend an act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600)

entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by more fully defining the times during which the benefits shall be payable and the amount thereof and to whom payable.

Referred to the Committee on State Government.

By Mr. MONKS. HOUSE BILL No. 1214.

An Act to further amend section two of the act approved the seventeenth day of June, one thousand nine hundred and fifteen, (P. L. 1012), entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rate of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," by reducing the rate of interest on loans in certain cases.

Referred to the Committee on Banking.

By Mr. MONKS. HOUSE BILL No. 1215.

An Act to further amend section three hundred and nine of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by permitting the Secretary of Labor and Industry to compromise interest and penalties due on delinquent employer contributions.

Referred to the Committee on Labor.

By Mr. DUFFY. HOUSE BILL No. 1216.

An Act to amend sections two and six of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirty-nine (P. L. 1184), entitled "An act requiring all employable persons receiving public assistance, with certain exceptions, to perform certain work, or be refused further assistance; conferring powers and imposing duties on county boards of assistance; and on certain State and local officers and employes, and on charitable institutions, persons, copartnerships, associations, corporations, and State and Federal employment officers; and requiring payments to the Commonwealth on account of certain work performed," by further defining the work to be done, and rate of pay to be received by employables.

Referred to the Committee on Welfare.

By Mr. DUFFY. HOUSE BILL No. 1217.

An Act regulating and establishing prevailing wage rates to be used by contractors employed by the Department of Highways in the construction of highways and street paving; and imposing certain duties on the Department of Highways.

Referred to the Committee on Highways.

By Mr. FRENCH. HOUSE BILL No. 1218.

An Act to amend section two hundred and eighty-two of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," providing for payment of one-fourth of fines collected for violation of said act to the counties for maintenance of prisoners commited for such violations; and imposing duties on magistrates, aldermen, and justices of the peace.

Referred to the Committee on Fisheries.

By Mr. HIRSCH. HOUSE BILL No. 1219.

An Act to amend subsection (b) of section sixteen of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," making mandatory the provisions relating to registration days.

Referred to the Committee on Elections.

By Mr. HIRSCH. HOUSE BILL No. 1220.

An Act validating certain municipal claims of cities and boroughs, incorporated towns, and townships, where not filed within the time specified by law; and validating amicable writs of scire facias to revive municipal claims, entered by such political subdivisions, where more than five years have elapsed since original claims were filed or a prior revival thereof made.

Referred to the Committee on Municipal Corporations.

By Messrs. EDWIN F. THOMPSON and ALLMOND. HOUSE BILL No. 1221.

An Act to add section 654.1 to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 372) entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it a crime to discriminate in the selection or appointment of persons for employment in the civil service of the Commonwealth; or of any political subdivision thereof because of the race, creed or color of any person.

Referred to the Committee on Judiciary Special.

By Messrs. SHEPARD and BROWN.

HOUSE BILL No. 1222.

An Act to further amend clause (j) of section two hundred and eight of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by imposing new duties on the Secretary of Labor and Industry relative to appointments, in order to prevent discrimination in such appointments because of race, color or creed of eligibles.

Referred to the Committee on Labor.

By Messrs. JEFFERSON and YOUNG.

HOUSE BILL No. 1223.

An Act to add section 654.2 to the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," making it a crime for any officer of any labor union to discriminate because of race, color or creed between applicants for membership in such union, or between assignments for employment of union members because of their race, color or creed.

Referred to the Committee on Judiciary Special.

By Messrs. SHEPARD and BROWN.

HOUSE BILL No. 1224.

An Act to amend subsection (d) of section two thousand five hundred and four A of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by imposing new duties on the Secretary of Public Assistance relative to appointments, in order to prevent discrimination in such appointments because of race, color or creed of eligibles.

Referred to the Committee on State Government.

By Mr. REGAN. HOUSE BILL No. 1225.

A Joint Resolution proposing an amendment to sections two and three of article two of the Constitution of the Commonwealth of Pennsylvania, extending the terms of Representatives to four years, and fixing the time of their election.

Referred to the Committee on Constitutional Amendments.

By Mr. FRENCH. HOUSE BILL No. 1226.

An Act to amend section one thousand two hundred and eleven of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for payment of one-fourth of fines collected for violations of said act to the counties for maintenance of prisoners committed for such violations; and imposing duties on magistrates, aldermen and justices of the peace.

Referred to the Committee on Game.

By Mr. BRADLEY. HOUSE BILL No. 1227.

An Act making an appropriation to the Department of Highways for the purpose of cleaning up and removing the debris of abandoned coal stripping operations in the vicinity of all State highways.

Referred to the Committee on Appropriations.

By Mr. READINGER. HOUSE BILL No. 1228.

An Act to amend sections three and four of the act, approved the fifth day of June, one thousand nine hundred thirty-five (P. L. 266), entitled "An act to protect trademark owners, distributers, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," exempting the sale of books to libraries from the provisions of said act.

Referred to the Committee on State Government.

By Mr. McGRATH. HOUSE BILL No. 1229.

An Act requiring executive directors of county boards of assistance to certify names of certain recipients of public assistance to the nearest office of the Works Projects Administration for employment; and prescribing penalties for failure to do so.

Referred to the Committee on Welfare.

By Messrs. SARRAF and VAN ALLSBURG.

HOUSE BILL No. 1230.

An Act to further amend section one and to amend section three of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 730), entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties," by excluding certain juices and combinations of juices from the operation of the act; and requiring separate registration for each bottling or manufacturing plant.

Referred to the Committee on Public Health and Sanitation.

By Messrs. HIRSCH and PETROSKY.

HOUSE BILL No. 1231.

An Act to promote the general welfare and to protect the health, safety, morals and standards of living of the people of the Commonwealth of Pennsylvania by providing for the elimination of wage and hour standards detrimental to the health, safety, morals and standard of living of workers, to establish minimum wage and maximum hour standards; to prescribe the powers and duties of the

Department of Labor and Industry under this act, and for other purposes.

Referred to the Committee on Labor.

By Messrs. LONGO and LICHTENWALTER.
HOUSE BILL No. 1232.

An Act to further amend section one thousand eight hundred and four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the council in such cities from time to time to make supplemental appropriations.

Referred to the Committee on Municipal Corporations.

By Messrs. LONGO and LICHTENWALTER.
HOUSE BILL No. 1233.

An Act to amend section three hundred seventy of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing the county commissioners, from time to time, to make supplemental appropriations.

Referred to the Committee on Municipal Corporations.

By Messrs. LONGO and LICHTENWALTER.
HOUSE BILL No. 1234.

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing the township commissioners from time to time, to make supplemental appropriations.

Referred to the Committee on Municipal Corporations.

By Messrs. LONGO and LICHTENWALTER.
HOUSE BILL No. 1235.

An Act to further amend section three hundred and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts, and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the commissioners of any county institution district from time to time, to make supplemental appropriations.

Referred to the Committee on Municipal Corporations.

By Messrs. LONGO and LICHTENWALTER.
HOUSE BILL No. 1236.

An Act to further amend section nine hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the township supervisors, from time to time, to make supplemental appropriations.

Referred to the Committee on Municipal Corporations.

By Messrs. LOVETT and PETROSKY.
HOUSE BILL No. 1237.

An Act to amend Route 64248 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 325. (HOUSE BILL No. 1238.)

An Act to further amend section four of the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five, (P. L. 452) entitled, as amended "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by providing that no new project shall be begun without specific authority from the General Assembly and approval of the Governor and providing for a limitation of the cost thereof.

Referred to the Committee on State Government.

SENATE BILL No. 360. (HOUSE BILL No. 1239.)

An Act creating a commission to make a thorough investigation of all matters that might interfere with carrying out of the National Defense Program within the Commonwealth, conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings to the Legislature or to the Governor, together with its recommendations as to such regulatory legislation as may be needful to promote the production of implements of defense, authorizing the commission to employ counsel and employees, and making an appropriation.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. CORRIGAN. RESOLUTION No. 77.

In the House of Representatives, April 10, 1941.

Whereas, Pennsylvania consumers for years have paid a large part of the heavy subsidy going to the beet sugar industry; and

Whereas, It is necessary to preserve the cane sugar refining industry in the State of Pennsylvania, and to

protect the consumers in the State of Pennsylvania from exorbitantly high prices and an artificial sugar scarcity; and

Whereas, An abundant sugar supply is available both here and in the nearby tropical islands to meet any demand the consuming public may make, and

Whereas, If the existing law were changed to permit additional millions of dollars to be paid to the already highly subsidized beet sugar industry it would put an additional burden on American Consumers; therefore be it

Resolved, That Congress is hereby memorialized to oppose any change in the existing law that would place additional burdens on the already over-burdened consumer, cause more unemployment in the State of Pennsylvania, or interfere in any way with our Good Neighbor Policy with Central and South America, and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice-President, the Secretary of State, the Secretary of Agriculture, the Speaker of the House of Representatives, and to each member of the present Congress from the State of Pennsylvania, and that they be urged to put forth their best efforts to accomplish the purpose of this resolution.

Referred to the Committee on Rules.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

HOSPITALS

Copies of suggested act making appropriations to Woman's Hospital of Philadelphia and Philadelphia Psychiatric Hospital, Philadelphia.

Referred to the Committee on Appropriations.

VETERANS

Copies of suggested act making appropriation to the Home For Veterans of Grand Army of The Republic and Wives, Philadelphia.

Referred to the Committee on Appropriations.

LIQUOR LICENSE FUND

A resolution from the borough of McKees Rocks requesting the Governor and State Treasurer to repay the sum due said borough from the Liquor License Fund for the years 1940 and 1941.

Referred to the Committee on Appropriations.

COUNTY LIBRARIES

A communication from Carnegie Library of Pittsburgh, addressed to the Speaker, requesting amendment of House Bill No. 265.

Referred to the Committee on Appropriations.

BOROUGHS

A telegram from Borough Secretary of Punxsutawney addressed to the Speaker requesting approval of Senate Bills Nos. 297 and 298 and opposing House Bills Nos. 765, 428 and 226.

Referred to the Committee on Boroughs.

SCHOOLS

A communication from Philadelphia Teachers Association addressed to the Speaker, requesting support for House Bills Nos. 1, 165 and 838 and opposing House Bills Nos. 622 and 862.

Referred to the Committee on Education.

BYBERRY STATE HOSPITAL

A communication from the Chamber of Commerce from West Philadelphia, supporting an investigation of personnel, physical care and accommodation of patients and actual use of money supposed to be spent in improvement at Philadelphia State Hospital, known as Byberry.

Referred to the Committee on Appropriations.

EDUCATION

A communication from the Philadelphia Federation of Churches, addressed to the Speaker, endorsing legislation providing for religious instruction.

Referred to the Committee on Education.

HIGHWAYS

Communications from the Garden Club of Allegheny County, Oakdale, and individuals favoring passage of House Bill No. 711, highway protection area bill.

Referred to the Committee on Highways.

MARRIAGE LAWS

Communications from Pennsylvania Federation of Women's Clubs, Butler, Montgomery, Venango, Erie, Lackawanna, Berks, Mercer, Bucks Counties, protesting passage of House Bill No. 404.

Referred to the Committee on Judiciary General.

SABOTAGE

A communication from Philadelphia Youth Council, and resolutions from State County and Municipal Workers of America, Local No. 46, Philadelphia, and United Office and Professional Workers of America, Local No. 2, protesting passage of House Bill No. 452, anti-sabotage bill.

Referred to the Committee on Judiciary Special.

RETAIL SALES

A communication from Scott and Hunsicker, addressed to the Speaker, protesting passage of House Bill No. 1023.

Referred to the Committee on Judiciary Special.

WAGE DEDUCTIONS

Communications from merchants in Philadelphia and Wilkes-Barre suggesting amendment of House Bill No. 590.

Referred to the Committee on Labor.

UNEMPLOYMENT COMPENSATION LAW

Communications from citizens of Philadelphia, urging passage of House Bill No. 771, increasing wages of employes of Bureau of Unemployment Compensation.

Referred to the Committee on Labor.

WAGES

Communications from citizens of Pennsylvania urging passage of House Bill No. 909, increasing compensation of State Liquor Store employes.

Referred to the Committee on Liquor Control.

BOWLING

Communications from the United Presbyterian Church, Ministerial Association, Pittsburgh, protesting passage of Sunday bowling bill and "The Bar-maid repeal bill."

Referred to the Committee on Liquor Control.

GASOLINE

A communication from Associated Retail Gasoline Dealers, Inc., Pittsburgh, addressed to the Speaker, favoring passage of House Bill No. 523.

Referred to the Committee on Motor Vehicles.

CHIROPODY

Communications from the Medical Society of the State of Pennsylvania and the Philadelphia County Medical Society protesting passage of House Bills Nos. 1118 and 1048.

Referred to the Committee on Professional Licensure.

UNDERTAKERS

A communication from the Funeral Directors Association of Pennsylvania, Pittsburgh, opposing passage of House Bill No. 227.

Referred to the Committee on Professional Licensure.

OPTOMETRY

Communications from organizations and optometrists favoring passage of House Bill Nos. 684 and 685 and opposing passage of House Bill No. 707.

Referred to the Committee on Professional Licensure.

NURSES

Communications from Pennsylvania State Nurses' Association favoring passage of House Bills Nos. 674 and 675.

A communication from Julia Gruber, Philadelphia, addressed to the Speaker, protesting passage of House Bill No. 675.

Referred to the Committee on Professional Licensure.

STATE POLICE

A telegram from Radio, and Television Workers, Local No. 101, addressed to the Speaker, requesting investigation of actions of State Police in Bethlehem Steel strike.

Referred to the Committee on Rules.

OLD AGE ASSISTANCE

A resolution from the Lithuanian Political Club of Lackawanna County, presented by Mr. Robert J. Cordier, requesting repeal of legislation requiring old age assistance recipients to execute bonds.

Referred to the Committee on Welfare.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 14, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, April 21, 1941, at 4:30 o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, April 21, 1941, at 9:00 o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

NORTH EAST MONTGOMERY YOUNG REPUBLICANS' CLUB WELCOMED

The SPEAKER. The Chair welcomes to the House this evening the North East Montgomery Young Republicans' Club, the guests of the gentleman from Montgomery, Mr. Boorse.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Schwab for Mr. WILKINSON for tonight's session.

Mr. Hewitt for Mr. McMILLEN for tonight's session.

Mr. Trout for Mr. ROYER for tonight's session.

Mr. Bretherick for Mr. JAMES for the week on account of illness.

REPORTS FROM COMMITTEES

Mr. PRESLEY N. JONES, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1207 (Senate Bill No. 285), entitled:

An Act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class and on unpaid delinquent poll poor district institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens and providing for the extension thereof.

Mr. PRESLEY N. JONES, from the Committee on Municipal Corporations, reported as amended, House Bill No. 1181, entitled:

An Act abating certain tax penalties and interest on unpaid county, (except in counties of the second class), city, (except in cities of the first and second class) borough, town, township, school district, (except in school districts of the first class), poor district, (except in counties of the second class) and county institution district, (except in counties of the second class) taxes, prohibiting the sale of real property for the nonpayment of any such taxes for a certain period, and preserving certain tax liens, and providing for the extension thereof.

Mr. MORAN, from the Committee on Municipal Corporations, reported as amended, House Bill No. 971, entitled:

An Act to further amend sections fifteen and fifteen and three-tenths, and to repeal sections fifteen and one-tenth and fifteen and two-tenths, of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing for the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in

certain cases, reviving, validating, preserving and extending liens.

Mr. READINGER, from the Committee on Rules, reported as committed, House Resolution No. 76.

RESOLUTION RE-REFERRED

Mr. READINGER returned from the Committee on Rules with the recommendation that it be re-referred to the Committee on Highways, House Resolution No. 71.

The SPEAKER. The resolution is re-referred to the Committee on Highways.

REPORT FROM COMMITTEE

Mr. GERARD, from the Committee on Rules reported as committed Senate Concurrent Resolution, Serial No. 119.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 2, 1941.

The hospitals of the Commonwealth are its safeguards and bulwarks against attacks by disease and accident upon the health, safety and well being of our people,

These well equipped fortresses of mercy with their modern equipment and efficient staffs of trained physicians, surgeons and nurses have reduced the toll of death within this Commonwealth and have brought relief and happiness to most of its citizens,

Those physicians and surgeons have given freely and generously of their services for the alleviation of suffering among those who otherwise could ill afford the cost of such aid;

Those who manage the necessary business and financial affairs of our hospitals likewise contribute valuable services in the interests of humanity,

Those nurses who tirelessly and ceaselessly lend their cheerful aid to the task of bringing relief and comfort to those inmates who are seeking a way back to life and health, are, in turn, a major part in the united work of restoring health to the afflicted. They are true apostles of that great English woman Florence Nightingale who dedicated her life to the relief of the suffering and raised a menial task to an heroic profession,

It is as fitting and proper to observe and celebrate the achievements of a living institution as to observe and celebrate the glories of the past; therefore be it

Resolved (if the House concur) That in recognition of the work performed by the hospitals of the Commonwealth and the splendid achievements of their staffs of physicians, surgeons and nurses the Governor of the Commonwealth is hereby requested to issue his proclamation designating May twelfth, one thousand nine hundred and forty-one, the anniversary of the birth of Florence Nightingale, as Hospital Day as a tribute to the splendid service rendered the citizens of this Commonwealth by our hospitals and those responsible for their operation; and be it further

Resolved, That a copy of this resolution shall be immediately transmitted to his Excellency the Governor.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 678, entitled:

An Act to safeguard life, health and property; defining, regulating and licensing contractors and journeymen engaged in the business of painting, paperhanging and decorating; fixing the license fees; providing for the revocation of such licenses and appeals therefrom; creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry, and conferring powers and imposing duties thereon; providing penalties and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 199, entitled:

An Act to amend the act, approved the sixteenth day of May, one thousand nine hundred forty (Act No. 4), entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money," by further defining moneys transferred to the General Fund.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one; evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 649, entitled:

An Act to further amend subsection (c) of section seven of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesman; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by providing for the granting of a real estate broker's license to certain persons without examination.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 671, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L.

177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 993, entitled:

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled, as amended "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by changing the provisions as to fees charged apprentices and students; requiring all barber shops to be registered; transferring the administration of certain provisions of said act to the State Board of Barber Examiners; and prescribing additional penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 974, entitled:

An Act to amend article twelve, section one thousand two hundred six, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the issuance of a certificate of approval for weights and measures of county, city and borough sealers.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 995, entitled:

An Act to further amend sections two thousand six hundred twenty and two thousand six hundred twenty-five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by eliminating the duty of filing a copy of the auditor's report with the Department of Public Instruction by the auditors in school districts of the third and fourth classes.

The first section was read.
On the question,
Will the House agree to the section?
Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments at the request of the sponsor.
The amendments were read by the Clerk as follows:

Amend sec. 1, (sec. 2620), page 2, line 24, by inserting a lightface bracket before the word "a" and after the word "report."
Amend sec. 1, (sec. 2620), page 2, line 24, by inserting after the word "report" the words: "correct copies."
Amend sec. 1, (sec. 2620), page 2, lines 28 and 29, by inserting light-face brackets before the word "and" on line 28, and after the word "other" on line 29.
Amend sec. 1, (sec. 2620), page 2, line 29, by inserting after the word "other" the word: "one."
Amend sec. 1, (sec. 2620), page 3, line 2, by striking out the words "in school districts of the second class" and inserting in lieu thereof the following: "except in school districts of the third class under the supervision of the County Superintendent of Schools."
Amend sec. 1, (sec. 2620), page 3, line 6, by inserting after the word "requested" the following: "In districts of the third class under the supervision of the County Superintendent of Schools two copies shall be transmitted to the County Superintendent, who shall forward one of such copies to the Superintendent of Public Instruction, Harrisburg, Pennsylvania."

The amendments were agreed to.
The section was agreed to as amended.
The second section was read.
On the question,
Will the House agree to the section?
Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments at the request of the sponsor.
The amendments were read by the Clerk as follows:

Amend sec. 2, (sec. 2625), page 4, line 9, by striking out the bracket before the word "The."
Amend sec. 2, (sec. 2625), page 4, line 10, by inserting light-face brackets before the word "one" and after the word "copy."
Amend sec. 2, (sec. 2625), page 4, line 10, by inserting after the word "copy" the words: "two copies."
Amend sec. 2, (sec. 2625), page 4, line 10, by inserting after the word "with" the following: "the County Superintendent of Schools who shall forward one of such copies to."
Amend sec. 2, (sec. 2625), page 4, line 11, by inserting a light-face bracket before the word 'by."

The amendments were agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments at the request of the sponsor.

The amendments were read by the Clerk as follows:

Amend the title, page 1, lines 12, 13, 14 and 15 of the title by striking out the part word "elim-" on line 12, all of lines 13 and 14, and the words "the auditors" on line 15, and inserting in lieu thereof the following: "providing for the filing of copies of auditors' reports."

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 35, entitled:

An Act prohibiting the taxation of income salaries and wages by political subdivisions of this Commonwealth

The first and second sections were read and agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. VOORHEES. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 3, page 1, lines 7 and 8, by striking out the words "immediately upon final enactment" and inserting in lieu thereof the following: "on the first day of January, one thousand nine hundred and forty-two."

On the question,

Will the House agree to the amendment?

Mr. VOORHEES. Mr. Speaker and members of the House, this bill is a bill to prohibit the present wage tax in Philadelphia. If this bill is enacted into law with its present effective date, which is immediately, it means that the Philadelphia City budget is out by $17,000,000, which means that we could not operate the city without some other form of taxation. I do not think the purpose of the bill is to interfere with the operation of the city, and so I ask that the House support this amendment, which makes the effective date the first day of January, 1942, when we start a new budget.

Mr. ROSENFELD. Mr. Speaker, I too do not wish to interfere with the administration of the city of Philadelphia. I do not think we ought to embarrass the city administration by making the act effective immediately, inasmuch as their budget has already been prepared for the balance of the year. I feel however that the important issue is not one of partisanship, but one of relieving a burden upon many taxpayers in Philadelphia.

I, therefore, ask the membership of the House to go along on this amendment.

On the question recurring.

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to.

On the question,

Will the House agree to the bill on second reading as amended?

Mr. BRETHERICK. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Rosenfeld.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated.

Mr. ROSENFELD. I shall, Mr. Speaker.

Mr. BRETHERICK. Mr. Speaker, am I correct in my understanding that if this bill is passed it will exempt only persons living within the territorial limits of the city of Philadelphia and will permit the city of Philadelphia to levy a tax on non-residents who are employed within the city.

Mr. ROSENFELD. Mr. Speaker in answer to the gentleman from Delaware, I might say that the tax which would be imposed on non-residents would be unconstitutional and, therefore, no group is left exempt under the provisions of this measure.

Mr. BRETHERICK. Mr. Speaker, does the gentleman from Philadelphia pay a real-estate tax within the city of Philadelphia?

Mr. ROSENFELD. I do not, Mr. Speaker, but members of my family do.

Mr. BRETHERICK. Mr. Speaker, we have the rather anomolous situation of an act to permit the city of Philadelphia to levy a tax on non-residents employed in the city of Philadelphia, while at the same time exempting those who reside within the city of Philadelphia from the payment of any such tax. The gentleman who is sponsoring this bill would of course benefit by its provisions, in that he would not have to pay an occupation or wage tax. He has stated on the floor of this House he does not pay any tax on real-estate. In other words he is going to enjoy the benefits that accrue to one living in the city of Philadelphia without sharing in its tax responsibility—

POINT OF ORDER

Mr. ROSENFELD. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. ROSENFELD. Mr. Speaker, the gentleman from Delaware is debating the measure on second reading.

The SPEAKER. The gentleman from Delaware is in order in debating the measure on second reading. The question is: Will the House agree to the bill on second reading as amended. The gentleman will proceed.

Mr. BRETHERICK. In other words, Mr. Speaker, the gentleman from Philadelphia, as I just stated, is going to share in the benefits that will accrue to him from living in that city, but is going to pass on to those persons residing outside of the city of Philadelphia, who work within its borders, the responsibility for maintaining the government in order that he may benefit. He will be paying no tax whatsoever to the city of Philadelphia and, therefore, Mr. Speaker, I offer the following amendment.

The SPEAKER. It will be necessary for the gentleman to move to reconsider the vote by which the House agreed to Section 1, that being the section to which the gentleman is offering amendments.

Mr. BRETHERICK. Mr. Speaker, we have gotten through the sections and title before I had a chance to be recognized. Mr. Voorhees spoke on section three.

RECONSIDERATION OF VOTE

Mr. BRETHERICK. Mr. Speaker, I move that the vote by which the title and the several Sections were agreed to be reconsidered.

Mr. EDWIN A. LEE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Delaware vote?

Mr. BRETHERICK. Mr. Speaker, in the majority.

The SPEAKER. How did the gentleman from Philadelphia vote?

Mr. EDWIN A. LEE. In the majority.

The motion was agreed to.

The first section was read.

On the question,

Will the House agree to the section?

Mr. BRETHERICK. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Section 1, page 1, line 2, by inserting after the word "levy" the following "on any non-resident."

Amend Section, page 1, line 3, by striking out the words "individuals residing" and inserting in lieu thereof the following "such non-resident."

On the question,

Will the House agree to the amendments?

Mr. ROSENFELD. Mr. Speaker, I rise to oppose this amendment. As I mentioned to the gentleman a few minutes age the provisions of this act are sought to be extended to non-residents. It is my feeling that a measure which would leave free from the burden of the tax nonresidents would be unconstitutional, and therefore the amendment offered as to the redundancy of this bill complicates a very simple proposition.

I ask the membership on this side of the House to vote "no" on this amendment.

Mr. VOORHEES. Mr. Speaker, I rise to oppose these amendments, because the amendments strike out a tax on people outside of Philadelphia County. We have a particular problem in Philadelphia of supporting a city where many of the residents live outside the artificial line which is drawn around the city.

Therefore, I ask the membership to vote "no" on these amendments.

Mr. BRETHERICK. Mr. Speaker, I happen to live in Delaware County and represent the County of Delaware. In our county we have numerous defense industries along the Delaware River where we employ thousands of Philadelphians who come to our county and earn their living. We impose no wage or occupation tax on them. We contribute at the present time to the maintenance of the government of Philadelphia while sharing none of the rights to elect represenatives in the city. So far as I can see I think the tax is absolutely unfair. We maintain our own municipalities, we maintain our own sewers, we maintain our own water, and we pay a tax on our real estate for that purpose. We have our own policemen, we have our own fire department and Philadelphia ought to maintain its own departments in the same way.

I say too, Mr. Speaker, that this tax is absolutely unfair so far as it concerns those who are non-residents of the city of Philadelphia. It is unfair as I have previously said, for the simple reason that there are thousands of Philadelphians who are earning their daily bread in Delaware County and other surrounding counties, who do not pay or contribute one cent of tax for the maintenance of the government in those counties.

Therefore, I ask the members of the House to vote for this amendment, and Mr. Speaker, I ask for a roll call.

Mr. RUSH. Mr. Speaker, I rise in suport of the amendment offered by my colleague from Delaware County, Mr. Bretherick, because the present wage tax which is levied in the City of Philadelphia is very unfair. They do collect a tax from residents of the counties surrounding Philadelphia County who in many cases do not do their work in Philadelphia. They do not earn their money in Philadelphia, they do not use the facilities of the city of Philadelphia, yet because they happen to work for some firm which has its headquarters in Philadelphia, where they have to report occasionally, they seek to have them pay a wage tax in Philadelphia. This reaches out not only into Delaware County but into Chester County and all the way into Berks County.

Therefore, I rise in support of the amendment offered by the gentleman from Delaware, Mr. Bretherick.

On the question,

Will the House agree to the amendments?

The yeas and nays were required by Mr. BRETHERICK and Mr. RUSH and were as follows:

YEAS—63

Boorse,	Greenwood,	Lyons,	Sollenberger,
Bower,	Gyger,	McClester,	Sorg,
Bretherick,	Habbyshaw,	McIntosh,	Stambaugh,
Brunner, C. H.,	Haines,	McKinney,	Stockham,
Cadwalader,	Hall,	McLanahan,	Taylor,
Cordier,	Hamilton,	McSurdy,	Trout,
Dalrymple,	Hare,	Muir,	Turner,
Dennison,	Helm,	Nunemacher,	Wagner,
Dix,	Hewitt,	Rausch,	Watkins,
Eckels,	Huntley,	Reagan,	Weingartner,
Elder,	Imbrie,	Reese, D. P.,	Winner,
Foor,	Jones, G. E.,	Rhea,	Wolf,
French,	Kline,	Riley,	Wood, N.,
Gates,	Knoble,	Rush,	Woodside,
Gillan,	Krise,	Sarge,	Yeakel,
Gillette,	Lichtenwalter,	Serrill,	

NAYS—108

Achterman,	Gallagher,	McDermott,	Rose, W. E.,
Allmond,	Gerard,	McFall,	Rosenfeld,
Auker,	Goodwin,	McGrath,	Sarraf,
Baker,	Gross,	McLane,	Scanlon,
Bentley,	Gryskewicz,	Melchiorre,	Schwab,
Bentzel,	Harmuth,	Modell,	Shaffer,
Boles,	Harris,	Mooney,	Shepard,
Bradley,	Heatherington,	Moran,	Stank,
Breth,	Herman,	Moul,	Stine,
Brown,	Hirsch,	Munley,	Tarr,
Brunner, P. A.,	Hersch,	O'Brien,	Tate,
Burns,	Holland,	O'Connor,	Thompson, E. F.,
Burris,	Jefferson,	O'Mullen,	Verona,
Chudoff,	Jones, P. N.,	O'Neill,	Vogt,
Cohen, M. M.,	Keenan,	Owens,	Voldow,
Cohen, R. E.	Kenehan,	Petrosky,	Voorhees,
Corrigan,	Kolankiewicz,	Pettit,	Weiss,
Cullen,	Komorofski,	Polaski,	Welsh, E. B.,
DiGenova,	Lee, E. A.,	Polen,	Welsh, M. J.,
Dolon,	Lee, T. H.,	Powers,	Williams,
D'Ortona,	Leonard,	Prosen,	Woodring,
Duffy,	Le[illegible],	Readinger,	Wright,
Early,	Longo,	Reese, R. E.,	Yester,
Elliott,	Lovett,	Regan,	Young,
Finestone,	Malloy,	Reynolds,	Kilroy,
Finnerty,	Marks,	Rooney,	Speaker.
Fletcher,	Maxwell,	Rose, S.,	
Flynn,	McClanaghan,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. BRETHERICK. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 1, page 1, line 4, by inserting after the word "thereof" the words: "or elsewhere."

On the question,

Will the House agree to the amendment?

Mr. ROSENFELD. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Bretherick.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. BRETHERICK. Mr. Speaker, I will.

Mr. ROSENFELD. Mr. Speaker, I desire to ask the gentleman from Delaware as to the purpose of this amendment.

Mr. BRETHERICK. The purpose of the amendment, Mr. Speaker, is to cure any question as to the effect of the bill as far as it effects non-residents of Philadelphia County. It will make the bill read that a wage or occupation tax may not be levied on anybody anywhere including the city of Philadelphia.

Mr. ROSENFELD. Mr. Speaker, does the gentleman feel that the measure as it now reads with this amendment will cover every person earning money within the territorial limits of the city of Philadelphia?

Mr. BRETHERICK. I do, Mr. Speaker, residents and non-residents.

Mr. ROSENFELD. Mr. Speaker, I will ask the membership of this House to endorse this amendment.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

The second section, third section as amended and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. VOORHEES. Mr. Speaker, I move that this bill be re-referred to the committee on Cities of the First Class.

On the question,

Will the House agree to the motion?

Mr. ROSENFELD. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Voorhees.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. VOORHEES. I will, Mr. Speaker.

Mr. ROSENFELD. Mr. Speaker, Will Mr. Voorhees please state what is the purpose in asking for a re-committal of this bill?

Mr. VOORHEES. Mr. Speaker, my purpose in asking for a re-committal of this bill is that the city of Philadelphia placed a wage tax after due consideration. The city of Philadelphia from the year of 1931 to the present time suffered a shrinkage in it's real-estate value of one billion dollars. That meant a loss to the tax payers of seventeen million dollars.

Now, this is a non-partisan measure. During the administration of Mayor Wilson, when the city needed some form of income to replace the shrinkage of real-estate a committee was appointed by the Mayor, and that committee investigated various forms of taxation that the city might use. They investigated the sales tax and found out the effect the sales tax would have on the city of Philadelphia. Philadelphia is in a vicinity where many of its people live outside of the city limits of Philadelphia. The sales tax had the effect of driving business out of the city. A large amount of the taxes that are collected in Philadelphia come from the central part of the city, and the central part of the city depends upon business, and the sales tax throws business outside of the city.

When the wage tax was offered as a means of taxing people who live outside of the city of Philadelphia, and who pay nothing towards the support of the city of Philadelphia, and taxing those people in order to receive this additional revenue.

We in the Legislature, without due consideration for the needs of the city of Philadelphia, now want to prohibit a measure that has been carefully studied by a non-partisian committee appointed by Mayor Wilson,—Mayor Wilson who some days said he was a Republican and the next day he was a Democrat. I do not think you can consider it a partisian measure at all, but it is a means of raising revenue to carry on the finances of the city of Philadelphia. I think we of the House should give the bill every consideration and return it to the committee and to be studied as to how it will effect the city's budget and how we are going to replace seventeen million dollars.

If the gentleman from Philadelphia will tell me how we can raise this money by some other method of taxation I will not ask that the bill be re-committed.

Mr. ROSENFELD. Mr. Speaker, I would like to inquire why the gentleman felt that the effective date should be January 1, 1942 if he didn't feel that this measure should be passed.

Mr. VOORHEES. Mr. Speaker, I think as a member of the House it is my duty to provide, in case the bill should be passed, to get as good a bill as can be had. Now, I was only providing in that amendment that the city budget for this year would not be thrown out; so that the necessary funds for carrying on the city government would not be disrupted.

Mr. ROSENFELD. Mr. Speaker, I would like to inquire as to the amount of indebtedness at the prestnt time of the city of Philadelphia.

Mr. VOORHEES. Mr. Speaker, the present indebtedness of the city of Philadelphia,—that is the net indebtedness is around $320,000,000. The gross indebtedness is over $500,000,000, with the provision of the sinking fund. If you subtract the sinking fund from the gross it leaves the net, and on that point I might say, Mr. Speaker, from a non-partisan Bureau of Research which has just printed a pamphlet that there is an excellent refunding opportunity. I won't read the whole thing, but the gist of it is that on October 27th next the $8,804,000 bond issue of four and one quarter per cent, fifteen to twenty year bonds can be recalled and refunded at a considerable saving to the city. This will take place on a number of bond issues and the city is now over the hump of the heavy tax burden to pay for these bonds. We are now in a place where we can refund the bonds and reduce our indebtedness and be in a good financial condition.

Mr. ROSENFELD. Mr. Speaker, I would like to know from the gentleman as to whether the wage tax ordinance in Philadelphia exempts present city bondholders from the payment of tax on the interest accruing to them.

Mr. VOORHEES. Will the gentleman repeat his question please, Mr. Speaker.

Mr. ROSENFELD. I would like to know, Mr. Speaker,

as to whether the wage tax ordinance in Philadelphia excepts from its provisions city bondholders on interest or dividends accruing to them.

Mr. VOORHEES. The present wage tax ordinance, Mr. Speaker, provides that all money earned in the city of Philadelphia or by residents of the city of Philadelphia be taxable. It has nothing to do with money earned form bonds. That is taxed under the personal property tax.

Mr. ROSENFELD. Mr. Speaker, I wonder if the gentleman would be surprised if I told him that the bondholders in Philadelphia are not required to pay income tax on the dividends accruing to them from the bonds?

Mr. VOORHEES. What kind of an income tax, Mr. Speaker.

Mr. ROSENFELD. An income tax, Mr. Speaker, under the ordinance of Philadelphia.

Mr. VOORHEES. Mr. Speaker, as I understand interest on bonds is not an earned income; that is a tax on personal property at the rate of four mills by the city and four mills by the state.

Mr. ROSENFELD. Is the gentleman, Mr. Speaker, astonished to learn that others paying the four mills tax have to pay an income tax?

Mr. VOORHEES. I am surprised, Mr. Speaker, to learn that they are paying on unearned income, yes.

Mr. ROSENFELD. Will the gentleman also say that a part of the plight of the city of Philadelphia is due to the fact that we haye so many of these outstanding bonds?

Mr. VOORHEES. Mr. Speaker, the plight of the city of Philadelphia is due to the shrinkage of our real estate values, and due to the natural tendency of every city in the country to expand its area. Every city in the United States is suffering somewhat from the same condition. Our population is spreading to the valleys and hills, and that is due to the automobile. Formerly, the workman had to live near his place of employment. Today the automobile is taking them out fifty miles from the city, and the natural radius today for workers in any large city is fifty miles.

Mr. Speaker, in line with that, I have offered legislation here to try to correct the real causes of the budget trouble in Philadelphia, and I look at it in this way, in the first place the city of Philadelphia has a lot of real estate. There is a great deal of real estate frozen because of the fact that we cannot collect delinquent taxes and you cannot put them up for sale because nobody will bid on them. I have introduced two bills, one to allow delinquent tax property to go to sale and to give an absolute title at the sale, which will increase the amount of taxes collected, and therefore, will increase the income and make it possible to do away with the wage tax. I have also introduced a bill to extend the county of Philadelphia further out so that it will expand according to economic laws.

Mr. ROSENFELD. Mr. Speaker, I would like to inquire of Mr. Voorhees as to how long it will take the city of Philadelphia to see daylight with the continuance of the present city wage tax.

Mr. VOORHEES. Mr. Speaker, I think the city of Philadelphia should in the next few years be able, with the rise in value of real estate and with the greater income from personal property, to abolish the wage tax, but I cannot state a definite time. I don't think any one can; that depends on economic conditions.

Mr. ROSENFELD. Mr. Speaker, I rise to oppose the motion to recommit the bill. I can see no valid reason for recommittal at this time. I think Mr. Voorhees has given us every reason why this bill should passed as speedily as possible. It appears that the wage tax, which was at its original inception introduced as an emergency measure, will now continue for many years to come.

The plight of the city of Philadelphia is due to indebtedness that will continue for a long time. It has become a problem now with the city in its analysis and its solution we feel at this time that there is no necessity for continuing a tax of this sort, which was originally intended to be an emergency tax. I therefore ask the members of the House to vote down the amendment.

Mr. VOORHEES. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Rosenfeld.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Rosenfeld, permit himself to be interrogated?

Mr. ROSENFELD Yes, Mr. Speaker.

Mr. VOORHEES. Mr. Speaker, may I ask the gentleman what substitute he has to offer to raise $17,000,000?

Mr. ROSENELD. Mr. Speaker, I am not here to solve the financial problems of the city of Philadelphia. However, I feel that there are many things that could be done in Philadelphia to reduce the amount of its present expenditures and indebtedness. I think there should be something done about tax exempt property. I think there should be a reduction in the payroll. I think there are many drones on the city payroll who have no right to be there, I feel as the city is presently being administered that big indebtedness will be continued for a long time, and that there is no definite answer to the condition at this time.

Mr. VOORHEES. Mr. Speaker, may I ask the gentleman how much can be saved on the payroll?

Mr. ROSENFELD. About a million dollars annually, Mr. Speaker.

Mr. VOORHEES. How can we raise the other sixteen million dollars, Mr. Speaker?

Mr. ROSENFELD. By taxing exempt properties, Mr. Speaker.

Mr. VOORHEES. How much can we raise from that source?

Mr. ROSENFELD. About nine or ten million dollars, Mr. Speaker.

Mr. VOORHEES. And how much is the total value of the tax exempt property in the city of Philadelphia, Mr. Speaker?

Mr. ROSENFELD. In the neighborhood of three hundred million dollars, Mr. Speaker.

Mr. VOORHEES. Mr. Speaker, I understand that the total value of tax exempt property in the city of Philadelphia is seventy million dollars. This includes churches, utility property, railroad beds and all property owned by the city and owned by the schools. To tax them would only be like taking money out of one pocket and putting it into another. I do not think we want to tax churches; I do not think we want to tax road beds of the railroads. There is some controversy as to whether we should tax the utilities. We had a great discourse on that by the gentleman from Allegheny, Mr. Holland, but we cannot raise much money, maybe a million dollars from a tax on property owned by the utility companies. This leaves fifteen million dollars.

Now, Mr. Speaker, I do not want to take too much of the time of the House on the problem of saving Philadel-

phia, but I think we have shown here that we are being asked to vote for a bill without being offered any substitutes. I think the purpose of the bill is to have Philadelphia papers headline: "Democratic Party Opposes Wage Tax." We are all opposed to the wage tax, in fact we are opposed to all taxes, but as long as we live we are going to have taxes, and it is just a question of what we are going to tax. If you are going to get a substitute for this tax, all right, but I think it is our duty either to support this or find something else, and that something else which they are to tax should not be something that is just as objectionable, in fact more so.

I ask that the bill be recommitted so that it can be given further study.

Mr. REUBEN E. COHEN. Mr. Speaker, I think in fairness to Philadelphia I should clear up two or three matters that were discussed on the floor of the House tonight. First of all the statement was made by the gentleman on the other side of the House that the sales tax was passed and found wanting. Now we have the wage tax on the books and we do not know what to do about it because they now suggest that we withhold action until January 1, 1942.

There are those of us in this House, who prior to the passage of the sales tax told the city of Philadelphia, and we said it in many ways, told it on the street corners that they should not pass it, but City Council passed it, but they soon got rid of it because it was no good and nobody liked it. Then they talked about the wage tax. We then went back to the same place, the street corners, and talked to these people and came to the conclusion that the wage tax was an iniquitous tax, that it ought not to have been passed, but they could not let go; they had hold of a tiger by the tail and could not let go because of the necessity for further income. They now come to the conclusion that by January 1, 1942 the millenium will have been reached.

The gentleman asked us what we can do to offer a substitute. Why did the City Council of Philadelphia some time ago when the Harr-White Plan was offered, to show how the bonded indebtedness might be reduced, that is the interest be reduced, why didn't they adopt that plan or something like it instead of the wage tax to pull them out of that dilemma? On debate the gentleman tells this House that Philadelphia is in a bad way because real estate values have declined.

Just to remind everybody, we have some fourteen to twenty million dollars invested in art museums; we have some twenty to thirty million dollars sunk in subways. We have some subways running for about four blocks and nobody knows whether you are going or coming. And we cannot find money for housing. That is where the money has been wasted in Philadelphia. Don't blame it on declining real estate values, but put it where it belongs. Let every proposition stand on its own two feet. If those things are taken into consideration I think ways will be found for the Philadelphia City Council or the City Fathers to work out their problem themselves rather than come up here crying and saying that the iniquitous wage tax shall remain until we can find some other measures to make up these millions.

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Philadelphia, Mr. Voorhees, I only want to explain to him that with the effective date of the act being January 1, 1942, certainly the City Council between the time of the closing of this session of Legislature, if the bill is enacted, and January 1, 1942, should be able to find some other method of taxation.

I only want to say to the gentleman from Philadelphia, that in all his answers to the interrogation he never gave one reason why this iniquitious tax, which everybody thinks is of such a nature, should not be repealed. The gentleman from Philadelphia referred to the diminishing real estate values. We have diminishing real estate values not only in Philadelphia but in every county and in every community of the Commonwealth of Pennsylvania, yet there are not many counties in Pennsylvania that have a wage tax. I might say to the gentleman from Philadelphia that in 1935 this Legislature, the House being Democratic and the Senate being Republican, passed an act which gave the people the right to vote on a graduated income tax for the state of Pennsylvania. That act provided for a referendum to be placed before the people of Pennsylvania on the question of whether or not there should be a graduated income tax. I say to the gentleman from Philadelphia if the state of Pennsylvania had a graduated income tax ————

POINT OF ORDER

Mr. VOORHEES. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. VOORHEES. Mr. Speaker, the graduated income tax has nothing to do with the budget in Philadelphia. I think the gentleman is off the subject.

The SPEAKER. I think the gentleman from Philadelphia, Mr. Voorhees, will realize that the Chair has given great latitude in discussing this bill. The gentleman from Philadelphia, Mr. Voorhees discussed other bills while debating this particular bill.

The question before the House is on the motion to recommit. However the Chair is of the opinion that the gentleman from Philadelphia, Mr. Levy, should have the same latitude in debate as the gentleman from Philadelphia, Mr. Voorhees, had during his discussion. The Chair will request the gentleman from Philadelphia, Mr. Levy, to please try to confine himself to the question before the House.

Mr. LEVY. I will, Mr. Speaker. In answer to the gentleman from Philadelphia, let me remind him that in the 1935 session, and I believe this is very relevant to the matter, in view of the fact that the gentleman from Philadelphia wants to know what other kind of tax the City Fathers can place upon the backs of the people of Philadelphia, I might remind him that in 1935 a Democratic House and a Republican Senate passed an act permitting the people of Pennsylvania to have a referendum calling for a graduated income tax. That bill passed in both House and Senate and the question was submitted to the people. Mr. Speaker, following the enactment of the bill in the 1935 session a referendum was placed before the people in the primary in 1937, at which time the Republican party in Philadelphia gave orders to their district precinct leaders to knife the referendum on the graduated income tax. It is these same politicians who today come into this House and ask to be alleviated from the repeal of this unfair act. You heard the gentleman from

Delaware say it was an unfair and inequitable tax. He says it is unfair to the people of the County of Delaware, and then I say in the same breath it is unfair to the people of the City of Philadelphia, and, Mr. Speaker, I ask the House to vote against this recommittal.

Mr. VOORHEES. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Levy.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. LEVY. I shall, Mr. Speaker.

Mr. VOORHEES. Mr. Speaker, what effect on the city of Philadelphia, as far as income is concerned, would the passage of the graduated income tax amendment have?

Mr. LEVY. In answer to the gentleman from Philadelphia, I believe I explained that. If the graduated income tax referendum had been approved by the people of the Commonwealth, and had not the Republican organization of Philadelphia knifed the referendum, the Commonwealth of Pennsylvania would have been in possession of sufficient funds to take care of the mental hospital in Philadelphia and many other functions of the city and county of Philadelphia, and the situation which the city of Philadelphia now finds itself in might have been alleviated before this. Certainly it would not have required the passage of a wage tax in Philadelphia two years ago.

Mr. VOORHEES. Mr. Speaker, how much would be saved to the city of Philadelphia if the State took over the mental institutions?

Mr. LEVY. Mr. Speaker, I do not have the figures at hand. I will ask the gentleman from Philadelphia to be fair. The gentleman realizes that we will have the figures on our desk when these bills come up for consideration, and I will be only too glad to help him with his problem. I only mentioned the mental institution in Philadelphia as an example of one of the savings which could have been affected. There are many others.

Mr. VOORHEES. Mr. Speaker, how much is there in the budget to-day to take care of the mental institution in Philadelphia?

Mr. LEVY. Mr. Speaker, in the budget to-day I understand there is nothing, which is very unfortunate for the mentally ill in Philadelphia.

Mr. VOORHEES. Mr. Speaker, if there is nothing in the budget to-day and the State has already taken care of the mental institutions, we do not save any of the seventeen million dollars we are trying to raise. Mr. Levy has not offered any method to raise this amount of money.

Now, Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Reuben E. Cohen.

Mr. LEVY. Mr. Speaker, before the gentleman from Philadelphia, Mr. Voorhees, interrogates the gentleman from Philadelphia, Mr. Reuben E. Cohen, I want to answer a statement he made which I think should be answered.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Voorhees, yield?

Mr. VOORHEES. I will, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia Mr. Levy will proceed.

Mr. LEVY. Mr. Speaker, I think the answer of the gentleman from Philadelphia only goes to prove more conclusively that this recommittal motion should be defeated. The gentleman stated just a moment ago that there is no item in the budget in Philadelphia to take care of the mental hospital in Philadelphia. I only want to say that that is just another inconsistency on the part of the city fathers of Philadelphia, because every man in this House knows that the leaders of the Republican party in the House are about to introduce or have introduced to-night a measure to further postpone State supervision of mental institutions.

Now, we have an anomolous situation in Philadelphia where the Republican leadership in the state along with the Governor of the Commonwealth, says, "No, we are going to postpone action on all mental hospitals," and at the same time the City Fathers of Philadelphia have made no provision in their budget for such institutions for this year to take care of the mentally ill. I think that again is one more conclusive argument why this motion should be defeated.

Mr. VOORHEES. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Reuben Cohen.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Cohen, permit himself to be interrogated?

Mr. REUBEN E. COHEN. I will Mr. Speaker.

Mr. VOORHEES. Mr. Speaker, how much would be saved from the so called Harr-White plan to refund the city bonds.

Mr. REUBEN E. COHEN. Mr. Speaker, the figures are not in my possession and I can speak only from recollection, but at the time the issue was first made public the estimates began rather modestly and then began to take on greater proportions. I think, Mr. Speaker, all in all, if the Harr-White Plan in detail were put into effect it would bring about a savings of the sum of one hundred and thirty-six million dollars.

Mr. VOORHEES. Mr. Speaker, what does this plan depend on?

Mr. REUBEN E. COHEN. Mr. Speaker, the plan depends upon the city council and the City Fathers in Philadelphia having guts enough to put the plan into effect.

Mr. VOORHEES. Mr. Speaker, is there anything else necessary to put the plan into effect?

Mr. REUBEN E. COHEN. Yes, Mr. Speaker, there is something else very necessary, and that is to have a Democratic City administration put the plan through.

Mr. VOORHEES. Mr. Speaker, if the Harr-White plan were put into effect the city would save in the next fifty years the sum of twenty-six million dollars ———

Mr. RUEBEN E. COHEN. Mr. Speaker, I do not know that that is correct. I do not have the figures before me, or am I now being interrogated?

Mr. VOORHEES. No, that is all. Mr. Speaker, the plan depends on one big "If". If the people who own the bonds that are now paying five and one quarter percent interest would be kind enough to bring those bonds onto the counter and allow the city to re-issue them into other bonds paying a lower rate of interest, then the plan could be put into effect. However, I do not believe we will find people with those bonds that pay five percent interest who would be willing to accept bonds paying only two and one half percent interest. The only other plan is the plan that the city is now adopting, to refund the bonds at five percent as soon as they are called. That is what they are going to do on October 27th on the first issue of eight million dollars.

Mr. Speaker we have spent a great deal of time on this question and I think we have proven pretty well that the sponsor of this measure has not given it proper study. I think we have proved pretty well that we have no way

of replacing this sum of seventeen million dollars which this bill takes away from the city of Philadelphia. I do not think it is proper for the House membership to pass such a bill without further study. I am not asking the members to defeat the bill, but I am asking the Members of the House to recommit this bill to the proper committee for further study so that we can have a proper substitute for the bill, and then after we have the substitute re-report the bill. I ask the members of the House to vote "aye".

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 772, entitled:

An Act making an appropriation to state teachers colleges to enable such institutions to add certain courses to their curricula

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1049, entitled:

An Act creating a temporary State commission to investigate all State hospitals conferring powers and duties on said commission and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 470, entitled:

A Joint Resolution proposing an amendment to article three of the Constitution of the Commonwealth of Pennsylvania by adding thereto section thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 891, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by revising the provisions of said act relating to the issuance of licenses and repealing certain sections

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BRETH. Mr. Speaker, I move that this bill be recommitted to the Committee on Game for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 751, entitled:

An Act to amend section two thousand one hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing the minimum salaries or compensation for paid firemen and paid employes of the fire department in such cities

The first section was read.

On the question,

Will the House agree to the section?

MOTION TO RECOMMIT

Mr. AUKER. Mr. Speaker, I move that this bill be recommitted to the Committee on Third Class Cities for the purpose of a public hearing.

On the question,

Will the House agree to the motion?

Mr. AUKER. Mr. Speaker, in speaking for this motion and asking my colleagues of the House to support it, I am only going to talk a few minutes.

First of all, I say and firmly believe that majority of the Members of the House think as a matter of good principal, as a matter of good government, it is wrong for us Members to come here to Harrisburg and pass bills imposing duties and financial obligations on the people back home and then say to the people back home, "Well, we told you what to do, now you people go ahead and raise the money to do it." The boroughs and townships and cities outside of Philadelphia have only one place to raise money and that is by a tax on real estate. I have been more or less a student of Pennsylvania Legislative history for some years, and to the best of my memory I never have known of an occasion where this House passed any bill to relieve real estate taxes in the boroughs and cities of this state. Now, we are asked again to pass a bill which will impose additional obligations upon various municipalities, and especially the third class cities.

I had a talk with the firemen back home in Altoona last Monday. They asked me to support this bill. I said to them, "Where are you going to get the money"? They said," It can come out of the general budget of the people of Altoona." I said, "Where do the people of Altoona get their money"? They said, "By a tax on real estate." I said, "Then you are going to levy an additional tax on real estate". They said, "No, you can get it out of the general finances, it won't need any additional tax." I said to them," If you can show me that at a public hearing I probably will withdraw my objection to this bill". They said they would be only too glad to try to do it. That is the reason I am asking that this bill be recommitted to the Committee on Third Class Cities for the purpose of a public hearing.

As a matter of general principle I do not think we should impose financial obligations on the people back home without giving them the means or furnishing them with the money to pay for that burden and obligation. Second, if we do do that, if we do pass such a measure

here, adding additional burdens to the municipalities back home, then most certainly I do not think we ought to do it, and I say emphatically we ought not to do it until those municipalities have a chance to show at a public hearing that it is going to materially affect the finances of their municipalities.

I respectfully ask the Members of the House to support this motion to recommit this bill to the Committee on Third Class Cities for a public hearing in order that the third class cities and other municipalities interested may have a chance to be heard and state their position on these bills.

Mr. HEATHERINGTON. Mr. Speaker, I desire to interrogate the gentleman from Blair, Mr. Auker.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. AUKER. I shall, Mr. Speaker.

Mr. HEATHERINGTON. Mr. Speaker, does the gentleman from Blair know when this bill was presented?

Mr. AUKER. Mr. Speaker, I can tell the gentleman in a minute by looking at the date of it.

Mr. HEATHERINGTON. Never mind, I will tell the gentleman. It was March 11th. This bill, Mr. Speaker, in my opinion deals with the forgotten man in Pennsylvania. I will agree with the gentleman from Blair that quite a few people say they should not get a raise, but when the Mayor of any third class city or the City Council, have any pet friends, whose salaries they want to raise, they do it without an act of the Legislature.

Furthermore, Mr. Speaker, I have had no request, and I do not think the Chairman of the Committee on Third Class Cities has had any request for a public hearing. I personally think, along with quite a few other Members of the House, that the firemen are underpaid. This motion of Mr. Auker in my opinion is only made for the purpose of delaying the bill. In most of your third class cities, the only time they think the firemen should get a raise is after there has been a fire in which the roof falls in and kills eight or ten or twelve firemen.

Mr. AUKER. Mr. Speaker, in answer to the gentleman from Allegheny, Mr. Heatherington, regarding a public hearing, I desire at this time in support of my motion to read a letter which I received in the mail today. I have no doubt that other members of the House have received the same letter. The letter is from W. E. Greenwood, President of the League of Cities of the Third Class in Pennsylvania, and is addressed to me. It reads as follows:

"By reason of the fact that the writer was assured that he was going to have an opportunity to personally discuss with the Committee on Cities of the Third Class legislation affecting such cities, and inasmuch as the Chairman of the Committee stated publicly at a meeting in Easton that the writer would be asked to appear before the Committee on legislation therein pending, we did not make any statement to the members of the Committee independently as to the cost imposed upon the cities by House Bill No. 751, which was reported out today, and which will, undoubtedly, pass first reading tomorrow.

"On behalf of the Cities of the Third Class I desire to protest against this bill by reason of the expense entailed and for the further reason that the determination of compensation to be paid to firemen and policemen is a matter which should be left solely to the municipal authorities of the respective communities. I, herewith, enclose a statement showing the number of firemen, present salaries, and the amount of increase in cost to the several cities of the state having paid fire departments or paid employees in the fire department occasioned by this bill.

"I would respectfully request that this bill be returned to Committee for further consideration and that I be given an opportunity on behalf of the Cities of the Third Class to appear before this Committee personally and present our reasons why this bill should not be passed.

"I am not at this time asking for a public hearing, but in view of the statements that have been made to me by the various members of the Committee as to my being given an opportunity to appear before the Committee, I am most earnestly requesting that the bill be recommitted for the purpose of hearing me personally on this matter.

Very truly yours,

W. E. GREENWOOD
President

The bill was presented on March 11th and was not reported out until last week, and in view of the movement of other bills in this House, and the way they have been delayed, I think this bill has been moving along very, very rapidly. The bill starts out with a minimum salary of fourteen hundred dollars, and from then it adds one hundred dollars every year for seven years until it reaches the sum of twenty-one hundred dollars. This salary schedule shows that in the majority of the cities, the city firemen are now receiving sixteen, seventeen or eighteen hundred dollars on an average. I say again that the cities and the municipalities should have a chance at a public hearing to present their views on this matter.

I am sorry that the gentleman from Allegheny questioned my sincerity when I related the conversation I had with the firemen of my city. I have every respect in the world for firemen, I am their friend and always have been. I have told them constantly that I could not vote for any legislation here that would impose an additional burden on real estate, that it was up to them to show me, and I think it is up to them to show all of us that this bill is not going to impose an additional financial obligation or an additional tax on real estate. We do not have any business coming down here levying a heavier tax on real estate, but if the gentleman from Allegheny wishes to take responsibility, then let him answer to the people next Fall.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. AUKER and Mr. HARE and were as follows:

YEAS—44

Auker,	Foor,	Lichtenwalter,	Sorg,
Boorse,	Greenwood,	Lyons,	Stambaugh,
Bower,	Gyger,	McClester,	Stockham,
Bretherick,	Hare,	McKinney,	Van Allsburg,
Brunner, C. H.,	Helm,	Muir,	Voorhees,
Cadwalader,	Hewitt,	Rank,	Wagner,
Dennison,	Jones, G. E.,	Reagan,	Weingartner,
Dix,	Knoble,	Rhea,	Wood, L. H.,
Elder,	Krise,	Riley,	Woodring,
Fisher,	Lee, E. A.,	Snyder,	Woodside,
Fletcher,	Leisey,	Sollenberger,	Yeakel,

NAYS—129

Achterman,	Finnerty,	Maxwell,	Rooney,
Allmond,	Gallagher,	McClanaghan,	Rose, S.,
Baker,	Gates,	McDermott,	Rose, W. E.,
Balthaser,	Gerard,	McFall,	Rosenfeld,
Bentley,	Goodwin,	McGrath,	Rush,
Bentzel,	Gross,	McIntosh,	Sarraf,
Boies,	Habbyshaw,	McLanahan,	Scanlon,

Boney,	Haberlen,	McLane,	Schwab,
Bradley,	Hall,	McSurdy,	Shaffer,
Breth,	Hamilton,	Melchiorre,	Shepard,
Brown,	Harkins,	Mihm,	Stank,
Brunner, P. A.,	Harmuth,	Modell,	Tarr,
Burns,	Harris,	Mooney,	Tate,
Chervenak,	Heatherington,	Moran,	Taylor,
Chudoff,	Hering,	Moul,	Thompson, E. F.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M. M.,	Hersch,	Nagel,	Verona,
Cohen, R. E.,	Hirsch,	Nunemacher,	Vincent,
Cordier,	Jefferson,	O'Brien,	Vogt,
Croop,	Jones, P. N.,	O'Connor,	Voldow,
Cullen,	Keenan,	O'Mullen,	Watkins,
Dalrymple,	Kenehan,	O'Neill,	Weiss,
Di Lenova,	Kline,	Owens,	Welsh, E. B.,
Dolon,	Kolankiewicz,	Petrosky,	Welsh, M. J.,
D'Ortona,	Komorofski,	Pettit,	Williams,
Duffy,	Leonard,	Polaski,	Winner,
Early,	Lesko,	Polen,	Wolf,
Eckels,	Levy,	Prosen,	Wood, N.,
Elliott,	Leydic,	Rausch,	Wright,
Falkenstein,	Longo,	Readinger,	Yester,
Finestone,	Lovett,	Reese, R. E.,	Young,
	Malloy,	Regan,	Kilroy.
	Marks,	Reynolds,	Speaker.

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. HEATHERINGTON. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 2101), page 2, line 14, by striking out the following: "Fourteen hundred dollars ($1400.00)" and inserting in lieu thereof: "Sixteen hundred dollars ($1,600)"

Amend Sec. 1 (Sec. 2101), page 2, line 16, by striking out the following: 'one hundred dollars ($100.00)" and inserting in lieu thereof: "eighty dollars ($80.00)"

Amend Sec. 1 (Sec. 2101), page 2, line 17, by striking out the following: "seven (7)" and inserting in lieu thereof: "six (6)"

The amendments were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 800, entitled:

An Act providing that investment in shares of any savings or building and loan associations organized under the laws of the Commonwealth of Pennsylvania which is a member of the Federal Home Loan Bank System shall be legal investments for certain corporations and certain funds

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. O'BRIEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Building and Loan Associations.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 806, entitled:

An Act to further amend section two thousand five hundred fifty-nine of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by abolishing tax collectors' right of distress and sale of goods and chattels for the collection of delinquent per capita poll and occupation taxes

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 736, entitled:

An Act to further amend section two thousand five hundred and sixty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" changing the penalties and interest imposed for the nonpayment of taxes

The first section was read

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities Third Class for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 762, entitled:

An Act to further amend section twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" permitting dogs kept in a kennel to be taken out for training exercise or entry in field trials

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 949, entitled:

An Act to further amend section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by imposing liability on executors administrators or trustees for real estate broker's commissions in certain cases

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 764, entitled:

An Act to add section nine hundred thirty-eight to the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for the establishment regulation and use of special dog training areas

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 668, entitled:

An Act to amend article thirty-two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the laws relating thereto" by adding thereto section 3210.1 providing for exonerations of sewer assessments and the satisfaction of sewer liens and the discharge of properties covered thereby

The first section was read

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities Third Class for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 854, as follows:

An Act to further amend section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" permitting hotel and restaurant licensees to see by the bottle at certain times for consumption off the premises regulating such sales and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) are hereby further amended to read as follows

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons and in the case of hotels to guests and in the case of clubs to members in their private rooms in the hotel or club No club licensee nor its officers servants agents or employes other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club holding a catering license nor its officers servants agents or employes shall sell on Sunday to non-members any liquor or malt or brewed beverages In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guest in private guest rooms in the hotel

Every hotel and restaurant licensee may also sell liquor in bottles bearing the seal of the Pennsylvania Liquor Control Board unbroken not exceeding one quart to any one person in any one sale for consumption off the premises where sold but such sales shall be lawful only during the hours when the Pennsylvania Liquor Stores are not open for the transaction of business Such liquor in bottles shall be sold at a price not less than that charged to retail customers by the Pennsylvania Liquor Stores and in no case shall such price exceed by ten per centum such price charged by the Pennsylvania Liquor Stores

Hotel restaurant and public service licensees their servants agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day and shall not sell on Sunday or after two o'clock antemeridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employes may sell liquor or malt or brewed beverages be-

tween the hours of three o'clock antemeridian and seven o'clock antemeridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during any period of emergency proclaimed to be such by sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. WOODSIDE, DAVID P. REESE and TAYLOR asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—104.

Achterman,	Finestone,	Malloy,	Regan,
Allmond,	Finnerty,	Marks,	Rooney,
Baker,	Flynn,	Maxwell,	Rose, S.,
Balthaser,	Gallagher,	McClanaghan,	Rosenfeld,
Bentzel,	Gerard,	McDermott,	Rush,
Boles,	Haberlen,	McFall,	Sarraf,
Boney,	Harmuth,	McGrath,	Scanlon,
Bradley,	Heatherington,	McLane,	Schwab,
Brown,	Hering,	McSurdy,	Shaw,
Brunner, C. H.,	Herman,	Melchiorre,	Stank,
Brunner, P. A.,	Hersch,	Mihm,	Tarr,
Burns,	Hirsch,	Modell,	Tate,
Cadwalader,	Holland,	Mooney,	Thompson, E. F.,
Chervenak,	Jefferson,	Moran,	Verona,
Chudoff,	Jones, P. N.,	Munley,	Vogt,
Cochran,	Keenan,	O'Brien,	Voldow,
Cohen, M. M.,	Kenehan,	O'Connor,	Watkins,
Cohen, R. E.,	Kline,	O'Mullen,	Weiss,
Cordier,	Kolankiewicz,	O'Neill,	Welsh, E. B.,
Corrigan,	Komorofski,	Owens,	Welsh, M. J.,
Cullen,	Leonard,	Petrosky,	Williams,
Dalrymple,	Lesko,	Polaski,	Wolf,
DiGenova,	Levy,	Powers,	Wood, L. H.,
Dolon,	Lichtenwalter,	Prosen,	Young,
D'Ortona,	Longo,	Rausch,	Kilroy,
Duffy,	Lovett,	Reese, R. E.,	Speaker.
Falkenstein,			

NAYS—78.

Bentley,	Goodwin,	Lyons,	Snyder,
Bower,	Greenwood,	McIntosh,	Sollenberger,
Bretherick,	Gross,	McKinney,	Sorg,
Burris,	Gyger,	Muir,	Stambaugh,
Dennison,	Habbyshaw,	Nagel,	Stine,
Dix,	Haines,	Nunemacher,	Stockham,
Early,	Hall,	Pettit,	Taylor,
Eckels,	Hamilton,	Polen,	Turner,
Elder,	Hare,	Rank,	Van Allsburg,
Elliott,	Harkins,	Readinger,	Vincent,
Ely,	Harris,	Reagan,	Wagner,
Fisher,	Helm,	Reese, D. P.,	Weingartner,
Fiss,	Hewitt,	Reynolds,	Winner,
Fleming,	Huntley,	Rhea,	Wood, N.,
Fletcher,	Imbrie,	Riley,	Woodring,
Foor,	Jones, G. E.,	Rose, W. E.,	Woodside,
French,	Knoble,	Serrill,	Wright,
Gates,	Krise,	Shaffer,	Yeakel,
Gillan,	Lee, E. A.,	Simons,	Yester,
Gillette,	Lee, T. H.,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

MR. ACHTERMAN in the Chair

BILLS PASSED OVER

There being no objection House Bill No. 236, Printer's No. 126, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 393, Printer's No. 225, was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 252, as follows:

An Act to further amend clause nine of section eight of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" permitting employes to change from the one one-hundred sixtieth to the one one-hundredth class of contributors to the State Employes' Retirement Fund within a certain time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause nine of section eight of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section four of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 683) is hereby further amended to real as follows

Section 8

* * * * * *

(9) A contributor whether an original member or a new member who is in active service on the date when this amendment becomes effective may transfer from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class Provided That he completes the transfer on or before the thirty-first day of December one thousand nine hundred and [thirty-seven] forty one Provided also That in the event of such transfer the per centum of salary deductions applicable to such transferred member in the one one-hundredth (1-100) class shall be based upon the same age of the contributor as was used in determining the per centum of salary deduction applicable while in the one one-hundred-sixtieth (1-160) class

Where a member has transferred from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class as above provided his State annuity upon retirement shall be calculated as follows

(a) For service prior to the time of transfer at the one one-hundred-sixtieth (1-160) rate

(b) For service subsequent to the date of transfer to the date of retirement at the one one-hundred (1-100) rate

(c) For all service prior to the time of commencing contribution as the time he contributed at the one one-hundred-sixtieth (1-160) rate bears to the total time of contribution and as the time he contributed at the one one-hundred (1-100) rate bears to the total time of contribution

Section 2 This act shall become effective on the first day of June one thousand nine hundred and forty-one

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard,	Marks,	Scanlon,
Bentzel,	Gillan,	Maxwell,	Schwab,
Boles,	Gillette,	McClanaghan,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shaw,
Bradley,	Gross,	McGrath,	Simons,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLane,	Sorg,
Brunner, P. A.,	Haines,	McSurdy,	Stambaugh,
Burns,	Hall,	Melchiorre,	Stank,
Burris,	Hamilton,	Mihm,	Stine,
Cadwalader,	Hare,	Modell,	Stockham,
Chervenak,	Harkins,	Mooney,	Tarr,
Chudoff,	Harmuth,	Moran,	Tate,
Cochran,	Harris,	Muir,	Taylor,
Cohen, M. M.,	Heatherington,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Helm,	Nagel,	Turner,
Cordier,	Hering,	Nunemacher,	Van Allsburg,
Corrigan,	Herman,	O'Brien,	Verona,
Cullen,	Hersch,	O'Connor,	Vincent,
Dalrymple,	Hewitt,	O'Mullen,	Vogt,
Dennison,	Hirsch,	O'Neill,	Voldow,
DiGenova,	Holland,	Owens,	Wagner,
Dix,	Huntley,	Petrosky,	Watkins,
Dolon,	Imbrie,	Pettit,	Weingartner,
D'Ortona,	Jefferson,	Polaski,	Weiss,
Duffy,	Jones, G. E.,	Polen,	Welsh, E. B.,
Early,	Jones, P. N.,	Powers,	Welsh, M. J.,
Eckels,	Keenan,	Prosen,	Williams,
Elder,	Kenehan,	Rank,	Winner,
Elliott,	Kline,	Rausch,	Wolf,
Ely,	Knoble,	Readinger,	Wood, L. H.,
Falkenstein,	Kolankiewicz,	Reagan,	Wood, N.,
Finestone,	Komorofski,	Reese, D. P.,	Woodring,
Finnerty,	Krise,	Reese, R. E.,	Woodside,
Fisher,	Lee, E. A.,	Regan,	Wright,
Fiss,	Lee, T. H.,	Reynolds,	Yeakel,
Fleming,	Leonard,	Rhea,	Yester,
Fletcher,	Lesko,	Riley,	Young,
Flynn,	Levy,	Rooney,	Kilroy,
	Lichtenwalter,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 865, as follows:

An Act to amend section one of the act approved the fourth day of April one thousand nine hundred and nineteen (P. L. 38) entitled "An act relating to the parties to writs of scire facias sur mortgage in certain cases and to the title acquired by a sale on a judgment of foreclosure in such cases" making provisions for cases where the original mortgagor is dead and validating past proceedings and titles acquired thereby

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fourth day of April one thousand nine hundred and nineteen (P. L. 38) entitled "An act relating to the parties to writs of scire facias sur mortgage in certain cases and to the title acquired by a sale on a judgment of foreclosure in such cases" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where the plaintiff in a writ of scire facias sur mortgage shall file with his praecipe a release of the mortgagor or mortgagors and his her or their heirs executors and administrators from all personal liability for the debt secured by the mortgage being foreclosed or in the case of a deceased mortgagor or mortgagors a release to the estate of such mortgagor or mortgagors (regardless of whether or not letters have been granted) from all such liability said parties or the personal representatives of any deceased mortgagor or mortgagors need not be joined as defendant or defendants but the real owner or owners charged may in that event be named as the only defendant or defendants and the title acquired by a sale under a judgment of foreclosure in such cases shall be as full and complete a title as if said mortgagor or mortgagors or the person representatives of any deceased mortgagor or mortgagors had been duly named in and served with said writ and judgment duly entered against him her or them also

Section 2 All proceedings on writs of scire facias sur mortgage heretofore conducted in accordance with the provisions of said act as hereby amended and all titles to real property acquired by any sale under a judgment of foreclosure therein are hereby ratified confirmed and made valid with like effect as though the provisions of this act had been theretofore enacted

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard,	Marks,	Scanlon,
Bentzel,	Gillan,	Maxwell,	Schwab,
Boles,	Gillette,	McClanaghan,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shaw,
Bradley,	Gross,	McGrath,	Simons,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLane,	Sorg,
Brunner, P. A.,	Haines,	McSurdy,	Stambaugh,
Burns,	Hall,	Melchiorre,	Stank,
Burris,	Hamilton,	Mihm,	Stine,
Cadwalader,	Hare,	Modell,	Stockham,
Chervenak,	Harkins,	Mooney,	Tarr,
Chudoff,	Harmuth,	Moran,	Tate,
Cochran,	Harris,	Muir,	Taylor,
Cohen, M. M.,	Heatherington,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Helm,	Nagel,	Turner,
Cordier,	Hering,	Nunemacher,	Van Allsburg,
Corrigan,	Herman,	O'Brien,	Verona,
Cullen,	Hersch,	O'Connor,	Vincent,
Dalrymple,	Hewitt,	O'Mullen,	Vogt,
Dennison,	Hirsch,	O'Neill,	Voldow,
DiGenova,	Holland,	Owens,	Wagner,
Dix,	Huntley,	Petrosky,	Watkins,
Dolon,	Imbrie,	Pettit,	Weingartner,
D'Ortona,	Jefferson,	Polaski,	Weiss,
Duffy,	Jones, G. E.,	Polen,	Welsh, E. B.,
Early,	Jones, P. N.,	Powers,	Welsh, M. J.,
Eckels,	Keenan,	Prosen,	Williams,
Elder,	Kenehan,	Rank,	Winner,
Elliott,	Kline,	Rausch,	Wolf,
Ely,	Knoble,	Readinger,	Wood, L. H.,
Falkenstein,	Kolankiewicz,	Reagan,	Wood, N.,
Finestone,	Komorofski,	Reese, D. P.,	Woodring,
Finnerty,	Krise,	Reese, R. E.,	Woodside,
Fisher,	Lee, E. A.,	Regan,	Wright,
	Lee, T. H.,	Reynolds,	Yeakel,

Fiss,	Leonard,	Rhea,	Yester,
Fleming,	Lesko,	Riley,	Young,
Fletcher,	Levy,	Rooney,	Kilroy,
Flynn,	Lichtenwalter,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1032, as follows:

An Act making an appropriation to the Department of Agriculture for use in controlling combatting or exterminating Japanese beetles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand dollars ($50.000) is hereby specifically appropriated to the Department of Agriculture for the two fiscal years beginning the first day of June one thousand nine hundred and forty-one for the use of that department in carrying out a comprehensive program for combatting controlling or exterminating Japanese beetles throughout the Commonwealth of Pennsylvania under authority of "The Pennsylvania Plant Pest Act of 1937" approved the twenty-first day of April (P. L. 318)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	French,	Lovett,	Rose, W. E.,
Allmond,	Gallagher,	Lyons,	Rosenfeld,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Marks,	Sarraf,
Bentley,	Gillan,	Maxwell,	Scanlon,
Bentzel,	Gillette,	McClanaghan,	Schwab,
Boles,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McFall,	Shaffer,
Bower,	Gross,	McGrath,	Shaw,
Bradley,	Gyger,	McIntosh,	Simons,
Bretherick,	Habbyshaw,	McKinney,	Snyder,
Brown,	Haberlen,	McLane,	Sollenberger,
Brunner, C. H.,	Haines,	McSurdy,	Sorg,
Brunner, P. A.,	Hall,	Melchiorre,	Stambaugh,
Burns,	Hamilton,	Mihm,	Stank,
Burris,	Hare,	Modell,	Stine,
Cadwalader,	Harkins,	Mooney,	Stockham,
Chervenak,	Harmuth,	Moran,	Tarr,
Chudoff,	Harris,	Muir,	Tate,
Cochran,	Heatherington,	Munley,	Taylor,
Cohen, M. M.,	Helm,	Nagel,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Nunemacher,	Turner,
Cordier,	Herman,	O'Brien,	VanAllsburg,
Corrigan,	Hersch,	O'Connor,	Verona,
Cullen,	Hewitt,	O'Mullen,	Vincent,
Dalrymple,	Hirsch,	O'Neill,	Vogt,
Dennison,	Holland,	Owens,	Voldow,
DiGenova,	Huntley,	Petrosky,	Wagner,
Dix,	Imbrie,	Pettit,	Watkins,
Dolon,	Jefferson,	Polaski,	Weingartner,
D'Ortona,	Jones, G. E.,	Polen,	Weiss,
Duffy,	Jones, P. N.,	Powers,	Welsh, E. B.,
Early,	Keenan,	Prosen,	Welsh, M. J.,
Eckels,	Kenehan,	Rank,	Williams,
Elder,	Kline,	Rausch,	Winner,
Elliott,	Knoble,	Readinger,	Wolf,
Ely,	Kolankiewicz,	Reagan,	Wood, L. H.,
Falkenstein,	Komorofski,	Reese, D. P.,	Wood, N.,
Finestone,	Krise,	Reese, R. E.,	Woodring,
Finnerty,	Lee, A.,	Regan,	Woodside,
Fisher,	Lee, T. H.,	Reynolds,	Wright,
Fiss,	Leonard,	Rhea,	Yeakel,
Fleming,	Lesko,	Riley,	Yester,
Fletcher,	Levy,	Rooney,	Young,
Flynn,	Lichtenwalter,	Rose, S.,	Kilroy,
Foor,	Longo,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1126, as follows:

An Act to further amend part of section three hundred and two to amend section three hundred and seven and part of section fifteen hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" establishing the Surplus Commodities Stamp Fund and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The preliminary provisions of section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the

laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by section one of the act approved the first day of June one thousand nine hundred and thirty-one (P. L. 318) is hereby further amended to read as follows

Section 302 Funds The moneys paid into the State Treasury and the moneys of which the State Treasurer is custodian shall be credited by the Treasury Department to the following funds as hereinafter provided

Agricultural College Land Scrip Fund
Banking Department Fund
Federal Rehabitation Fund
Federal Vocational Education Fund
Fire Insurance Tax Fund
Fish Fund
Game Fund
General Fund
Liquid Fuels Tax Fund
Manufacturing Fund
Motor License Fund
School Employes' Retirement Fund
Sinking Fund
State College Experimental Farm Fund
State Employes' Retirement Fund
State Farm Products Show Fund
State Insurance Fund
State School Fund
State Workmen's Insurance Fund
Surplus Commodities Stamp Fund

Section 2 Section three hundred two of said act as so amended is hereby further amended by adding thereto immediately following clause twenty thereof (clause twenty having been added by the act approved the eleventh day of June one thousand nine hundred and thirty-five (P. L. 333)) a new clause to read as follows

Section 302 Funds The moneys paid into the State Treasury and the moneys of which the State Treasurer is custodian shall be credited by the Treasury Department to the following funds as hereinafter provided

* * * * *

21 Surplus Commodities Stamp Fund All moneys received by the Treasury Department from the Department of Revenue arising from appropriations by the several counties cities boroughs incorporated town and townships for participation in the Federal Surplus Commodities Stamp plans all receipts and proceeds resulting from the sale of Federal Surplus Commodities Stamps and all moneys received from insurance covering losses of such stamps or the proceeds from the sale of such stamps shall be credited to the Surplus Commodities Stamp Fund

Section 3 Section three hundred seven and the first paragraph of section fifteen hundred one of said act are hereby amended to read as follows

Section 307 Disbursements No money shall be paid from any of the funds of the State Treasury except upon warrant of the Auditor General issued upon requisition pursuant to law except moneys in the State Workmen's Insurance Fund which may be disbursed by check of the State Treasurer upon requisition of the Secretary of Labor and Industry and except moneys in the Surplus Commodities Stamp Fund which may be disbursed by check of the State Treasurer upon requisition of the Secretary of Public Assistance

Section 1501 Requisitions No money shall be paid out of any fund in the State Treasury except the State Workmen's Insurance Fund and except the Surplus Commodities Stamp Fund until a requisition therefor shall have been presented to or prepared by the Auditor General

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken as follows, viz:

YEAS—182.

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard,	Marks,	Scanlon,
Bentzel,	Gillan,	Maxwell,	Schwab,
Boies,	Gillette,	McClanaghan,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shaw,
Bradley,	Gross,	McGrath,	Simons,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLane,	Sorg,
Brunner, P. A.,	Haines,	McSurdy,	Stambaugh,
Burns,	Hall,	Melchiorre,	Stank,
Burris,	Hamilton,	Mihm,	Stine,
Cadwalader,	Hare,	Modell,	Stockham,
Chervenak,	Harkins,	Mooney,	Tarr,
Chudoff,	Harmuth,	Moran,	Tate,
Cochran,	Harris,	Muir,	Taylor,
Cohen, M. M.,	Heatherington,	Munley,	Thompson, E.,
Cohen, R. E.,	Helm,	Nagel,	Turner,
Cordier,	Hering,	Nunemacher,	Van Allsburg,
Corrigan,	Herman,	O'Brien,	Verona,
Cullen,	Hersch,	O'Connor,	Vincent,
Dalrymple,	Hewitt,	O'Mullen,	Vogt,
Dennison,	Hirsch,	O'Neill,	Voldow,
DiGenova,	Holland,	Owens,	Wagner,
Dix,	Huntley,	Petrosky,	Watkins,
Dolon,	Imbrie,	Pettit,	Weingartner,
D'Ortona,	Jefferson,	Polaski,	Weiss,
Duffy,	Jones, G. E.,	Polen,	Welsh, E. B.,
Early,	Jones, P. N.,	Powers,	Welsh, M. J.,
Eckels,	Keenan,	Prosen,	Williams,
Elder,	Kenehan,	Rank,	Winner,
Elliott,	Kline,	Rausch,	Wolf,
Ely,	Knoble,	Readinger,	Wood, L. H.,
Falkenstein,	Kolankiewicz,	Reagan,	Wood, N.,
Finestone,	Komorofski,	Reese, D. P.,	Woodring,
Finnerty,	Krise,	Reese, R. E.,	Woodside,
Fisher,	Lee, E. A.,	Regan,	Wright,
Fiss,	Lee, T. H.,	Reynolds,	Yeakel,
Fleming,	Leonard,	Rhea,	Yester,
Fletcher,	Lesko,	Riley,	Young,
Flynn,	Levy,	Rooney,	Kilroy,
	Lichtenwalter,	Rose, S.,	Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER (Elmer Kilroy) in the Chair.

The SPEAKER. The Chair thanks the gentleman from Monroe, Mr. Achterman, for presiding.

BILLS PASSED OVER

There being no objection House Bill No. 827, Printer's No. 219, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 482, Printer's No. 215, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1005, as follows:

An Act to add section six hundred ninety-nine and six-tenth of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it unlawful for unauthorized persons to buy or exchange

Federal food order stamps for currency and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended by adding thereto after section six hundred ninety-nine and five-tenth a new section to read as follows

Section 699.6 Buying or Exchanging Federal Food Order Stamps Whoever not being authorized to do so by the United States Department of Agriculture shall buy or exchange Federal food order stamps for currency shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than three hundred dollars ($300) or to undergo imprisonment for not less than one (1) month nor more than six (6) months or both

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard,	Marks,	Scanlon,
Bentzel,	Gillan,	Maxwell,	Schwab,
Boles,	Gillette,	McClanaghan,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shaw,
Bradley,	Gross,	McGrath,	Simons,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLane,	Sorg,
Brunner, P. A.,	Haines,	McSurdy,	Stambaugh,
Burns,	Hall,	Melchiorre,	Stank,
Burris,	Hamilton,	Mihm,	Stine,
Cadwalader,	Hare,	Modell,	Stockham,
Chervenak,	Harkins,	Mooney,	Tarr,
Chudoff,	Harmuth,	Moran,	Tate,
Cochran,	Harris,	Muir,	Taylor,
Cohen, M. M.,	Heatherington,	Munley,	Thompson, E.,
Cohen, R. E.,	Helm,	Nagel,	Turner,
Cordier,	Hering,	Nunemacher,	Van Allsburg,
Corrigan,	Herman,	O'Brien,	Verona,
Cullen,	Hersch,	O'Connor,	Vincent,
Dalrymple,	Hewitt,	O'Mullen,	Vogt,
Dennison,	Hirsch,	O'Neill,	Voldow,
DiGenova,	Holland,	Owens,	Wagner,
Dix,	Huntley,	Petrosky,	Watkins,
Dolon,	Imbrie,	Pettit,	Weingartner,
D'Ortona,	Jefferson,	Polaski,	Weiss,
Duffy,	Jones, G. E.,	Polen,	Welsh, E. B.,
Early,	Jones, P. N.,	Powers,	Welsh, M. J.,
Eckels,	Keenan,	Prosen,	Williams,
Elder,	Kenehan,	Rank,	Winner,
Elliott,	Kline,	Rausch,	Wolf,
Ely,	Knoble,	Readinger,	Wood, L. H.,
Falkenstein,	Kolankiewicz,	Reagan,	Wood, N.,
Finestone,	Komorofski,	Reese, D. P.,	Woodring,
Finnerty,	Krise,	Reese, R. E.,	Woodside,
Fisher,	Lee, E. A.,	Regan,	Wright,
Fiss,	Lee, T. H.,	Reynolds,	Yeakel,
Fleming,	Leonard,	Rhea,	Yester,
Fletcher,	Lesko,	Riley,	Young,
Flynn,	Levy,	Rooney,	Kilroy,
	Lichtenwalter,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1006, as follows:

An Act to add section six hundred ninety-nine and sevententh to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it unlawful for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended by adding thereto a new section to read as follows

Section 699.1 Accepting Federal Food Order Stamps for Other Than Food or Surplus Foods Whoever shall accept or cause to be accepted Federal orange-colored food order stamps in exchange for any merchandise or article except food as defined by the Secretary of the United States Department of Agriculture or Federal blue-colored food order stamps in exchange for merchandise or article not defined by the Secretary of the United States Department of Agriculture to be surplus foods shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300) or to undergo imprisonment for not less than one (1) month nor more than six (6) months or both

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard,	Marks,	Scanlon,
Bentzel,	Gillan,	Maxwell,	Schwab,
Boles,	Gillette,	McClanaghan,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shaw,
Bradley,	Gross,	McGrath,	Simons,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLane,	Sorg,
Brunner, P. A.,	Haines,	McSurdy,	Stambaugh,
Burns,	Hall,	Melchiorre,	Stank,
Burris,	Hamilton,	Mihm,	Stine,
Cadwalader,	Hare,	Modell,	Stockham,
Chervenak,	Harkins,	Mooney,	Tarr,
Chudoff,	Harmuth,	Moran,	Tate,
Cochran,	Harris,	Muir,	Taylor,
Cohen, M. M.,	Heatherington,	Munley,	Thompson, E.,
Cohen, R. E.,	Helm,	Nagel,	Turner,
Cordier,	Hering,	Nunemacher,	Van Allsburg,
Corrigan,	Herman,	O'Brien,	Verona,
Cullen,	Hersch,	O'Connor,	Vincent,
Dalrymple,	Hewitt,	O'Mullen,	Vogt,
Dennison,	Hirsch,	O'Neill,	Voldow,
DiGenova,	Holland,	Owens,	Wagner,
Dix,	Huntley,	Petrosky,	Watkins,
Dolon,	Imbrie,	Pettit,	Weingartner,
D'Ortona,	Jefferson,	Polaski,	Weiss,
Duffy,	Jones, G. E.,	Polen,	Welsh, E. B.,
	Jones, P. N.,	Powers,	Welsh, M. J.,

Early,	Keenan,	Prosen,	Williams,
Eckels,	Kenehan,	Rank,	Winner,
Elder,	Kline,	Rausch,	Wolf,
Elliott,	Knoble,	Readinger,	Wood, L. H.,
Ely,	Kolankiewicz,	Reagan,	Wood, N.,
Falkenstein,	Komorofski,	Reese, D. P.,	Woodring,
Finestone,	Krise,	Reese, R. E.,	Woodside,
Finnerty,	Lee, E. A.,	Regan,	Wright,
Fisher,	Lee, T. H.,	Reynolds,	Yeakel,
Fiss,	Leonard,	Rhea,	Yester,
Fleming,	Lesko,	Riley,	Young,
Fletcher,	Levy,	Rooney,	Kilroy,
Flynn,	Lichtenwalter,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1084 as follows:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title to any real estate situate in this Commonwealth which may have been held prior to the first day of April one thousand nine hundred and forty-one by any foreign corporation not authorized under the laws of Pennsylvania to hold the same the title to which real estate has been heretofore conveyed by such foreign corporation to a citizen of the United States or to any corporation incorporated under the laws of this Commonwealth or of any other state or commonwealth in the United States and authorized to hold such real estate is hereby declared to be good and valid and free and clear of any right of escheat by the Commonwealth and such citizen or corporation grantee as aforesaid and his or its respective heirs successors and assigns shall hold and may convey such title and estate indefeasibly as to any right of escheat which the Commonwealth might otherwise have by reason of said unauthorized holding and conveyance by such foreign corporation and all such conveyances heretofore made are hereby ratified and confirmed

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard,	Marks,	Scanlon,
Bentzel,	Gillan,	Maxwell,	Schwab,
Boies,	Gillette,	McClanaghan,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shaw,
Bradley,	Gross,	McGrath,	Simons,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLane,	Sorg,
Brunner, P. A.,	Haines,	McSurdy,	Stambaugh,
Burns,	Hall,	Melchiorre,	Stank,
Burris,	Hamilton,	Mihm,	Stine,
Cadwalader,	Hare,	Modell,	Stockham,
Chervenak,	Harkins,	Mooney,	Tarr,
Chudoff,	Harmuth,	Moran,	Tate,
Cochran,	Harris,	Muir,	Taylor,
Cohen, M. M.,	Heatherington,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Helm,	Nagel,	Turner,
Cordier,	Hering,	Nunemacher,	VanAllsburg,
Corrigan,	Herman,	O'Brien,	Verona,
Cullen,	Hersch,	O'Connor,	Vincent,
Dalrymple,	Hewitt,	O'Mullen,	Vogt,
Dennison,	Hirsch,	O'Neill,	Voldow,
DiGenova,	Holland,	Owens,	Wagner,
Dix,	Huntley,	Petrosky,	Watkins,
Dolon,	Imbrie,	Pettit,	Weingartner,
D'Ortona,	Jefferson,	Polaski,	Weiss,
Duffy,	Jones, G. E.,	Polen,	Welsh, E. B.,
Early,	Jones, P. N.,	Powers,	Welsh, M. J.,
Eckels,	Keenan,	Prosen,	Williams,
Elder,	Kenehan,	Rank,	Winner,
Elliott,	Kline,	Rausch,	Wolf,
Ely,	Knoble,	Readinger,	Wood, L. H.,
Falkenstein,	Kolankiewicz,	Reagan,	Wood, N.,
Finestone,	Komorofski,	Reese, D. P.,	Woodring,
Finnerty,	Krise,	Reese, R. E.,	Woodside,
Fisher,	Lee, A.,	Regan,	Wright,
Fiss,	Lee, T. H.,	Reynolds,	Yeakel,
Fleming,	Leonard,	Rhea,	Yester,
Fletcher,	Lesko,	Riley,	Young,
Flynn,	Levy,	Rooney,	Kilroy,
	Lichtenwalter,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 437, as follows:

An Act authorizing the Department of Property and Supplies to acquire by purchase gift lease or condemnation on behalf of the Commonwealth of Pennsylvania ten acres of land adjacent to the Daniel Boone Homestead or so much thereof as may be necessary to properly honor the pioneer Daniel Boone on the spot where he was born providing for the control management supervision improvement preservation and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of further perpetuating and preserving the Daniel Boone Homestead in Exeter Township Berks County Pennsylvania where Daniel Boone the Pioneer was born and upon which the Commonwealth has already made extensive improvements and is in the process of restoring the original Homestead and out buildings the tract of ground containing the original cabin of George Boone Grandfather of Daniel Boone one of the original settlers of Berks County the Department of Property and Supplies with the advice of the Pennsylvania Historical Commission is hereby authorized to acquire by purchase gift lease or condemnation the tract of ground adjoining the present Daniel Boone property of the Commonwealth of Pennsylvania especially the land comprising approximately ten acres upon the westerly boundary thereof which formerly formed part of the original farm belonging to Daniel's father Squire Boone

Section 2 In the event of condemnation the Department of Property and Supplies shall follow the procedure prescribed by law for the condemnation of lands by said department

Section 3 After the property shall have been acquired by the Commonwealth the Pennsylvania Historical Com-

mission shall have full control management and supervision thereof and shall have power to adopt and carry into effect plans for its restoration improvement and maintenance using therefor any funds at the disposal of the said commission not otherwise specifically appropriated or allotted

Section 4 The real estate so acquired shall be improved preserved and maintained as an historical and recreational spot for the people of the Commonwealth

Section 5 All powers now exercised or heretofore conferred by law upon the Pennsylvania Historical Commission may be exercised by the commission for the purpose of this act and the commission shall have power to make and enforce rules and regulations for the preservation maintenance and protection of the property and the visitation thereof by the public

Section 6 The sum of two thousand five hundred dollars ($2500) or so much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Department of Property and Supplies to pay for the lands acquired under the provisions of this act and any costs and expenses in connection therewith

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard,	Marks,	Scanlon,
Bentzel,	Gillan,	Maxwell,	Schwab,
Boles,	Gillette,	McClanaghan,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shaw,
Bradley,	Gross,	McGrath,	Simons,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLane,	Sorg,
Brunner, P. A.,	Haines,	McSurdy,	Stambaugh,
Burns,	Hall,	Melchiorre,	Stank,
Burris,	Hamilton,	Mihm,	Stine,
Cadwalader,	Hare,	Modell,	Stockham,
Chervenak,	Harkins,	Mooney,	Tarr,
Chudoff,	Harmuth,	Moran,	Tate,
Cochran,	Harris,	Muir,	Taylor,
Cohen, M. M.,	Heatherington,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Helm,	Nagel,	Turner,
Cordier,	Hering,	Nunemacher,	VanAllsburg,
Corrigan,	Herman,	O'Brien,	Verona,
Cullen,	Hersch,	O'Connor,	Vincent,
Dalrymple,	Hewitt,	O'Mullen,	Vogt,
Dennison,	Hirsch,	O'Neill,	Voldow,
DiGenova,	Holland,	Owens,	Wagner,
Dix,	Huntley,	Petrosky,	Watkins,
Dolon,	Imbrie,	Pettit,	Weingartner,
D'Ortona,	Jefferson,	Polaski,	Weiss,
Duffy,	Jones, G. E.,	Polen,	Welsh, E. B.,
Early,	Jones, P. N.,	Powers,	Welsh, M. J.,
Eckels,	Keenan,	Prosen,	Williams,
Elder,	Kenehan,	Rank,	Winner,
Elliott,	Kline,	Rausch,	Wolf,
Ely,	Knoble,	Readinger,	Wood, L. H.,
Falkenstein,	Kolankiewicz,	Reagan,	Wood, N.,
Finestone,	Komorofski,	Reese, D. P.,	Woodring,
Finnerty,	Krise,	Reese, R. E.,	Woodside,
Fisher,	Lee, A.,	Regan,	Wright,
Fiss,	Lee, T. H.,	Reynolds,	Yeakel,
Fleming,	Leonard,	Rhea,	Yester,
Fletcher,	Lesko,	Riley,	Young,
Flynn,	Levy,	Rooney,	Kilroy,
	Lichtenwalter,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 434, as follows:

An Act making an appropriation to the Pennsylvania Department of Highways for the improvement of roads and parking areas within the Daniel Boone Homestead

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven thousand dollars ($7000) or so much thereof as may be necessary is hereby appropriated out of the General Fund to the Department of Highways of the Commonwealth of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the payment of salaries wages materials and other incidentals for the construction and improvement of roads and parking areas within the Daniel Boone Homestead now owned by the Commonwealth of Pennsylvania and supervised by the Pennsylvania Historical Commission and for other incidental and contingent expenses

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard,	Marks,	Scanlon,
Bentzel,	Gillan,	Maxwell,	Schwab,
Boles,	Gillette,	McClanaghan,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	cFall,	Shaw,
Bradley,	Gross,	McGrath,	Simons,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLane,	Sorg,
Brunner, P. A.,	Haines,	McSurdy,	Stambaugh,
Burns,	Hall,	Melchiorre,	Stank,
Burris,	Hamilton,	Mihm,	Stine,
Cadwalader,	Hare,	Modell,	Stockham,
Chervenak,	Harkins,	Mooney,	Tarr,
Chudoff,	Harmuth,	Moran,	Tate,
Cochran,	Harris,	Muir,	Taylor,
Cohen, M. M.,	Heatherington,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Helm,	Nagel,	Turner,
Cordier,	Hering,	Nunemacher,	VanAllsburg,
Corrigan,	Herman,	O'Brien,	Verona,
Cullen,	Hersch,	O'Connor,	Vincent,
Dalrymple,	Hewitt,	O'Mullen,	Vogt,
Dennison,	Hirsch,	O'Neill,	Voldow,
DiGenova,	Holland,	Owens,	Wagner,
Dix	Huntley,	Petrosky,	Watkins,
Dolon,	Imbrie,	Pettit,	Weingartner,
D'Ortona,	Jefferson,	Polaski,	Weiss,
Duffy,	Jones, G. E.,	Polen,	Welsh, E. B.,
Early,	Jones, P. N.,	Powers,	Welsh, M. J.,
Eckels,	Keenan,	Prosen,	Williams,
Elder,	Kenehan,	Rank,	Winner,
Elliott,	Kline,	Rausch,	Wolf,
Ely,	Knoble,	Readinger,	Wood, L. H.,
Falkenstein,	Kolankiewicz,	Reagan,	Wood, N.,
Finestone,	Komorofski,	Reese, D. P.,	Woodring,
Finnerty,	Krise,	Reese, R. E.,	Woodside,
Fisher,	Lee, A.,	Regan,	Wright,
Fiss,	Lee, T. H.,	Reynolds,	Yeakel,
Fleming,	Leonard,	Rhea,	Yester,
Fletcher,	Lesko,	Riley,	Young,
Flynn,	Levy,	Rooney,	Kilroy,
	Lichtenwalter,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 426, as follows:

An Act making an appropriation to the Pennsylvania Historical Commission to cover the expenses of restoring and maintaining the Daniel Boone Homestead

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty-five thousand dollars ($35,000) or so much thereof as may be necessary is hereby appropriated out of the General Fund to the Pennsylvania Historical Commission for the two fiscal years beginning June first one thousand nine hundred and forty-one for the payment of salaries wages or other compensation of such superintendent guards wardens and workmen as may be necessary for the care preservation and maintenance of the Daniel Boone Homestead for the necessary cost of freight stationery postage fertilizers seeds and other supplies for plowing and moving for the purchase of trees and shrubs and for the planting of the same for the restoration of the Daniel Boone Homestead barn and out buildings for the installation of a water system sewage system and electric lighting for the construction of a picnic ground including a shelter and toilet facilities for the building of a dam for the construction of a week-end camp for the construction of a caretaker's house garage and storage barn for the construction and improvement of roads and parking areas within the property for the furnishing of the buildings on the property for the purchase of articles of historic interest to the public and for other incidental and contingent expenses

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard,	Marks,	Scanlon,
Bentzel,	Gillan,	Maxwell,	Schwab,
Boies,	Gillette,	McClanaghan,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shaw,
Bradley,	Gross,	McGrath,	Simons,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLane,	Sorg,
Brunner, P. A.,	Haines,	McSurdy,	Stambaugh,
Burns,	Hall,	Melchiorre,	Stank,
Burris,	Hamilton,	Mihm,	Stine,
Cadwalader,	Hare,	Modell,	Stockham,
Chervenak,	Harkins,	Mooney,	Tarr,
Chudoff,	Harmuth,	Moran,	Tate,
Cochran,	Harris,	Muir,	Taylor,
Cohen, M. M.,	Heatherington,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Helm,	Nagel,	Turner,
Cordier,	Hering,	Nunemacher,	VanAllsburg,
Corrigan,	Herman,	O'Brien,	Verona,
Cullen,	ersch,	O'Connor,	Vincent,
Dalrymple,	Hewitt,	O'Mullen,	Vogt,
Dennison,	Hirsch,	O'Neill,	Voldow,
DiGenova,	Holland,	Owens,	Wagner,
Dix,	Huntley,	Petrosky,	Watkins,
Dolon,	Imbrie,	Pettit,	Weingartner,
D'Ortona,	Jefferson,	Polaski,	Weiss,
Duffy,	Jones, G. E.,	Polen,	Welsh, E. B.,
Early,	Jones, P. N.,	Powers,	Welsh, M. J.,
Eckels,	Keenan,	Prosen,	Williams,
Elder,	Kenehan,	Rank,	Winner,
Elliott,	Kline,	Rausch,	Wolf,
Ely,	Knoble,	Readinger,	Wood, L. H.,
Falkenstein,	Kolankiewicz,	Reagan,	Wood, N.,
Finestone,	Komorofski,	Reese, D. P.,	Woodring,
Finnerty,	Krise,	Reese, R. E.,	Woodside,
Fisher,	Lee, A.,	Regan,	Wright,
Fiss,	Lee, T. H.,	Reynolds,	Yeakel,
Fleming,	Leonard,	Rhea,	Yester,
Fletcher,	Lesko,	Riley,	Young,
Flynn,	Levy,	Rooney,	Kilroy,
	Lichtenwalter,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 911, as follows:

An Act making hospital records admissible in evidence in civil proceedings without being proven by the persons who made the same

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In every trial or hearing where testimony is taken in any civil proceeding the hospital records referring solely to injuries sustained by the patient and the treatment thereof made as a part of the ordinary hospital routine or in the course of the ordinary business of the hospital shall be admissible in evidence upon identification by the custodian of such records and it shall not be necessary that such records be proven by the physician or interne who made the record

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182.

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard	Marks,	Scanlon,
Bentzel,	Gillan,	Maxwell,	Schwab,
Boies,	Gillette,	McClanaghan,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shaw,
Bradley,	Gross,	McGrath,	Simons,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLane,	Sorg,
Brunner, P. A.,	Haines,	McSurdy,	Stambaugh,
Burns,	Hall,	Melchiorre,	Stank,
Burris,	Hamilton,	Mihm,	Stine,
Cadwalader,	Hare,	Modell,	Stockham,
Chervenak,	Harkins,	Mooney,	Tarr,
Chudoff,	Harmuth,	Moran,	Tate,
Cochran,	Harris,	Muir,	Taylor,
Cohen, M. M.,	Heatherington,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Helm,	Nagel,	Turner,
Cordier,	Hering,	Nunemacher,	VanAllsburg,
Corrigan,	Herman,	O'Brien,	Verona,
Cullen,	Hersch,	O'Connor,	Vincent,
Dalrymple,	Hewitt,	O'Mullen,	Vogt,

Dennison,	Hirsch,	O'Neill,	Voldow,
DiGenova,	Holland,	Owens,	Wagner,
Dix,	Huntley,	Petrosky,	Watkins,
Dolon,	Imbrie,	Pettit,	Weingartner,
D'Ortona,	Jefferson,	Polaski,	Weiss,
Duffy,	Jones, G. E.,	Polen,	Welsh, E. B.,
Early,	Jones, P. N.,	Powers,	Welsh, M. J.,
Eckels,	Keenan,	Prosen,	Williams,
Elder,	Kenehan,	Rank,	Winner,
Elliott,	Kline,	Rausch,	Wolf,
Ely,	Knoble,	Readinger,	Wood, L. H.,
Falkenstein,	Kolankiewicz,	Reagan,	Wood, N.,
Finestone,	Komorofski,	Reese, D. P.,	Woodring,
Finnerty,	Krise,	Reese, R. E.,	Woodside,
Fisher,	Lee, A.,	Regan,	Wright,
Fiss,	Lee, T. H.,	Reynolds,	Yeakel,
Fleming,	Leonard,	Rhea,	Yester,
Fletcher,	Lesko,	Riley,	Young,
Flynn,	Levy,	Rooney,	Kilroy,
	Lichtenwalter,	Rose, S.,	Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 365, Printer's No. 231, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1039, Printer's No. 234, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1098, Printer's No. 255, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 467, Printer's No. 254, was passed over at the request of the SPEAKER.

MESSAGE AND BILL TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 688, together with the message from the Senate which was laid on the table, be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 688.

An Act concerning reciprocal agreements for the Interstate Transportation and the support of poor and indigent persons and to make uniform the law with reference thereto.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 2, by inserting after the word "Assistance" the following: "(with respect to persons of the classes provided for in the Public Assistance Law) and the Department of Welfare (with respect to persons for whom the County Institution Districts are responsible under the County Institution District Law)"; also in line 3 by striking out after the word "General" the word "is" and inserting in lieu thereof the word "are"; also in line 6, by striking out after the word "persons" the following; "who do not require institutional care because of physical or mental infirmity"; also on page 2 line 4, by inserting after the word "Assistance" the words "and the said Department of Welfare"; also on page 2, line 5, by inserting after the word "state" the following: "All such reciprocal agreements entered into by the said Department of Welfare shall be binding upon the County Institution Districts of this state".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182.

Achterman,	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard,	Marks,	Scanlon,
Bentzel,	Gillan,	Maxwell,	Schwab,
Boles,	Gillette,	McClanaghan,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shaw,
Bradley,	Gross,	McGrath,	Simons,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLane,	Sorg,
Brunner, P. A.,	Haines,	McSurdy,	Stambaugh,
Burns,	Hall,	Melchiorre,	Stank,
Burris,	Hamilton,	Mihm,	Stine,
Cadwalader,	Hare,	Modell,	Stockham,
Chervenak,	Harkins,	Mooney,	Tarr,
Chudoff,	Harmuth,	Moran,	Tate,
Cochran,	Harris,	Muir,	Taylor,
Cohen, M. M.,	Heatherington,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Helm,	Nagel,	Turner,
Cordier,	Hering,	Nunemacher,	VanAllsburg,
Corrigan,	Herman,	O'Brien,	Verona,
Cullen,	Hersch,	O'Connor,	Vincent,
Dalrymple,	Hewitt,	O'Mullen,	Vogt,
Dennison,	Hirsch,	O'Neill,	Voldow,
DiGenova,	Holland,	Owens,	Wagner,
Dix,	Huntley,	Petrosky,	Watkins,
Dolon,	Imbrie,	Pettit,	Weingartner,
D'Ortona,	Jefferson,	Polaski,	Weiss,
Duffy,	Jones, G. E.,	Polen,	Welsh, E. B.,
Early,	Jones, P. N.,	Powers,	Welsh, M. J.,
Eckels,	Keenan,	Prosen,	Williams,
Elder,	Kenehan,	Rank,	Winner,
Elliott,	Kline,	Rausch,	Wolf,
Ely,	Knoble,	Readinger,	Wood, L. H.,
Falkenstein,	Kolankiewicz,	Reagan,	Wood, N.,
Finestone,	Komorofski,	Reese, D. P.,	Woodring,
Finnerty,	Krise,	Reese, R. E.,	Woodside,
Fisher,	Lee, A.,	Regan,	Wright,
Fiss,	Lee, T. H.,	Reynolds,	Yeakel,
Fleming,	Leonard,	Rhea,	Yester,
Fletcher,	Lesko,	Riley,	Young,
Flynn,	Levy,	Rooney,	Kilroy,
	Lichtenwalter,	Rose, S.,	Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HON. JOHN SPARKMAN INTRODUCED

The SPEAKER. The Chair at this time presents the Hon. John Sparkman, Congressman from the Eighth District of Alabama, who is the Speaker's guest tonight.

ADDRESS BY HON. JOHN SPARKMAN.

Mr. SPARKMAN. Mr. Speaker, and gentlemen of the Legislature of Pennsylvania, I would have a terrible nerve if I dared now to take a minute of your time to speak to you as the Speaker has so kindly suggested. I do want to say however that it has been a very great privilege to

me to sit here tonight and watch you in your work. I believe I have learned some tricks that we might very well use down in Washington in the House of Representatives.

Of course, I was pleased to see that you have tossed across the aisles about the same things we do down in Washington. It has been a very great pleasure to see you at work, and I deem it especially a great pleasure to have been here on this occasion. I thank you.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. TURNER for himself for tomorrow's session.

Mr. HALL for himself for the remainder of the week on account of illness in the family.

Mr. Harkins for Mr. BAUGHER for the week on account of illness.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 688.

An Act concerning reciprocal agreements for the Interstate Transportation and the support of poor and indigent persons and to make uniform the law with reference thereto

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESIGNATION OF HOUSE EMPLOYEE

The SPEAKER laid before the House the following resignation which was read by the Clerk.

Hon. Thomas J. Callahan, Chief Clerk
House of Representatives
Harrisburg, Pennsylvania.

My dear Mr. Callahan:

I hereby tender my resignation as Assistant Sergeant-at-Arms, in the House of Representatives, effective as of Tuesday, April the 15th, 1941.

Sincerely yours

MORRIS MARTINO
Philadelphia, Pa.

Personally appeared before me, a Notary Public, in the City and County of Philadelphia, the above named Morris Martino, who, duly sworn and subscribed before me this above statement.

JENNIE LEVY
Notary Public
My commission expires
August 2nd, 1942.

COMMITTEE MEETINGS

Cities—First Class, Tuesday, April 15 at 12 noon in Room 521.

Counties, Tuesday, April 15, at 11:30 a. m. in Room 521.

Dairy Industries, Tuesday, April 15 at 12 noon in Room 329.

Elections, Tuesday, April 15 at 10:30 a. m. in Room 323.

Judiciary General, Tuesday, April 15 at 10 a. m. in Room 246.

Law and Order, Tuesday, April 15 at 12:45 p. m. in Room 331.

Professional Licensure, Tuesday, April 15 at 12 noon in Room 246.

Public Health and Sanitation, Tuesday, April 15 at 11 a. m. in Room 331.

State Government, Tuesday, April 15 at 11:30 a. m. in Room 325.

Townships, Tuesday, April 15 at 10 a. m. in Room 329.

There will be a Public Hearing before the Committee on Liquor Control on House Bill No. 259 on Tuesday, April 15, 1941 at 10 a. m. in the New House Caucus Room.

The Public Hearing on House Bill No. 849 to be held by the Committee on State Government on Wednesday, April 16th at 6 p. m., will be held in the Forum of the Educational Building not in the Hall of the House as originally announced.

There will be a special meeting of the Workmen's Compensation Committee on Tuesday, April 15, 1941, at 9:30 a. m., in the Old House Caucus Room, Room 326.

A meeting of the Judiciary Special Committee on Tuesday, April 15, 1941 at 11:30 a. m. in Room 246. Members cordially invited to attend.

Hon. Ray Taylor wishes to remind the members that the Harrisburg Post of the American Legion is giving a dinner tomorrow evening, April 15, in honor of the veterans who are members of the Legislature.

Veterans who have not already done so will please notify the Secretary of the House of their intention to attend the dinner. Your legislative badge will admit you to the dinner tomorrow night at 6 p. m. at the American Legion, 21 South Front Street.

ADJOURNMENT

Mr. HABBYSHAW. Mr. Speaker, I move that this House do now adjourn until Tuesday, April 15, 1941, at 1 p. m.

The motion was agreed to, and (at 11:46 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., TUESDAY, APRIL 15, 1941. No. 36.

SENATE

TUESDAY, April 15, 1941

The Senate met at 12:30 o'clock p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the prayer was offered by the Senator from Berks, Rev. FRANK W. RUTH.

Almighty God, our Heavenly Father, we thank Thee that Thou hast given us the privilege to meet again today to do the work to which thou hast called us and we pray that Thy spirit will guide us that we may do those things that shall make for the greater happiness and contentment not only of the people of our state but of this world and this generation.

We pray that Thou wilt help us to understand that Thou hast put us here in the world, men to do men's jobs, and that we shall not blame Thee for the mistakes that we make.

May we have the power to see clearly, to understand Thy will and to do what our conscience and Thy Holy Spirit guide us to do to make this a better world. We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MALLERY and Mr. HEYBURN, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair lays before the Senate a communication from the Baptist Minister's Conference of Philadelphia and vicinity, which communication will be noted in the journal.

The Chair also lays before the Senate Resolution from the Pennsylvania Society of the Sons of the American Revolution, Pittsburgh, Pennsylvania, urging enactment of legislation that will prohibit and prevent the placing of names of subversive and un-American organizations on the election ballot, which communication will be noted in the Journal.

The Chair also lays before the Senate a telegram addressed to the Chair urging pasage of House Resolution No. 650, which communication will be noted in the Journal

PERMISSION GRANTED TO READ COMMUNICATION INTO JOURNAL

Mr. HALUSKA. Mr. President, I ask permission to read into the Journal a letter I received this morning. It is very short.

THE PRESIDENT. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. HALUSKA. Mr. President, I might say I have received hundreds of letters of the same type and I have not imposed upon this body by reading many letters into the record but I do think this letter deserves some consideration. The letter comes from Renovo, Pennsylvania, is dated April 14th, and is addressed to me and reads as follows:

"The liability clause in the Old Age assistance law requiring the recipient of Old Age assistance to transfer over to the Department of Public Assistance any claim to his property is one-sided and lopsided discrimination. It penalizes the owner of a home. It's the Nazi Hitler method of conquest.

"There are many people who do not own any property but they have received relief grants or assistance and still do. These same people did not sign any warrant to refund any assistance they receive. Therefore it's very logical the home owner has been taken for a ride by the Department of Public Assistance.

"The property owner, through years of sacrifice managed to acquire a small home and, by paying taxes helped to support the community. Many of these home owners have lived in the community the greater part of their life. Before being eligible for assistance the home owner, is required to hand over lock, stock and barrel the title and claim to his home. Immediately the birds of Prey (the Department of Public Assistance and copartner Robert J. Boltz) enter a $200,000 lien against the property regardless of the valuation of the property.

"If the Department of Public Assistance can justify the entering of a lien on the down and out home owner, then Nazi Hitler likely has taken a leaf from the Pennsylvania Public Assistance Law to justify his invasion, confiscation and crucifixion of the small defenseless nations of Europe. Dear Senator Haluska.

"Thank you for your interest in the small home owner I hope you will be successful in having the relief bond repealed.

Again I thank you,

JOHN F. KENNEY,
Renovo, Pa.

"You are at liberty to use this letter in any manner you see fit."

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary of the Governor being introduced, presented in writing from His Excellency, the Governor of the

Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. GELTZ. Mr. Preisdent, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 15, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Ethel M. O'Connell, Pittsburgh, 500 North Craig St.

MONTGOMERY COUNTY

James A. Lynch, Conshohocken, 4-6 East First Avenue.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Pasquale Stravino, 410 Washington Street, Allentown, Lehigh County, for appointment as a Notary Public in the City of Allentown, Lehigh County, for a term of four years to compute from the date of confirmation.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. GELTZ and Mr. EALY

That the Senators do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38.

Barr,	Ealy,	Mallery,	Tallman,
Bartlett,	Edmonds,	McCreesh,	Taylor,
Becker,	Farrell,	McGinnis,	Tyler,
Carr,	Frey,	Miller,	Wade,
Cavalcante,	Haluska,	Reed,	Walker,
Coleman,	Homsher,	Ruth,	Watkins,
Cox,	Jaspan,	Scarlett,	Wilson, H. I.,
Crider,	Kephart,	Stevenson,	Woodward,
Crowe,	Lanius,	Stiefel,	Ziesenheim,
Deitrick,	Letzler,		

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS ALDERMAN FOR YORK COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate G. W. Conway, 335 Smyser Street, York, York County, for appointment as Alderman in and for the Fifth Ward of the City of York, York County, until the first Monday in January, 1942, vice Fred W. Kottcamp, deceased.

ARTHUR H. JAMES.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follow:

APPROVED AND SIGNED SENATE BILL NO. 244
(PRINTER'S No. 36)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1941.

To the Honorable, the Senate, of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 244, Printer's No. 36 entitled, "An Act to amend section one of the act approved the fifteenth day of June one thousand eight hundred and ninety-seven (Pamphlet Laws 159) entitled 'An act authorizing controllers of the several cities of this Commonwealth to appoint probate clerks' by providing for the appointment of additional probate clerks."

ARTHUR H. JAMES.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, April 14, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday, April 21, 1941 at 4:30 o'clock p. m. and when the House of Representatives adjourns this week it reconvene on Monday, April 21, 1941, at 9 o'clock, p. m.

RESOLUTION DESIGNATING MAY 12, 1941, AS HOSPITAL DAY

He also informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, April 2, 1941.

The hospitals of the Commonwealth are its safeguards and bulwarks against attacks by disease and accident upon the health, safety and well being of our people,

These well equipped fortresses of mercy with their modern equipment and efficient staffs of trained physicians, surgeons and nurses have reduced the toll of death within this Commonwealth and have brought relief and happiness to most of its citizens,

Those physicians and surgeons have given freely and generously of their services for the alleviation of suffering among those who otherwise could ill afford the cost of such aid;

Those who manage the necessary business and financial affairs of our hospitals likewise contribute valuable services in the interests of humanity,

Those nurses who tirelessly and carelessly lend their cheerful aid to the task of bringing relief and comfort to those inmates who are seeking a way back to life and health, are in turn, a major part in the united work of restoring health to the afflicted. They are true apostles of that great English woman Florence Nightingale who dedicated her life to the relief of the suffering and raised a menial task to an heroic profession,

It is as fitting and proper to observe and celebrate the achievements of a living institution as to observe and celebrate the glories of the past; therefore be it

Resolved (if the House concur) That in recognition of the work performed by the hospitals of the Commonwealth and the splendid achievements of their staffs of physicians, surgeons and nurses the Governor of the Commonwealth is hereby requested to issue his proclamation designating May twelfth, one thousand nine hundred and forty-one, the anniversary of the birth of Florence Nightingale, as Hospital Day as a tribute to the splendid service rendered the citizens of this Commonwealth by our hospitals and those responsible for their operation; and be it further

Resolved, That a copy of this resolution shall be immediately transmitted to his Excellency the Governor

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 688

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 688, entitled:

An Act concerning reciprocal agreements for the Interstate Transportation and the support of poor and indigent persons, and to make uniform the law with reference thereto.

BILL SIGNED

The President (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 688, entitled:

An Act concerning reciprocal agreements for the Interstate Transportation and the support of poor and indigent persons, and to make uniform the law with reference thereto.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 252, (Senate Bill No. 604), entitled

An Act to further amend clause nine of section eight of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employes' Retirement Law," permitting employes to change from the one one-hundred-sixtieth to the one one-hundredth class of contributors to the State Employes' Retirement Fund within a certain time.

Which was committed to the Committee on State Government

House Bill No. 426, (Senate Bill No. 605), entitled:

An Act making an appropriation to the Pennsylvania Historical Commission, to cover the expenses of restoring and maintaining the Daniel Boone Homestead

Which was committed to the Committee on Appropriations.

House Bill No. 434, (Senate Bill No. 606), entitled;

An Act making an appropriation to the Pennsylvania Department of Highways for the improvement of roads and parking areas within the Daniel Boone Homestead

Which was committed to the Committee on Appropriations.

House Bill No. 437, (Senate Bill No. 607), entitled:

An Act Authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation, on behalf of the Commonwealth of Pennsylvania, ten acres of land adjacent to the Daniel Boone Homestead, or so much thereof as may be necessary to properly honor the pioneer, Daniel Boone, on the spot where he was born; providing for the control, management, supervision, improvement, preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation

Which was committed to the Committee on State Government.

House Bill No. 865, (Senate Bill No. 608), entitled:

An Act to amend section one of the act, approved the fourth day of April, one thousand nine hundred and nineteen (P. L. 38), entitled "An act relating to the parties to writs of scire facias sur mortgage in certain cases, and to the title acquired by a sale on a judgment of foreclosure in such cases," making provision for cases where the original mortgagor is dead; and validating past proceedings and titles acquired thereby.

Which was committed to the Committee on Judiciary General.

House Bill No. 911, (Senate Bill No. 609), entitled:

An Act making hospital records admissible in evidence in civil and criminal proceedings without being proven by the persons who made the same

Which was committed to the Committee on Public Health.

House Bill No 1005, (Senate Bill No 610), entitled:

An Act to add section six hundred ninety-nine and six-tenths to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency and providing penalties

Which was committed to the Committee on Judiciary General.

House Bill No. 1006, (Senate Bill No. 611), entitled:

An Act to add section six hundred ninety-nine and seven-tenths to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," making it unlawful for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture; and providing penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 1032, (Senate Bill No. 612), entitled:

An Act making an appropriation to the Department of Agriculture for use in controlling, combatting or exterminating Japanese beetles.

Which was committed to the Committee on Appropriations.

House Bill No. 1084, (Senate Bill No. 613), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

Which was committed to the Committee on Judiciary General.

House Bill No. 1126, (Senate Bill No. 614), entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance.

Which was committed to the Committee on State Government.

REPORTS FROM COMMITTEES

Mr. ZIESENHEIM, from the Committee on Municipal Government, reported as committed, Senate Bill No. 529, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and person subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employes; providing for their compensation payable by such counties; eliminating the triennial assessment; and abolishing the distinction between seated and unseated lands for the purpose of taxation.

Mr. MALLERY, from the Committee on Municipal Government, re-reported as committed, Senate Bill No. 338, entitled:

An Act to further amend sections four and five of the act, approved the sixth day of April, one thousand nine hundred thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of the cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," by further regulating discounts for prompt payment of taxes and penalties and interest imposed on said taxes and by changing the date of certain tax payments.

Mr. WOODWARD, from the Committee on State Government, reported as amended, Senate Bill No. 418, entitled:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirteenth of this year as Commodore John Barry Day.

Mr. H. I. WILSON, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 519, entitled:

An Act to amend sections three hundred one and three hundred two of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1037, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by changing the rate of contributions by employers to the Unemployment Compensation Fund.

Mr. WADE, from the Committee on Banking, reported as committed, Senate Bill No. 212, entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto.

Mr. CRIDER, from the Committee on State Government, reported as amended, Senate Bill No. 449, entitled:

An Act to further amend section five hundred three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by requiring cash payment of refunds due from the Commonwealth.

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 262, entitled

A Supplement to the act approved the twelfth day of June, one thousand nine hundred and thirty-nine (P. L. 335), entitled "An act creating a temporary commission to examine, report upon, and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation of the expenses of such commission," by extending the term of such commission until the next regular session of the General Assembly; and making an appropriation.

He also from the Committee on State Government, reported as committed, Senate Bill No. 550, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by adding thereto section 2114 establishing a civil service system for the Department of Health.

He also from the Committee on Municipal Government, reported as committed, Senate Bill No. 571, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

He also from the Committee on Public Health, reported as committed, Senate Bill No. 480, entitled:

An Act requiring the Department of Health to furnish free of charge all State and State-aided hospitals certain vaccines or serum used in the Pasteur treatment, and requiring such hospitals to furnish and inoculate all persons bitten by dogs in this Commonwealth with such vaccine or serum free of charge.

Mr. EALY, from the Committee on State Government, reported as committed, Senate Bill No. 450, entitled:

An Act to amend article five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entilted "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by authorizing the micro filming of records in the various administrative departments, boards or commissions.

Mr. BARTLETT, from the Committee on Public Health, reported as committed, Senate Bill No. 575, entitled:

An Act to reenact and further amend the title and act approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for revocation and suspension of licenses by said bureau; and providing penalties for violations thereof, and repealing all acts or parts of acts inconsistent therewith," by defining certain terms; imposing certain additional duties upon the State Board of Medical Education and Licensure; further regulating the status of student interns; requiring foreign applicants to complete their citizenship; making provisions for graduate students from other states and Canada, and providing for automatic revocation of registration in case of mental incompetency.

Mr. COLEMAN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 286, entitled:

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," prescribing the manner in which money shall be drawn from the city treasury.

Mr. REED, from the Committee on Banking, reported as committed, Senate Bill No. 385, (House Bill No. 561), entitled:

An Act to amend section six hundred and eight of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by making further provision concerning the voting of shares held by incorporated institutions.

Mr. KEPHART, from the Committee on Banking, reported as amended, Senate Bill No. 336, entitled:

An Act to amend subsection A of section nine of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the

licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provisions of said act.

He also from the Committee on Municipal Government, reported as amended, Senate Bill No. 353, (House Bill No. 450), entitled:

An Act to further amend section 1902 of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" exempting certain contracts for public utility service from the provisions of said act regulating advertising and bidding for contracts.

Mr. HEYBURN, from the Committee on State Government, reported as committed, Senate Bill No. 295, entitled:

An Act to amend sections seven and eight of the act approved the twelfth day of June, one thousand eight hundred and seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," requiring the publication of advance sheets of such reports, requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein; and further regulating the basis upon which bids shall be submitted and the provisions of the contract for publication of such reports and advance sheets.

He also from the Committee on State Government, reported as committed, Senate Bill No. 448, entitled:

An Act to amend sections three hundred and eight and four hundred and one of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools, creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board, imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; clarifying the procedure for establishing such liability of the Commonwealth; and providing for the transfer and lapsing of certain moneys into the General Fund.

Mr. THOMAS, from the Committee on Municipal Government, reported as committed, Senate Bill No. 284, entitled:

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7 and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city.

Mr. DiSILVESTRO, from the Committee on Judiciary General, reported as committed, Senate Bill No. 481, entitled:

An Act to amend the act, approved the twenty-sixth day of May, 1933, (P. L. 1076), entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit associations, to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," by further defining the organization and powers of credit unions.

He also from the Committee on Municipal Government, reported as committed, Senate Bill No. 364, entitled:

An Act requiring Receivers of Taxes in and for cities of the first class to furnish certificates of taxes, water rents and claims which are liens on real estate without charge to owners of said real estate or other parties having an interest therein, and limiting the liability of the Receiver for errors in said certificates, and retaining the liens of all unpaid taxes, water rents and claims against such property though the same are not set forth in said certificate, and repealing inconsistent legislation.

INTERROGATION RELATIVE TO MOTION TO RECOMMIT SENATE BILL No. 130

Mr. CAVALCANTE. Mr. President, in line with the order of business we have before us I wish to call attention of the Chair to a motion appearing on page 412 of the Journal, which reads as follows:

MOTION TO RECOMMIT SENATE BILL NO. 130 TO COMMITTEE ON JUDICIARY GENERAL

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 130 be recommitted to the Committee on Judiciary General for the specific purpose of an open and public hearing.

Mr. President, I think the remarks made for and against the bill ought to be stenographically transcribed and that, after a public and open hearing, the committee shall return the bill to this Senate witfh amendments or recommendations or both.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to and the bill was recommitted to the Committee on Judiciary General.

In line with this motion, Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Walker, the chairman of the Committee on Judiciary General.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated.

Mr. WALKER. I will, Mr. President. May I ask the gentleman from Fayette the page number to which he referred.

Mr. CAVALCANTE. Mr. President, the motion appears on page 412 of the Journal.

Mr. WALKER. Thank you.

Mr. CAVALCANTE. Mr. President, in line with the direction contained in this motion, is the gentleman from Allegheny as chairman of the Committee on Judiciary General ready to return Senate Bill No. 130 to the Senate?

Mr. WALKER. Mr. President, the answer to the interrogation is "no."

Mr. CAVALCANTE. Mr. President, I desire to further interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated.

Mr. WALKER. I will, Mr. President.

Mr. CAVALCANTE. Is it the intention, Mr. President, to ever return Senate Bill No. 130 to the Senate, in line with the direction of that motion?

Mr. WALKER. Mr. President, I would like to say as far as the committee is concerned, under the present action of the committee, the answer is "no". If I may supplement my answer, may I suggest that the Legislative Journal shows the motion was agreed to and the bill was recommitted to the Committee on Judiciary General; however, Mr. President, there is nothing in the Journal to show there was any official action taken by the Senate to require Senate Bill No. 130 to be returned to the floor.

I might further say, Mr. President, if the Senate desires Senate Bill No. 130 to be returned to the floor, in violation of the action taken by the Committee on Judiciary General, the Senate has in its hands the proper parliamentary procedure to have the bill returned to the floor.

Mr. CAVALCANTE. Thank you, Mr. Walker. Now, Mr. President, there is no use quibbling over the language of the motion found on page 412 of the Journal and adopted by unanimous vote of the members of this body. It specifically contains a direction that after a public and open hearing the committee shall return the bill to this Senate, with amendments or recommendations or both, and then later on in the Journal, when the Chair questioned me concerning my intention, I specifically made it clear to the Chair and to all the members of this Senate that the purpose of the motion was to have this bill brought back to this Senate after a public hearing.

The bill was on third reading when recommitted and now, Mr. President, I know of no other parliamentary procedure by which the action of this body may be enforced other than to appeal to the authority conferred upon the Chair to enforce the action taken by this body.

APPEAL TO THE CHAIR

Mr. CAVALCANTE. Therefore, Mr. President, I now appeal to the authority of the Chair to summon the gentleman from Allegheny, the Chairman of the Committee on Judiciary General, to the Bar of the Senate and require him to deliver to this body Senate Bill No. 130, or be declared in contempt of the mandatory direction contained in the motion to which I have made reference.

The PRESIDENT. Is that a request, a point of order or a motion?

Mr. CAVALCANTE. Mr. President, it does not take a motion whenever an action taken appears on the records of this Senate, and the only thing lewt to be done is to enforce the action taken, and that authority is vested in the Chair and nobody else.

The PRESIDENT. The Chair is of the opinion he has no such authority and the proper redress would be a motion to discharge the Committee on Judiciary General from further consideration of the bill.

Mr. WALKER. Mr. President, I would like to explain to the members of the Senate—I feel they are entitled to an explanation—my legislative experience has been so limited, but I was told when I first had the opportunity of becoming a member of this body, that what went on in the committee meetings was of a confidential nature, not that we have anything to hide from our beloved public—but because of the fact that a frank and open expression in committee meetings was necessary and that a confidential discussion was always looked forward to in committee meetings and what went on in a committee meeting was entirely the business of the committee and not of the public.

I was quite surprised to find in the newspapers a full and complete account of what occurred in the meeting of the Committee on Judiciary General when Senate Bill No. 130 was considered by that committee. The names of the members of the Senate who voted to report the bill out of committee were listed and those who voted against reporting it out of committee were listed. It was unfortunate for the sponsor of the bill that more members voted to postpone action on the bill than voted to report it out and according to my understanding of parliamentary procedure, when a majority of the members of a committee voted against reporting a bill out of committee, the bill stays in the committee.

Mr. President, if the gentleman from Fayette is not satisfied with the action of the committee he is a member of that committee, he was present at the meeting and he knew who voted for and against it.

There were no newspaper men present and I know, Mr. President, that I as Chairman of the committee did not issue that statement to the press. I would suggest to the gentleman from Fayette that if the action taken by the Committee on Judiciary General does not meet with his approval, he can make a motion to discharge the committee and the members of the Senate can do then as they see fit.

Mr. President, if the Senate directs the Committee on Judiciary General to report the bill back out on the floor, the committee will do so.

As to calling the Chairman of the Committee on Judiciary General before the Bar of the Senate to undergo a public or private spanking, through any feeling or whim or caprice of one of the members of the committee, that is an authority I would certainly challenge. The gentleman from Fayette has his parliamentary recourse if he cares to avail himself of it. A majority of the committee voted to keep the bill in committee and until the committee changes its mind that is where the bill will stay.

Mr. CAVALCANTE. Mr. President, in answer to the statement of my colleague from Allegheny, Mr. Walker, I wish to inform him I am not satisfied with the conduct of the Chairman of the Committee on Judiciary General and that his reflection that I betrayed any confidence of that committee will be properly answered next week. I do not wish to take any further time of this Senate on this talk, but I assure the gentleman from Allegheny and the members of this Senate, and I trust they will offer no objections, that next week I shall give the gentleman from Allegheny an appropriate answer.

QUESTION OF PERSONAL PRIVILEGE

Mr. MILLER. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Luzerne will state his question of personal privilege.

Mr. MILLER. Mr. President, as I arose this morning and viewed from my window this glorious day, giving an early promise of spring, which also gives hope of an early adjournment, my thoughts went out to those fellow sportsmen who at this very hour are now whipping the streams in this great recreational Commonwealth of Pennsylvania, and, being privileged to breakfast with my distinguished colleague from Butler, Senator Carr, and fully cognizant of his ability as a writer of poetry, I suggested to the gentleman from Butler that I would appreciate very much if he would place in poetry an appropriate verse which I would read before this Senate.

So with that thought in mind, Mr. President, and in order to convey the thoughts of this Senate to our fellow sportsmen now in the field, I desire to read this piece of poetry which I take no credit whatsoever for writing but do take credit as being the instigator. The poem is captioned:

"ALAS AND ALACK—ALACK AND ALAS," and is as follows:

This is the day that the Lord hath made
And which we have set aside,
When the men of the state with rod and bait
Take the trout for a one-way ride.
With line and hook to his favorite nook
Each fisherman goes with joy,
We sweat and strain with body and brain
And problems of state annoy.

For weeks we have worked,
Some say we have shirked
The tasks that are ours to do,
But now we must stay,
While they hie away,
It's sad but it's all too true.

Oh, for a day on the open stream
Free from the cares of state;
Oh, to be there without a care
Where the finny tribes await.
But no, Alas, this day must pass
And we must labor and sweat;
But not next year, just have no fear,
We'll be there in our boots, you bet!

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CAVALCANTE. Mr. President, I rise to a question of parliamentary inquiry or information, whichever the Chair may desire.

The PRESIDENT. The gentleman from Fayette will state his question.

Mr. CAVALCANTE. Mr. President, last night, I think it was around midnight, I read in one of the papers that a former member of this Senate, the Honorable Alonzo S. Batchelor, had departed this life and I wondered whether there is any word on that subject which has been sent to this body.

The PRESIDENT. Is any Senator able to furnish the Senator from Fayette with the information desired?

Mr. CAVALCANTE. I might say it was in the papers last night, I read it last night, and I know it was definitely stated he had been a member of this body and that he had died, and I just wondered whether anybody knew anything about it and whether some appropriate action might be taken by this body, as we have in cases of this kind in the past.

The PRESIDENT. Apparently no member of the Senate has had any notice, but the Chair is certain proper action and consideration will be given.

Mr. McQUIDDY. Mr. President, for the information of the gentleman from Fayette, I might state there is an appropriate resolution being prepared, which will be submitted to the Senate at this session.

REPORT FROM COMMITTEE

Mr. LETZLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LETZLER, from the Committee on Congressional Apportionment, reported as committed, Senate Bill No. 507, entitled:

An Act to apportion the State into congressional districts.

BILLS INTRODUCED

Mr. ZIESENHEIM read in his place and presented to the Chair Senate Bill No. 615, entitled:

An Act to amend sections one, two and nine of the act, approved the tenth day of May, one thousand nine hundred twenty-one (P. L. 449), entitled "An act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators" by changing certain districts and creating new districts.

Which was committed to the Committee on Senatorial Apportionment.

Messrs. CROWE and RUTH read in their places and presented to the Chair Senate Bill No. 616, entitled:

An Act to further amend clause six of section one of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 853), entitled, "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Common[illegible]lth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuties, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties;" providing that officers and employes of the Department of Public Instruction including State Teachers Colleges who are not members of or who may withdraw from the public school employe's retirement association may become employes of the State Employes' Retirement Association and receive credit for their service.

Which was committed to the Committee on State Government.

They also read in their places and presented to the Chair Senate Bill No. 617, entitled:

An Act to further amend clause seven of Section one of the act approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement sys-

tem, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties;" extending the time for officers and employes of the Department of Public Instruction including State Teachers Colleges to withdraw from the Retirement System and receive reimbursement for moneys paid in.

Which was committed to the Committee on State Government.

Mr. TALLMAN read in his place and presented to the Chair Senate Bill No. 618, entitled:

An Act to further amend section two of the act, approved the sixteenth day of June, one thousand nine hundred thirty-three (P. L. 252, 1933-34), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by permitting clubs to waive or reduce dues payable by members in military service.

Which was committed to the Committee on Law and Order.

He also read in his place and presented to the Chair Senate Bill No. 619, entitled:

An Act to further amend section two of the act, approved the tweny-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys, authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by permitting clubs to waive or reduce dues payable by members in military service.

Which was committed to the Committee on Law and Order.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 620, entitled:

An Act providing for the election of the same number of constables in townships of the second class, as there are election districts in such townships.

Which was committed to the Committee on County Government.

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 621, entitled:

A Supplement to the act approved and twenty-second day of June, one thousand nine hundred and thirty-one, (Act No. 203), entitled, "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Venango.

Which was committed to the Committee on Highways.

Mr. RUTH. Mr. President, in presenting to the Chair a bill it is necessary for me to make a short statement. A few weeks ago a schoolmen's meeting was held at the University of Pennsylvania when the two bills I introduced, Senate Bill No. 167 and Senate Bill No. 168, relating to the Superintendent of Public Instruction and the State Council of Education were under discussion.

This group which discussed these bills was comprised of practically all branches of education and the public in the State of Pennsylvania, school directors and teachers, teachers' colleges, county superintendents of public education, chambers of commerce, child welfare groups and women's clubs.

I might say, Mr. President, this bill embodies the conclusion reached by that panel of discussion. Therefore, Mr. President, in presenting to the Chair this bill I would request that the Committee on Education drop from further consideration Senate Bill No. 167 and Senate Bill No. 168. The bill I am now introducing is to take the place of those two bills.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 622, entitled:

A Joint Resolution proposing an amendment to section eight, article four, and to add an additional section to article ten of the Constitution of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

Mr. McQUIDDY, by request, read in his place and presented to the Chair Senate Bill No. 623, entitled:

An Act regulating and improving the civil service of all departments and agencies of the Commonwealth vesting in the State Civil Service Commission and an Administrator certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing cooperation with counties, cities, boroughs and towns and townships in matters relating to civil service defining certain crimes and misdemeanors imposing penalties and repealing certain acts and parts thereof.

Which was committed to the Committee on State Government.

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 624, entitled:

An Act to furtehr amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," increasing the minimum salaries of elementary teachers in school districts of the fourth class.

Which was committed to the Committee on Education.

MEMORIALIZING CONGRESS TO REPEAL SOCIAL SECURITY ACT AS AMENDED AUGUST 10, 1939

Mr. HEYBURN offered the following resolution which was twice read, and referred to the Committee on Federal Relations.

In the Senate, April 15, 1941.

Whereas, The Federal Government recognized in the original Social Security Act that the administration of unemployment compensation laws is properly a function of the various states and accordingly designed the act as an inducement to the adoption of the program by the states themselves; and

Whereas, The funds received from the Federal Government for the expenses of administering the state acts have in the first instance been taken from employers of the states themselves; and

Whereas, The Social Security Act has prior to and since its amendment August 10, 1939, required the state acts to meet a prescribed standard as a condition to the eligibility of such states for the refund of their expenses of administration; and

Whereas, By amendment of August 10, 1939, clauses (8) and (9) were added to subsection (a) of section 303 requiring as further conditions to the refund of such administrative expenses, the following:

"(8) Effective July 1, 1941, the expenditure of all moneys received pursuant to section 302 of this title solely for the purpose and in the amounts found necessary by the Board for the proper and efficient administration of such state law; and

"(9) Effective July 1, 1941, the replacement, within a reasonable time, of any moneys received pursuant to section 302 of this title, which, because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of, those found necessary by the Board for the proper administration of such state law;" and

Whereas, Said clauses (8) and (9) are unnecessary for the reason that ample protection is afforded the interests of the Federal Government by the existing requirement for approval and certification of state laws by the Federal Social Security Board; and

Whereas, Said clauses are improper for the reason that they attempt to give the Federal Government power to encroach upon the domain of the states in determining their own questions of procedure and administration in which, because of geographical locations, peculiar governmental procedures and processes, and other differentials, there must necessarily exist wide variations among the several states which cannot be standardized, nor can a particular state efficiently adopt a procedure in regard to one of its functions which would be out of harmony with its general practices; and

Whereas, Clause (9) makes possible by a single act of the Federal Social Security Board the upsetting of established precedents existing under present state unemployment compensation laws already approved and accepted by the Federal Board and requiring the repayment of funds heretofore legally expended, nor does said clause have any limitation either as to the scope of the inquiry or as to the time in which demand for repayment must be made; and

Whereas, The enforcement of said clauses will have the effect of giving the Federal Government complete and arbitrary control over the administration of the unemployment compensation program which the Federal Act itself recognizes as a proper function of the states themselves; and

Whereas, If said clauses are allowed to become effective they will grant to the Federal Government control of the administration of any state or local law wherein the benefit of Federal funds is or may be obtained; therefore be it

Resolved (if the House concur), That the General Assembly of the Commonwealth of Pennsylvania hereby respectfully memorialize and petition the President of the United States and the Congress of the United States to cause said clauses (8) and (9) of subsection (a) of section 303, of the Social Security Act, as amended August 10, 1939, to be repealed prior to its effective date; and be it further

Resolved, That copies of this resolution be immediately transmitted to the President of the United States and to each Senator and Representative in Congress from the Commonwealth of Pennsylvania.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 217, as follows:

An Act requiring the Department of Welfare to notify the clerk of court and the county controller of all discharges or releases from institutions under its supervision

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be the duty of the Department of Welfare whenever a person is discharged from any State institution under its supervision immediately to notify the clerk of court and the controller of the county from which such person was committed of the fact of his discharge or release

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	McCreesh,	Thomas,
Carr,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Ruth,	Walker,
Crider,	Homsher,	Scarlett,	Watkins,
Crowe,	James,	Snowden,	Wilson, H. I.,
Deitrick,	Kephart,	Stevenson,	Woodward,
Dent,	Lanius,	Tallman,	Ziesenheim,
Ealy,	Letzler,		

NAYS—6

Cavalcante,	Frey,	Reed,	Stiefel,
Cox,	McGinnis,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 265, (House Bill No. 349), as follows:

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any city borough incorporated town township or school district has heretofore filed in the office of the prothonotary of the proper county and tax or municipal claim and the city borough incorporated town township or school district has not within the period of five years after the date on which any such claim was filed sued out a writ of scire facias to reduce the claim to judgment or in the case of a tax claim has not within said period of five years filed a suggestion of nonpayment and an averment of default or filed an amicable scire facias or whenever any writ of scire facias has been issued to reduce any such claim to judgment and by reason of defense or any other court proceedings judgment has not been entered within the period of five year after the date on which such writ was issued or whenever any such tax or municipal claim has been reduced to judgment and the city borough incorporated town township or school district has not within the period of five years after the date in which such judgment was entered or within five years after the date on which such judgment was last revived filed a suggestion of nonpayment and an averment of default or sued out a writ of scire facias to revive the same then in any such case any such city borough incorporated town township or school district may within six months after the passage and approval of this act issue its praecipe for a writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in case a writ of scire facias has been issued but the same has not been reduced to judgment within five years from the date of issuance issue its praecipe for an alias writ of scire facias on any such tax or munncipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in the case of a tax or municipal claim where no judgment has been entered file a suggestion of nonpayment and an averment of default or in case judgment has been entered on a tax or municipal claim either file a suggestion of nonpayment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival and such claim or judgment so entered or revived shall be a valid claim or judgment and be a lien upon the real estate upon which it was a lien at the time the claim was filed or the judgmen was entered and said claim or judgment may be revived or further revived and collected as other claims judgments upon tax or municipal claims are revived and collected or whenever any city borough incorporated town township or school district has heretofore filed in the office of the prothonotary of the proper county an amicable writ of scire facias or a suggestion of nonpayment and an averment of default to revive any municipal claim or has reduced such claim to judgment in the manner provided by law and such writ of scire facias or suggestion of nonpayment and an averment of default shall not have been filed within the period of five years from the time the original claim was filed or within five years after any prior revival of such claim and such judgment shall not have been entered within a period of five years after the filing of the writ of scire facias to reduce such claim to judgment then in any such case such action in filing such amicable writ of scire facias or suggestion of nonpayment and an averment of default or entering such judgment is hereby ratified confirmed and made valid notwithstanding that the same was not filed or entered within the time required by law and that the lien of such municipal claim was lost and the lien of any such municipal claim shall be deemed revived from the date such amicable writ of scire facias or suggestion of nonpayment and averment of default was filed or such judgment entered in the office of the prothonotary and such lien may have been or may be proceeded upon further revived and collected as provided by law Provided however That the lien of any such claim or judgment shall not reattach against any real estate transferred to any purchaser during the time when the lien of any such tax or municipal claim or judgment was lost nor shall the lien of any such claim or judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the city borough incorporated town township or school district to sue out the writ of scire facias or file a suggestion of nonpayment and an averment of default within the five year period or was entered of record during the time the lien of such tax or municipal claim of judgment was lost

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 269, as follows:

An Act authorizing the redemption of real property purchased by political subdivisions at tax sales upon the payment of the amount charged against the same and costs by installment payments and prescribing the procedure therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases where heretofore or hereafter real property shall have been or shall be purchased at any tax sale by any political subdivision it shall be lawful for the taxing authorities of such political subdivision in their discretion to permit a redemption of said real property or part thereof so long as the title thereto remains in said political subdivision upon the payment of the amount due thereon by installments in the manner hereinafter provided whether or not the period during which the right of redemption existed shall have expired

Section 2 In order for any person who was or is entitled by law to redeem such property to receive the benefits of the installment system of payment authorized

and provided by this act they shall enter into a written agreement with the taxing authorities of the said political subdivision which shall be prepared by the solicitor for such political subdivision in the nature of a lease which shall require at the time of signing the agreement the payment of all costs incident to the aforesaid tax sale and twenty per centum of the amount of all taxes and municipal claims and penalties and interest accrued thereon charged against said property and the payment of the remainder of said amount of tax and municipal claims penalties and interest in four equal installments each of which shall be made within one year after the last day fixed by said agreement for the payment of the previous installment Said agreement shall further require that the respective current taxes assessed on said real property for each year during such installment period shall be paid before a penalty attaches thereto

Section 3 The aforesaid agreement shall provide for the delivery of possession to such person upon the execution thereof and the receipt of the required first payment and such person shall have the right to retain possession of the property unless and until he shall default in one installment payment or shall fail to pay the current taxes for any year as required by the agreement Upon defaut of either or both of said payments the political subdivision shall have the right to repossess said property in the manner provided by the agreement specified in Section Two of this Act or by the entry of a judgment in ejectment upon affidavit or default and the issuance of a writ of habare facias possessionem in due form according to law The agreement shall further provide for the conveyance of said property to the person with whom the agreement is entered into upon final payment of the total amount of said costs taxes municipal claims penalties and interest as aforesaid and the payment of all current taxes as aforesaid and the title so conveyed shall be free and clear of all tax and municipal claims but shall not be discharged from any other liens not discharged by the tax sale

Section 4 The taxing authorities of said political subdivision shall have power to execute and deliver any deeds necessary to render the redemption authorized by this act effective

Section 5 The proceeds of such agreement and payments shall be distributed upon the receipt thereof to the respective political subdivisions and taxing authorities in proportion to their tax and municipal claims against said property

Section 6 All acts or parts of acts inconsistent herewith are hereby repealed

Section 7 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. COX. Mr. President, I admired the great ease with which Senate Bill No. 269 sailed down the legislative stream, scarcely causing a ripple in its mirror of complacency and I look back with strange amazement to the tempestuous course with which Senate Bill No. 125 sailed down the same legislative stream last week.

It seems to me the thing to be desired is some remedy which will not make it necessary for taxing authorities to sell a property because of the failure of its owner to pay its taxes. This is another situation of what we do with properties on which there are municipal liens and tax liens and it is a very burdensome one and the problem I think would well merit the serious consideration of the Joint Government Commission.

I know from experience as a lawyer, Mr. President, we have great difficulty in attempting to collect on properties to be sold for taxes. For instance, if a school district sells a property for taxes of course it takes it subject to the tax liens of the county and also the municipality.

I can see no practical benefit in this bill. It imposes a burden on the municipality which purchases the property. Although the terms of the bill itself do not make it mandatory for the taxing authority that sells the property to grant this relief over five annual installments of twenty per cent, yet in practice it does make it mandatory.

We all know, Mr. President, the political import of such a situation and the argument which was used against Senate Bill No. 125 I believe applies to this bill very nicely. You will recall that one of the difficulties, in order to secure a sufficient vote to pass Senate Bill No. 125, was one of the requirements which made it necessary for the taxing authority to refuse the provisions of the bill by having a meeting and so publicly declaring its intent, but if you pass this bill, you are making it mandatory on the taxing authorities to sell a property for payment and that it has to grant this relief in every instance.

Mr. President, I oppose this bill and intend to vote against it.

Mr. MILLER. Mr. President, it is not my purpose to extend this argument, because as the sponsor of this bill I feel it is a very good bill.

If you will recall, at the time it was introduced, I made the statement on the floor of this Senate that in my County of Luzerne there were eleven thousand properties now in the hands of county commissioners received through tax sales. In many of these instances these properties represent sentiment to a great degree. What I am trying to state is that these properties have been handed down from parents to sons and, through no fault of their own, the sons have been unable to keep up the taxes, and therefore these properties were sold.

As I interpret this bill, and I trust my friends in this body will interpret it as I do, there is nothing political in the bill. It simply makes possible the redemption of those properties by paying actual costs as set up by the court, and taking advantage of the twenty per cent deferment plan that is now on the statute books. I think under the present set up, whereby many property owners who have lost their homes, are now employed, and I think they will welcome the opportunity to again regain possession of their homes.

Mr. President, there is one more feature that I think is advisable to consider and that is the point that while those properties rest in the hands of the county commissioners, there are no taxes derived therefrom and the minute these properties revert back to their original owners, the taxing authorities are again privileged to tax them, in the hope it will help them maintain the government of the community.

Mr. DENT. Mr. President, I desire to interrogate the sponsor of this bill.

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MILLER. I will, Mr. President.

Mr. DENT. Mr. President, I am not sure of myself on this bill. As I understand it, the properties could have been taken over by the commissioners at a commissioner's sale or treasurer's sale four or five years ago.

Mr. MILLER. Mr. President, for the information of

the gentleman from Westmoreland, I think the bill includes that situation, yes.

Mr. DENT. And then now, Mr. President, a person can come in after the property has been taken over and the amounts assessed against the property for back taxes, penalties, interest and so forth are frozen, naturally, at the amount that the commissioners bid the property in.

Now, under this bill, although there has been no added penalty over the five or four year period that the property has rested in the hands of the commissioners, a person can come in and redeem his property by paying one-fifth of the total amount assessed against it as owing to the counties and the various municipalities, is that right?

Mr. MILLER. That is correct, Mr. President, I believe.

Mr. DENT. What I am trying to get at is this, Mr: President: we refused last week to allow persons now holding their properties, before the tax sale takes place, to save the property by paying twenty per cent of the delinquent taxes by abatement and yet we rush in now and pass a bill through, that after they have lost their property we give them the same privilege that we denied them in Senate Bill No. 125.

Mr. President, I do not want to vote against this bill but I must say I am not sure on certain points and if the gentleman from Luzerne will allow the bill to go over in its order until tomorrow I am sure I will be ready to vote on it and some of my colleagues who do not want to vote on it now in the present situation I think will be ready by that time to vote for it. If the gentleman from Luzerne will consent to the bill going over in its order until tomorrow I assure him I will cooperate with him in final action on the bill.

Mr. MILLER. Mr. President, I will say I have always found the gentleman from Westmoreland very ready to cooperate and I will certainly accede to his request and allow the bill to go over in its order.

Mr. DENT. Thank you kindly.

BILLS OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that Senate Bill No. 269, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

The motion was agreed to.

Mr. FARRELL. Mr. President, I ask unanimous consent that Senate Bill No. 326, on third reading, entitled:

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material, supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense, to be used for training or retraining workers and prospective workers for industries essential to national defense; waiving all statutory requirements as to advertising for said bids.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 45, entitled:

An Act to further amend section four hundred and twenty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing certain contributions by county commissioners toward the burial of deceased service men regardless of the total cost thereof

The first section of the bill was read as follows:

Section 1 Section four hundred and twenty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by section two of the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 683) is hereby further amended to read as follows

Section 422 Sum to Be Spent The county commissioners of the county of this State within which a deceased service man as hereinabove defined had a legal residence at the date of his death or the county commissioners of the county where a deceased service man died in case he or she had no legal residence in any county of this Commonwealth upon notice in writing by any organization of veterans that the body is unclaimed by relatives or friends and who upon investigation shall find such condition to exist are hereby authorized and directed to contribute the sum of seventy-five dollars ($75.00) toward the funeral expenses of such deceased service man When a deceased service man has died while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie, Pennsylvania and such home incurs all funeral expenses and buries the soldier in a cemetery in the City of Erie Pennsylvania or the home furnishes clothing casket and shipping case and ships the body to the county from which he was admitted to the home the county from which he was admitted shall reimburse and pay to the Pennsylvania Soldiers' and Sailors' Home the amount of one hundred dollars ($100.00) or so much thereof as was actually expended by such home Provided however That such county commissioners shall not contribute any moneys toward the funeral expenses of such deceased service man where the total expenses of his or her funeral shall exceed four hundred dollars ($400.00) nor unless application for the payment of such moneys shall be made within one year after the death of such deceased service man

On the question,

Will the Senate agree to the section?

Mr. WADE. Mr. President, I move to amend Section 1, page 2, line 15, after the word "of" and before the word "to-", by taking out the words "seventy-five dollars ($75.00)" and inserting in lieu thereof: "one hundred dollars ($100.00)."

Mr. TAYLOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act to further amend section four hundred and twenty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, and revising, amending and consolidating the laws relating thereto," authorizing certain contributions by county commissioners toward the burial of deceased service men regardless of the total cost thereof.

On the question,

Will the Senate agree to the title?

Mr. WADE. Mr. President, I move to amend Title, page 1, line 7, after the word "thereto" and before the word "contributions," by taking out the words "authorizing certain." and inserting in lieu thereof: "by providing an increase in"; Amend Title, page 1, line 9, by taking out after the word "man" the following words: "regardless of the total cost thereof."

Mr. TAYLOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

POINT OF INFORMATION

Mr. COLEMAN. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Lackawanna will state has point of information.

Mr. COLEMAN. Mr. President, I desire to call attention of the gentleman from Cumberland to the fact that this bill requires an additional amendment. The gentleman amends line 15 to delete the word "seventy-five" and insert in lieu thereof "one hundred" but he did not do anything about the figure "75."

The PRESIDENT. The Chair is advised that it included in the amendment.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 169, entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. WALKER. Mr. President, I have received a number of requests from people in Allegheny County who are directly affected by this bill. We have some suggested amendments and as these amendments are controversial and some of them have not yet been agreed to, as far as my co-sponsorship is concerned at this time, I wish to make the following motion.

MOTION TO RECOMMIT BILL

Mr. WALKER. Mr. President, for the reasons explained above I now move that Senate Bill No. 169 be rereferred to the Committee on Elections so that we can properly discuss proposed amendments.

The PRESIDENT. Is there a seconder to the motion?

Mr. COLEMAN. Mr. President, I desire to interrogate the sponsor of the bill?

The PRESIDENT. Will the gentleman from Allegheny, Mr. Walker, permit himself to be interrogated?

Mr. WALKER. I will, Mr. President.

Mr. COLEMAN. Mr. President, I desire to ask the gentleman from Allegheny whether, in view of the absence of the co-sponsor of this bill, the gentleman from Allegheny, Senator Barr, Mr. Walker will consent to defer action on recommitting the bill, until such time as the gentleman from Allegheny, Mr. Barr, is present in the Senate Chamber.

Mr. WALKER. Mr. President, I have no objection to that. I wanted to get it back so we could discuss the amendments, because this legislative session is coming down the home stretch and I do not want to delay this much longer, but I will be perfectly willing to defer action until my co-sponsor is back on the Senate floor.

MOTION WITHDRAWN

Mr. WALKER. Therefore, Mr. President, at this time, in order to comply with the request of the gentleman from Lackawanna, I withdraw my motion that Senate Bill No. 169 be recommitted to the Committee on Judiciary General.

BILLS OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 169 on second reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

The motion was agreed to.

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 292 (House Bill No. 382), on second reading, entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for said purpose.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. H. I. WILSON. Mr. President, I ask unanimous

consent that Senate Bill No. 331, on second reading, entitled:

An Act to further amend section two of the act, approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," providing for the return and payment of said county (and in certain cases city and county) tax to the county treasurer on or before February fifteenth of each year

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 420, entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 421, entitled:

A Joint Resolution proposing an amendment to section one, article eight, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 422, entitled:

A Joint Resolution proposing an amendment to section four, article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 528, entitled:

An Act making a deficiency appropriation to aid certain school districts

The first section of the bill was read as follows:

Section 1 The sum of five hundred thousand dollars ($500,000) is hereby appropriated to the Department of Public Instruction for the purpose of aiding financially handicapped and distressed school districts in such sums and in such manner as the Superintendent of Public Instruction shall determine and for defraying the necessary cost for the administration thereof for the two fiscal years ending May thirty-first one thousand nine hundred and forty-one and for the succeeding fiscal biennium until the thirtieth day of June one thousand nine hundred forty-one

On the question,

Will the Senate agree to the section?

Mr. HOMSHER. Mr. President, I move to amend section 1, page 1, line 7, by inserting after the word "the" where it appears the second time in said line, the words "balance of the".

Mr. DEITRICK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 The provisions of this act shall become effective on the first day of June one thousand nine hundred and forty-one

On the question,

Will the Senate agree to the section?

Mr. HOMSHER. Mr. President, I move to amend section 2, page 1, lines 13 and 14, by striking out the words "on the first day of June one thousand nine hundred and forty-one" and inserting in lieu thereof the following: "immediately upon its final enactment".

Mr. DEITRICK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act making a deficiency appropriation to aid certain school districts

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 538, (House Bill No. 593), entitled:

An Act to amend section two hundred twelve, to further amend sections two hundred thirteen, two hundred fourteen, seven hundred one, and seven hundred nine, and to amend section one thousand two hundred one of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative

departments, boards commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by exempting the Department of Internal Affairs from the provisions of said sections, and further defining powers of the Secretary of Internal Affairs.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 30, entitled:

An Act providing for the establishment, construction maintenance and use of a mountain ridge or skyway on State forest, game and fish lands in the Pocono Mountains, through or bordering the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike, to be known as the "Rim Parkway"; conferring powers and imposing duties on the Department of Highways; providing for the acquisition and taking of additional land, and the use of Federal Funds; authorizing the collection of tolls and rentals; and appropriating moneys out of the Motor License Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 447, entitled:

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 452, entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for use in research work dealing with flax and other farm produce.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 515, entitled:

An Act to amend article nine of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by requiring an additional affidavit by candidates for nomination for any office.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 518, entitled:

An Act to further amend the first paragraph of subsection (a) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," prescribing additional causes for termination of a contract of a professional employe.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 559, entitled:

An Act creating a joint legislative commission to be known as the Educational Survey Commission; prescribing its powers and duties; conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; imposing duties on departments and agencies of the State government and on colleges and universities; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 561, entitled

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by redefining amplifying and changing the powers and duties of the commission its employes and commissioners further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon the inspection of the records of the commission providing for appeals by the commission to appellate courts repealing and changing

certain provisions of said act relating to removal notices and for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 567, entitled:

An Act to further amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1982), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record;" empowering the Supreme Court to prescribe rules of practice and procedure and for the conduct of the business of the Orphans' Court.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

PERMISSION TO ADDRESS SENATE

Mr. WADE. Mr. President, I ask unanimous consent to make a statement at this time.

The PRESIDENT. Is there objection? The Chair hears none. The gentleman from Cumberland may proceed.

Mr. President and Members of the Senate:

Because my collegaue, the Senator from Philadelphia, Mr. Shapiro, last week in a long and prepared address to this body laid the groundwork for an attack which I believe goes to the very fundamentals of our American institutions and because this attack was directly against one branch of a business in which I am engaged, which business, I believe, is conducting its affairs in general, along sound and intelligent lines and is in no sense anti-social, I ask your indulgence for a short time in making some observations and in pointing out the fallacies and misrepresentation contained in his address.

I regret exceedingly the gentleman from Philadelphia, Mr. Shapiro, is not present here today. I looked forward to his being here today so he could have heard this statement. I would have deferred making this statement until tomorrow, but I am informed he will not be here this week on account of business. If it was on account of sickness I would be inclined to wait. I have therefore this morning by special delivery mail sent a copy of this statement to the Senator in Philadelphia.

For the last few years, those in this country who believe in the American system of free enterprise have observed with much concern the tendency on the part of a vocal and energetic radical minority to fundamentally change our way of life in these United States. We have observed the left wing radicals in Washington and elsewhere advocating the entry of government into various fields of private enterprise. We have recognized the desire of the so-called fellow travellers to emulate the totalitarian and communistic economic systems which have grown up in Europe. Hardly any branch of private enterprise or democratic institution has escaped their notice.

During the last year or so, the business of insurance has been receiving their attention. It appears that a definite plan has been adopted seeking the eventual and complete socialization of this field of private enterprise. Political meddlers want to bring this field within the control of public officeholders, and the spoils system. Last Monday night we discovered that the Senator from Philadelphia, Mr. Shapiro, has been selected by this left wing group to start the campaign in this state. Right here, so as to avoid any misapprehensions, it is well for you my colleagues to know that I am a life insurance agent and not in the Workman's Compensation field. And just one passing comment regarding this sister institution—While off the subject it is significant that American citizens only comprising 7% of the world's population, own 70% of the world's life insurance and I leave it to you to judge if we do not today hold in our hearts here in America 70% of the world's peace of mind, the world's comfort and confidence, 70 per cent of the world's economic contentment, and security, and 70% of the world's hope in the future. Is there a direct relation between these time-proven institutions and America's position which is now the envy of all the civilized world? The Senator and his wing of the Democratic Party would in one fell swoop transfer to the state a large branch of the insurance business, that of sixty-three different insurance companies in this particular line operating in this Commonwealth, paying taxes here, with their agents and their brokers living within our borders, and who are also taxpayers.

If there is any doubt in anyone's mind that Mr. Shapiro's proposal for a monopolistic State Workmen's Insurance Fund is merely part of the program of the radical and left wing groups in Washington, no further proof will be required than Madame Perkins's report, Bulletin No. 35A, issued early in 1940, in which she and her hand-picked committee, including many of her own employees in the Department of Labor at Washington, advocate for every state compulsory workmen's compensation insurance and an exclusive monopolistic State Fund. "These are not my figures", said Mr. Shapiro, and repeated, "These are not my figures" when accosted for his unwarranted attack by Senator H. I. Wilson on Tuesday, April 8. "Whose are they?" we are entitled to ask. "May I suggest that . . . Senator Shapiro merely voices the objectives of this group in and out of Pennsylvania, who assume that private ownership is per se anti-social and that sooner or later society in self-defense must take over all business and industry as a logical and unavoidable step in economic evolution.

That the advocacy of government insurance is not endorsed by the farseeing, loyal and patriotic Democrats of the nation is evidenced by the speech of Senator Joseph C. O'Mahoney, Democratic United States Senator from Wyoming, in his address before the American Bar Association in Philadelphia last year, wherein, in answer to the charge that he and his Temporary National Economic Committee were following the lead of Madame Perkins he made this statement, and I quote:

"Because of the persistency of the reports (that he was promoting a scheme of government competition in the insurance business) I venture once again to declare in the clearest and most emphatic terms that the Temporary National Economic Committee has never entertained any proposal . . . for the institution of any plan of govern-

ment competition with any branch of insurance . . ."

Let us consider the specific charges which the Senator from Philadelphia made last Monday.

The Senator charges first, that the rate making procedure in Pennsylvania is fundamentally wrong, and represents what he describes as a gigantic conspiracy to defraud workmen and employers. In the words of a famous Democrat, "let's now look at the record."

The present method of arriving at Workmen's Compensation rates in Pennsylvania has been used since the inception of the Workmen's Compensation Law in this Commonwealth. These rates are initially proposed by a group of actuaries presided over by the state Insurance Commissioner and selected by the State Workmen's Insurance Fund and the companies who do business in Pennsylvania. These companies, by the way, bear the entire expense of the maintenance of this rating board, and this, keep in mind, is one of the necessary expenses of conducting their business.

These rates, thus proposed, when approved by the Insurance Commissioner, must be used by the State Fund and every company in fixing premiums. This is the universally accepted method of setting up rates for compensation insurance in the United States, viz—through the instrumentality of a rating board consisting of representatives of insurance companies, which board proposes rates for the approval or disapproval of the state supervisory authorities. The entire expense in all cases, as in Pennsylvania, is borne by the insurance companies.

There are numerous types of companies in the workmen's compensation insurance business in Pennsylvania. First, there are the straight stock companies, who have agents throughout the Commonwealth receiving service commissions from the business they acquire for their respective companies, and who retain for their stockholders profits which they make. Secondly, there are companies which, while stock companies, nevertheless provide for the return of excess premium to their policyholders, and which are known as participating stock companies. These companies pay back to their policyholders, not stockholders, all or part of what is left from their premium after the payment of their expenses and losses. Among these, it might be noted, is the Pennsylvania Manufacturers' Association Casualty Insurance Company, concerning which Senator Shapiro had much to say. There is a third group of companies which are strictly mutual companies, which have no stockholders and whose manner of doing business is well known to every member of this Senate. How then does the Rating Bureau proceed to arrive at the rates they will propose?

I am informed by the Insurance Department, and my investigation has confirmed, that every rate making body throughout the United States, including the one here in our own Commonwealth, has found after investigation that in order for a non-participating company to meet the losses it will sustain over the years, to pay service commissions of its agents and brokers who acquire and service its business, to pay its overhead, and to establish unquestionable financial stability, the rate must be set up so that 60% thereof is allocated for losses, and the remaining 40% for the cost of doing business, including taxes such as; income taxes, personal property taxes, tax on loans, capital stock taxes, State Corporate tax, federal corporate tax, real estate tax, social security tax, premium tax and all other taxes normal businesses are subjected to, and other acquisition costs. In other words, experience has shown that a stock company which pays its agents the usual service commission on the premiums it receives, pays its taxes and all other expenses, will require 40% of its premium for those purposes, and 60% for losses. The rating boards, therefore, after studying the loss experience in the various classes of industries, fix rates on this 60-40 basis, and that they have done for years in Pennsylvania as in all other states in the Union. Coal mines are on 66 2/3-33 1/3 basis. If the rates fixed over the years by this rating method were too high, we would find in examining the actual experience of all companies that their losses would not amount to 60% of their permiums. If, however, we should find that the losses have approximated that figure of 60% over the years, we must necessarily conclude that the rating methods are substantially correct. The loss experience in Pennsylvania is almost exactly this 60%.

Senator Shapiro picks out a certain five year period only, although there was available to him, as it was to me and is to anybody else who takes the trouble to inquire, the result of the operations of all the companies ever since the Act went into effect. These figures show that since the passage of the Workmen's Compensation law in Pennsylvania, there have been paid in to the various insurance companies, including the State Fund, in premiums, a total of $330.724,864, and that the losses incurred over that period amount to $186,023,364. This figure is practically 60% of the total premiums paid. It is inconceivable that a more accurate result would be humanly possible.

During the five year period chosen by Senator Shapiro, it is true that the average losses were slightly less than 60% of the premiums. It was for this very reason, I charge, that he deliberately chose that particular five year period. Parenthetically, you will also be interested in information I received from the Insurance Commissioner, who tells me that he furnished Mr. Shapiro at his request with figures for the five year period and included the same detail, as to the compensation experience in coal mining. These figures, however, he very conveniently omitted from his speech. You can draw your own conclusion as to why these were omitted. As everyone knows, it was during this period that the 1937 Workmen's Compensation Act was adopted, with its extensive changes in all the schedules. It is of course to be expected that in the adjustment of rates which was necessary to reflect these wide and unusual changes, the same accuracy could not immediately be obtained.

The 1937 Workmen's Compensation Act increased the benefits substantially 70%. Prior to that time, there had never been adopted amendments in any state which made changes amounting to more than 25% in the schedule of benefits in any one year and there was little experience on which to gauge the effect of such a drastic change. I repeat, therefore, in spite of the charges of the Senator from Philadelphia, that the record itself belies his statements, and that the rate making methods in Pennsylvania are as accurate as is possible.

Insurance of all kinds fundamentally was devised for and has always been an instrument to spread the risk over a group and also over a period of time as well and to furnish protection when calamity or disaster occurs, and for that reason . . .

The fairness of a rate in any kind of insurance can never be proven or disproven by the citation of the experience in one particular case, or in one given year. A man may take out a life insurance policy, pay three months' premium and

die, and his beneficiary receives hundreds of times more than was paid into the company. Another man may insure his home and for sixty years pay the premium, and never have a fire. The proof of the reasonableness of any insurance rate, as everyone with common sense knows, is the experience over the years with a large number of risks. So much for his criticisms of methods of establishing rates here in Pennsylvania.

Senator Shapiro next complains of what he represents to be excessively high profits on the basis of these rates, established, he says, by conspiracy. He says on the one hand that the rates are too high and on the other hand that the State Fund is losing money on these rates. This argument answers itself. He shows by his figures that the non-participating stock companies, after paying their losses, their overhead, their taxes, their agents and brokers, their attorneys and meeting all the other expenses of their business, have remaining from their premiums only about 3 cents out of every dollar. This 3 cents he himself seems to admit represents no more than a reasonable profit to these companies. It is interesting to note that in order to show a net operating profit of even 3 cents he had to take the full five year period, as during two of those years these stock companies had an actual loss. Remember also that it was during this five year period that the loss ratio proved to be something less than the 60% average of the full years the law had been in operation. This would establish that during the entire period that these companies have been writing compensation insurance they must have had left considerably less than 3 cents out of each premium dollar, and everyone in the insurance business knows that this is true.

Now let's turn to the participating stock compensation companies. Let me say again that I am in the life insurance business and hold no brief for these companies. Senator Shapiro separates the Pennsylvania Manufacturer's Association Casualty Insurance Company from the other participating stock companies, and I might add that I have no interest or connection of any kind whatsoever with this company either. Remember, that we are now talking about participating stock companies, and Senator Shapiro has gone to great limits to compare the operating results of these companies with the 3 cent margin of the non-participating companies. Did all of you, as you heard him speak the other day, note that he never mentioned the amounts returned by the participating companies to their policyholders, he carefully and with obvious intent avoided this. It is hard for me to believe that an experienced member of the Senate of Pennsylvania would so deliberately, and apparently with malice, misrepresent a situation to the extent that Senator Shapiro did in failing to take into account in his figures, returns paid to the policyholders of the participating and mutual companies. I say here that if I am accused of making a $5.00 profit on a transaction when my accuser knows that the article I sold cost me $10.00 and that though I charged $15.00, I allowed the purchaser a $4.00 discount, that man is deliberately and maliciously attempting to mislead his hearers. Even a sixth grade school child knows that in that transaction the profit was $1.00 and not $5.00.

Examining the Senator's figures in the light of these facts and taking into account the amount actually returned to the policyholders, let's look at what the records in the Insurance Department show with reference to the Pennsylvania Manufacturers' Association Casualty Insurance Company, which the Senator took so much delight in mentioning by name. As a matter of fact, did he not label his entire talk as a political exploitation by mentioning names and a particular company. The records in the Insurance Department show that this company is a participating stock company, that its stockholders have no right under its charter, its by-laws, and its policy contracts, to ever receive at any time more than simple interest on the money actually put into the company by those stockholders. It cannot at any time have any profit whatever except this simple interest. All of its reserves are held for the benefit of its policyholders and injured only, and all of the premiums which it receives after taking care of its losses and expenses and necessary reserves, are returned to the policyholders who paid them. These records in the Insurance Department further establish that this company has received as premiums on Workmen's Compensation Insurance in the entire twenty-five years during which it has been in business approximately eighty million dollars. Of this amount, approximately twenty-one million dollars has been returned to the policyholders, so that the total net premiums actually paid to this company on Workmen's Compensation Insurance since it commenced business, amount to fifty-nine million dollars. You will find that during this period when it received fifty-nine million dollars net in premiums, it paid out in accident costs and operating expenses, including taxes (operating expenses the Senator says are the lowest of any company doing business in this state) sixty-two million dollars. In other words, instead of this company having made in twenty-five years huge profits amounting to, as the Senator says, "almost 45 cents on the dollar," it has actually paid out on this compensation business over two and one-half million dollars in excess of its premium receipts.

We of course understand that these charges were made with reference to this company in the hope of hurting the Republican Party. In other words, they were purely political. But it seems to me that political license does not go to the extent of permitting such deliberate falsehoods as are disclosed by this record. I would say that the Little New Deal in Pennsylvania will never return to power again in this Commonwealth by attempting to mislead the public to the extent that the Senator attempted in this address. The Senator paints a very sad picture of the plight of the unfortunate business men in this Commonwealth who have been misled into insuring their workmen's compensation with this particular company. I learned the other day that for many years the business which during his lifetime was operated by Senator Shapiro's father, and which is now operated by two of his brothers, is in this unfortunate class, for this business has carried its insurance in the Pennsylvania Manufacturers' Association Casualty Insurance Company for many years. Why?

It seems to me that the facts which I have brought to your attention pretty effectually dispose of Mr. Shapiro's whole unreasonable tirade. He, of course, as does Madame Perkins in Washington and all of her left wing associates, attempts to infer that the part of the premium returned to policyholders in fact belongs to the injured workmen. It is interesting to note, however, that a careful reading of his entire speech discloses that there is

no charge made that the full schedule of benefits to which any injured man may be entitled under our law has not been paid by any of the companies. The situation, then, is simply this: If these schedules of benefits are not sufficiently liberal, if they do not adequately compensate the injured workman, they should be increased. But certainly, once they are established, the companies who insure this liability and the businessmen who pay it should not be ridiculed for keeping their premiums down to the lowest possible figure.

If an energetic agent is successful in acquiring for the stock company which he represents a certain risk, in which he is to make a service commission, is that a crime? On the other hand, if an employer prefers to carry his insurance with a participating company which does not have this acquisition cost, the laws of our state have always permitted it, and rightfully so. And if an employer, under the safeguards which the Legislature has set up, prefers to insure his own risk, while I, as an insurance agent, would prefer not to have him do it, I can see not the slightest reason why he should not be permitted to do so. That is the American way of free, competitive enterprise.

I had always understood that Senator Shapiro was a lawyer. In fact, he has been represented to me as an able lawyer. I admit that I am not a member of the bar, but I do distinctly remember of reading in the newspapers and in the insurance journals of how the Supreme Court of Pennsylvania had declared many important sections of the 1937 New Deal act unconstitutional, and I know that many lawyers had grave doubts as to the constitutionality of the whole act after this Supreme Court decision. I also, though not a lawyer, remember the chaos that resulted from the 1937 act and how necessary it was found to enact, in 1939, a new compensation law, so that the employees of Pennsylvania would be protected with the just benefits of workmen's compensation insurance. In view of all this, I could hardly believe my ears when I heard Senator Shapiro charge the Republican Party with repealing the Little New Deal act of 1937, which was in fact repealed by the Supreme Court. Everyone knows that the act of 1939 restored order to the chaotic condition which existed following the passage of the Little New Deal law and that once again in Pennsylvania, our vast army of industrial workers were assured of the benefits of a constitutional workmen's compensation law.

The Senator goes to great length in extolling the monopolistic system in existence in Ohio. I understand that it is extremely difficult to obtain accurate figures with reference to the operation of this system. This is to be expected, as the same thing is true in almost all politically managed and governmentally controlled bureaus. I have learned, however, certain interesting facts with reference to this system in Ohio. The first, and perhaps the most startling, explains the low cost which the Senator made so much ado about. In the state of Ohio, the taxpayers and not the policyholders pay the cost of operating the Fund. In other words, the employees themselves, through the state taxes which they pay, contribute to the operating expenses of the workmen's compensation insurance in that state, whereas in Pennsylvania, we compel the employers, through their premiums, to bear this entire burden. Is there anyone here who would approve of assessing a part of the insurance cost on the employees, I venture to suggest that any company doing business in Pennsylvania would be very glad to have the state pay their overhead and reduce their premiums by a corresponding amount. Bear in mind also that in Pennsylvania, these sixty-three insurance companies doing workmen's compensation business in our state pay into our state treasury a large amount of tax. Look at your copy of the last budget and see how much direct premium tax is included in the revenues of this Commonwealth. A large percentage of this came from the premiums on workmen's compensation which the Senator would wipe out by his proposal. Why would Senator Shapiro, when he pointed so confidently to the Ohio socialistic Fund, fail to mention that they pay no tax and that the taxpayers pay their expenses,

An investigating committee appointed by the Governor of Ohio in 1934 found that because of political influences, lack of constructive and intelligent development and businesslike methods, the administration of the law was inefficiently managed and stated that an inefficient staff had resulted in great delay and unnecessary cost. Anyone with experience in government knows that this must be true. We never turn to any instrumentality of government to find efficiency.

I am wholeheartedly and unqualifiedly opposed to the Senator's proposal. I again charge that he is merely the mouthpiece of a radical and left wing group who are seeking to socialize private enterprise in this country. I further charge that this is the first step of this group to socialize insurance. With the forces at work in this world today, we may find ourselves, during the chaos following this war, in the situation of many of the European countries, and we may have forced upon us an entirely new economy. The radicals that are today so greatly interfering with our defense effort may at that time become a majority instead of a minority and force the taking over of all private business by the government, making us all government employees and vassals of the supreme state.

It is doubtful if the independence of thought and action which has been incorporated into the building of America will be subordinated by these influence, and I, for one, propose to raise my voice against them.

It is also contrary to the economic security of this nation that our great institutions of industry, trade and commerce should be besmirched by any allegations which throw a pall over all similar forms of business and place a stigma after those associated with various enterprises.

The unwarranted attacks on these institutions which have been part and parcel of American progress are not compatible with their purpose and function.

I am satisfied that this Senate is opposed to such tactics and that I will be joined not only by my Republican colleagues but by many of those on the other side who propose to fight these destructive influences so long as there is any Americanism left in this body.

PERSONAL PRIVILEGE

Mr. CROWE. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Monroe will state his question of personal privilege.

Mr. CROWE. I am reluctant, Mr. President, to intrude

my personality on my associates in this body, but last week we had the Senator from Philadelphia ask for twenty-five minutes and I think the Senate settled for an hour and twenty-five minutes. I assure you, Mr. President, I will not talk for more than eleven minutes and I hope I can settle for nine minutes.

Pennsylvania is usually regarded as one of the great industrial states of the Union. And with its far flung and diversified manufacturing plants, its railroads and mines stands as an industrial empire second to none. At this time let me state that this is by no means its greatest attraction. Since the days of William Penn and even long before, the forests, lakes, rivers and streams made Pennsylvania the paradise of hunters and fishermen, and now its verdant hills and the sparkling waters of its lakes and streams abundantly stocked with game and fish, not only give its residents the best hunting and fishing in the United States, but its State Forests add recreational facilities that annually draw millions of visitors to our State.

Just what has the Republican party and particularly the James Administration done to further these natural resources? Always the Party of conservation since the days of Theodore Roosevelt, we have developed a vast system of State Forests now more than 1,650,936 acres with the addition of our public parks/and Recreation Demonstration Areas of more than 32,863 acres, all of which is administered by the Department of Forests and Waters.. There are 4,000 Forest Fire Wardens and 31,000 organized forest fire fighters to watch over these areas of public lands, and never in the history of Pennsylvania has greater protection been given to our forest lands or the losses by fire less.

Each year millions of seedlings are distributed for reforestation. Some of these go to reforest the lands of private owners, while a lesser amount are planted in the State Forests. Practically all of these trees were grown in State owned nurseries.

Many of the State forests are traversed by improved State Highways and in addition there are approximately 3,000 miles of forest roads and 4,000 miles of forest trails. Thus our forests have become the centre of parks and recreational areas aggregating more than 35,000 acres composed of 28 forest parks, 56 picnic and wayside parks, 10 natural monuments and 10 historical parks used for camping, picnicking, hiking, swimming, hunting and fishing.

The James administration has really done something about flood control.

In 1939 the Flood Emergency Committee was organized especially to cope with possible floods in the Susquehanna and Pittsburgh river areas. By joint planning with adjoining states, the idea of a series of storage dams was evolved and other precautions taken to lessen the danger ever present from rising waters. Emergency Relief Corps were organized so that in case of flood, areas affected can be evacuated orderly and with as little loss of property and life as possible.

While discussing forests and waters, we must not forget the game and fish that inhabit these woods, fields and waters. During the 1939 session of the Legislature, both Game and Fish Laws were completely revised and brought up to-date. This was not done in an arbitrary manner, but only after holding endless conferences with various groups interested in game and fish from many angles. Sportsmen to-day admit that our game and fish laws are in the best shape they have been for years and need very few changes. And these only on account of changing conditions. So I absolutely deny the demand of the Democratic Party that these laws should be again rewritten. While it is true that a few minority groups are always willing to "up-set the apple-cart" for their own benefit, the organized sportsmen of Pennsylvania representing a majority of the hunters and fishermen, who are definitely interested in something more than just killing are well satisfied.

In the 1939 Game Laws was established a system of Auxiliary State Game Refuges, whereby wildlife can be protected and propagated, this being in addition to the State Game Farms and Propagation areas. During the past two years public hunting grounds and refuges have been increased from 750,000 acres to almost 1,000,000 acres —largest increase in any previous two year period. Title was acquired to 183 tracts of land in 34 counties, totaling over 51,000 acres. These purchases brought the aggregate acerage of land owned by the Game Commission to 650,000 acres in 59 of 67 counties. At the end of 1940 there was under contract for purchase more than 44,000 acres. There are now 33 primary game refuges; 248 refuge units cooperative farm-game projects; 42 propagating areas, and more than 1,000 safety zones around buildings on farm homesteads where the owners have leased the hunting privileges to the commission. Much of the improvement work has been done through W. P. A. and Work Relief Labor, the latter made available through the Pierson act, Republican sponsored in the 1939 session. Since January 65,000 rabbits have been released and soon 60,000 ring-neck pheasants and 20,000 quail. More than $2,000,000 has been spent on W. P. A. labor.

In 1939 the Republican Party added to the Fish Laws the privilege of allowing the Fish Commission to purchase lands containing open water for the purpose of making them public fishing grounds. In this present session we hope that either Senate Bill 405 or House Bill 988 will be passed, so that the Fishing License willl be raised to $2.00 from $1.50 making .50c available from each license fee for the puchase of public fishing rights and privileges in any rivers, streams lakes or ponds. Such funds to be car-marked and to be used for this purpose alone. In order to give our youth and many workers in conjested sections the privileges of enjoying real fishing—this is a plan long advocated by sportsmen throughout the state.

A mammoth expansion of the State's hatchery facilities has been started with WPA cooperation and at the present time more than $800,000 worth of work is actually under way. It was long regarded as impossible to grow bass in great numbers, but by using new and untired methods the hatcheries under the direction of the Fish Commission distributed over 500,000 bass last year. During the present year, every lake in the state containing more than 40 acres with bass in it and open to public fishing will be stocked. Also by new methods of breeding it has been possible to increase the size of trout used for stocking. While formerly trout that were 9 and 10 inches long were considered good, now the Fish Commission is stocking streams with trout that are as large as 15 and even 18 inches in length. Pennsylvania is the only State in the Union that has successfully raised perch to fingerling size for stocking.

Governor James has promised that Game and Fish Funds will not be tapped for other purposes. As he is

noted as a lover of both hunting and fishing, we know this promise is one that will be kept in spite of rumors by the Democrats to the contrary.

In order that our State Forests, Parks, Recreational areas, hunting and fishing may be better known not only to the rest of the nation but also to the citizens of the Commonwealth, the Department of Commerce organized under the present Republican administration, and so successful that during the 1941 session of the New York Legislature a Bureau known as the Department of Commerce and Industry was established following the model set up in Pennsylvania—has cooperated in publicizing our natural attractions. This has brought millions of visitors from outside of the state as well as the large sums of money spent by these visitors to the benefit of business in Pennsylvania, thus making good one of the promises of the Republican party "To keep business in the State and to bring in new business from outside the State." During the past winter due to this publicity, winter sports were greater in Pennsylvania, particularly in the Poconos where I live than anywhere in the United States. Also the present fishing season and the coming hunting season both promise to be the greatest in history.

Finally in order that these three great Departments may progress without political interference as not only Republicans hunt and fish and use the State Forests but also Democrats do the same—it is planned to introduce a uniform civil service bill so that the Department of Forests and Waters and the Game and Fish Commissions can do their work unhampered by partisan politics.

ANNOUNCEMENT

Mr. EDMONDS. Mr. President, on behalf of the Committee on Insurance I wish to give notice that there will be a meeting of the Committee on Insurance at eight-thirty o'clock tonight in the room on "E" floor at which time will be considered Senate Bills Nos. 379, 388, 389, 453 and 547. I might further state, Mr. President, the three bills introduced by the gentleman from Philadelphia, Mr. Shapiro, relating to the Workmen's Compensation Fund will not be considered at that time, because of the absence of the Senator, but they will be considered next week.

COMMUNICATION PROPOSING AMENDMENTS TO NATIONAL LABOR RELATION ACT

The PRESIDENT. The Chair lays before the Senate a communication addressed to the Chair, dated April 9, 1941, concerning suggested amendments to the National Labor Relation Act, which communication will be noted in Journal.

CONDOLENCE ON DEATH OF HONORABLE ALONZO S. BATCHELOR

Mr. McQUIDDY offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 15, 1941.

Whereas, This Senate has been advised of the death of an Ex-Member of this body, Senator Alonzo S. Batchelor, age 64, a resident of Monaca, Pennsylvania, and

Whereas, Senator Alonzo S. Batchelor, served the people of Pennsylvania, honorably and conscientiously for two (2) terms as a Member of the House of Representatives, having been elected in 1928 and again in 1930, at the end of such time, he was honored by his constituency and elevated to the position of State Senator in the year 1932, and,

Whereas, Senator Alonzo S. Batchelor, was respected and honored in his community not only because of his political services to the Commonwealth and the people thereof but also because of his intense activities in the business and civic life in the Cities of Monaca and Rochester for the past forty years. He was president of the Penn-Beaver Hotel Association, past President of the Western Pennsylvania Funeral Directors' Association, a member of Rochester Lodge, F. & A. M., a past commander of Beaver Commandery, Knights Templar, of Beaver Falls; a member of Syria Temple and the First Baptist Church, of Rochester. He was born in Etna, February 15, 1877, and was educated in the public schools of Rochester. He leaves his wife, Mrs. Jessie Batchelor; three daughters, Mrs. Adrian Walters, Mars; and Frances and Marian Batchelor; a sister Mrs. C. C. Aughenbaugh, and a brother, Frank M. Batchelor, all of Monaca. Funeral services will be held Wednesday night in his home, 930 Atlantic Avenue, Monaca, therefore be it

Resolved, That the Senate now do arise and stand for a period of silence in respect for our distinguished and deceased ex-member of this Senate with the full knowledge that we have lost a student and scholar. May his soul rest in peace.

(The Senate rose and stood for a period of silence.)

HOUSE MESSAGES

RESOLUTION REQUESTING INCREASE IN AMOUNT OF INSURANCE CARRIED BY RELIEF RECIPIENTS

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, March 26, 1941.

Whereas, The department of Public Assistance has and is at the present time compelling all persons that apply or are receiving Public Assistance cancel any Life Insurance Policy whether held by the relief recipient or by any member of his family in excess of $500.00, and

Whereas, Many persons have paid premiums on such Life Insurance Policies for as long as thirty-five years and now are compelled to cancel these policies at a great loss and thereby depriving their dependents from any recovery after death in excess of $500.00, therefore be it

Resolved (if the House concur), That the Department of Public Assistance be requested and notified to at once raise the maximum amount of Insurance permitted to be carried by a relief recipient or by any or all members of his or her family directly affected from $500.00 to not less than $1000.00 in the aggregate in policy or policies either paid up or in premium paying period, and be it further

Resolved, That the Department of Public Assistance is requested to notify its various County Boards of Assistance of this request and resolution immediately upon its passage.

CONNIE MACK DAY, MAY 17, 1941

He also presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, April 9, 1941.

Whereas, The future of this great Nation depends upon its youth and their capacity to uphold the standards established by their forefathers to safeguard the American way of life; and

Whereas, Clean living and healthful sports are conducive to the development of both virility and morality, and the first essential of capacity to carry on is youth's physical equipment; and

Whereas, One who has lived in our midst for well nigh four score years has by his example and industry made it possible to develop in the ranks of clean sportsmanship exemplars of the value of physical development and clean living as standards for our youth; and

Whereas, The General Assembly desires to show its appreciation to the citizens who has dedicated his life to the

development of youth and maintaining their ideals on high standards; therefore be it

Resolved (if the Senate concur), That the Legislature acknowledges the contribution made to our cultural development by endorsing the celebration of May 17, 1941, as Connie Mack Day; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating for observance this year the 17th of May as Connie Mack Day.

Ordered, That the Clerk inform the House of Representatives accordingly.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, April 16, 1941, at 11:00 o'clock, a. m.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:35 o'clock, p. m. until Wednesday, April 16, 1941.

HOUSE OF REPRESENTATIVES

TUESDAY, April 15, 1941

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. DONALD McFALL offered the following prayer:

Gracious God and Master, draw us into truer fellowship with Thee that we may stand ready to do Thy work with willing hearts. May we be eager to share our blessings with others as Thou didst freely share Thy love with us. We pray that each day Thou wouldst help us express our friendship to Thee in some deed of helpfulness toward our fellow man.

We ask especially this afternoon, our Father that Thy blessing may abide with those who have come here to share with us in this music. We would ask Thee to bless this student group from the Manheim High School, their instructors, their leaders. Grant, our Father, as we sit together in this place thinking in terms of legislation, we may think in terms of youth such as is represented before us at this time. We pray Thee, our Father, guide our thinking, guide our actions; may we realize, that some day these who so beautifully have played and may play for us will become the citizens of to-morrow and may occupy the place that we now occupy.

Help us, Father, in the task which is ours, to legislate with love. In Jesus' name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ROONEY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

MANHEIM HIGH SCHOOL WELCOMED

The SPEAKER. The Members of the House I am sure were thrilled as was the Speaker with the concert rendered by the Mannheim High School Band of Lancaster County. The Chair congratulates its able leader, Professor Enck, and the band for a splendid performance.

The Chair also extends to the gentleman from Lancaster Mr. Trout the thanks of the House for the privilege of listening to them. The band is here at his invitation.

The Chair would ask the leader of the band, Professor Enck, to take a bow. The Chair realizes that the band is hungry by this time but Professor Enck has agreed to play the Star Spangled Banner.

RECESS

The SPEAKER. If there are no objections the Chair will declare a recess during which the Star Spangled Banner will be played by the band.

During the recess the Manheim High School Band played the Star Spangled Banner.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Elmer Kilroy) in the Chair.

BILLS INTRODUCED AND REFERRED

By Messrs. MODELL and FINESTONE.

HOUSE BILL No. 1240.

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth, death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh, one thousand nine hundred fifteen, (P. L. 900) and for searches of the files and records when no certified copy is made.

Referred to the Committee on Cities—First Class.

By Mr. THOMAS H. LEE. HOUSE BILL No. 1241.

An Act to further amend, change and modify Sections one, two and three of the Act approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507) as last amended by an Act approved the nineteenth day of June, One Thousand nine hundred thirty-nine (P. L. 413) entitled "An act to amend the Act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled 'An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes, 'as amended, by defining, clarifying and limiting certain exemptions; imposing the tax upon the value of certain equitable interests, personal property held or possessed by certain executors, administrators and fiduciaries, and by employes' thrift or savings associations, personal property held by trustees for religious, charitable and educational organizations, personal property held for non-residents and foreign corporations under certain circumstances; and by making further provisions for the return and payment of the tax by executors, administrators, trustees, agents and attorneys-in-fact," by imposing

the tax upon trust share certificates and similar securities, and upon all annuities and by eliminating the requirement of returns and payment of tax by the several fiduciaries of trusts and administered by mutiple fiduciaries, all of whom are residents of the Commonwealth, in the several counties of said fiduciaries' residences and by making further provision for the return of information to the Board of Revision of Taxes and the County Commissioners.

Referred to the Committee on Ways and Means.

By Mr. THOMAS H. LEE. HOUSE BILL No. 1242.

An Act relating to shorthand reporting, defining shorthand reporting, creating a State Board of Shorthand Reporters in the Department of Public Instruction and defining the powers and duties of the board and of the department, providing for issuance of certificates to qualified persons and for the suspension, revocation, and reinstatement of such certificates, and providing penalties.

Referred to the Committee on Professional Licensure.

By Mr. THOMAS H. LEE. HOUSE BILL No. 1243.

An Act providing that no person shall be appointed as an official stenographer or shorthand reporter by any court of record of this Commonwealth unless certified by the State Board of Shorthand Reporters; and providing certain exceptions.

Referred to the Committee on Professional Licensure.

By Mr. SKALE. HOUSE BILL No. 1244.

An Act to amend section one thousand two hundred and five of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing that polls shall remain open during all primaries and elections in the years one thousand nine hundred and forty-one and one thousand nine hundred and forty-two until ten o'clock postmeridian Eastern Standard Time.

Referred to the Committee on Elections.

By Mr. REUBEN E. COHEN. HOUSE BILL No. 1245.

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," providing for the observance of Labor Day on the second Monday of September in the year one thousand nine hundred and forty-one.

Referred to the Committee on Banking.

By Mr. BENTZEL. HOUSE BILL No. 1246.

An act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commisions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by creating a State Board of Examiners for Superintendents and Operators of Sewage Treatment Plants.

Referred to the Committee on Professional Licensure.

By Mr. BENTZEL. HOUSE BILL No. 1247.

An Act prohibiting the operation of sewage treatment plants, unless the operators and superintendents thereof shall be licensed; providing for the licensing of such superintendents and operators and for the revocation and suspension of such licenses, subject to appeal; defining powers and duties of the State Board of Examiners for the Superintendents and Operators of Sewage Treatment Plants; and providing penalties

Referred to the Committee on Professional Licensure.

By Mr. STOCKHAM. HOUSE BILL No. 1248.

An Act providing for proceedings by petition in non-support and desertion cases.

Referred to the Committee on Judiciary General.

By Mr. READINGER. HOUSE BILL No. 1249.

An Act to further amend section five hundred seventy-one of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by further regulating bonds of the tax collectors and clarifying the provisions of said section.

Referred to the Committee on Townships.

By Messrs. CORDIER and KENEHAN.
HOUSE BILL No. 1250.

An Act providing for the preparation and adoption of an annual budget in cities of the second class A.

Referred to the Committee on Cities—Second Class

By Mr. WEISS. HOUSE BILL No. 1251.

An Act authorizing and directing the Legislative Reference Bureau to compile, edit and publish, a compilation of laws relating to local taxation; and making an appropriation.

Referred to the Committee on Municipal Corporations.

By Messrs. TATE and PROSEN. HOUSE BILL No. 1252.

An Act to abolish taxes for State purposes on scrip, bonds, certificates and evidences of indebtedness issued, assumed or on which interest is paid by county, city, borough, township, school district or incorporated district of this Commonwealth and repealing all laws providing for such taxes.

Referred to the Committee on Ways and Means.

By Messrs. McCLANAGHAN and ROONEY.
HOUSE BILL No. 1253.

An Act providing a method of annexation of parts of townships to cities of the first class and regulating the proceedings pertaining thereto.

Referred to the Committee on Cities—First Class.

By Messrs. FINESTONE and MODELL.

HOUSE BILL No. 1254.

An Act regulating, in cities of the first class, the enforcement of any provisions in any ordinance relating to building codes, in connection with the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures and the erection, encroachment, extension, repair, inspection and use of party walls, as provided for in any ordinance, and providing penalties.

Referred to the Committee on Cities—First Class.

By Messrs. McCLANAGHAN and TATE.

HOUSE BILL No. 1255.

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue new bonds therefor.

Referred to the Committee on Cities—First Class.

By Mr. CHUDOFF. HOUSE BILL No. 1256.

An Act requiring all police officers in cities of the first class to slate for hearing all persons arrested by such officers without warrant in the station house of the district in which the arrest was made, and imposing penalties.

Referred to the Committee on Cities—First Class.

By Mr. WATKINS. HOUSE BILL No. 1257.

An Act to add section three and one-tenth to the act, approved the fifteenth day of May, one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks except in certain cases authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties," providing for an extension of time on permits for such displays when not made on the day designated in the permit.

Referred to the Committee on State Government.

By Mr. WATKINS. HOUSE BILL No. 1258.

An Act to further amend section one of the act, approved the second day of May, one thousand nine hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," providing that in the computation of said tax to be paid on the gross business of certain dealers, the amount of Federal and State taxes collected by such dealers shall not be included.

Referred to the Committee on Ways and Means.

By Mr. CHERVENAK. HOUSE BILL No. 1259

An Act creating and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; and imposing certain charges on counties.

Referred to the Committee on Counties.

By Mr. FINESTONE HOUSE BILL No. 1260.

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Labor and Industry of engineers having charge of stationary steam boilers, pressure vessels, steam and hydraulic pipe line, hydraulic machinery, steam and internal combustion engines, turbines, refrigeration machinery and such power hoisting and portable machinery, irrespective of the motive power as shall be used in all construction work, and all necessary appurtenances used in all equipment designated in this act; providing for the creation of new positions and for the appointment of persons to fill same; providing salaries for the new positions; providing for the collection of fees; making it a misdemeanor to operate or cause to be operated the equipment designated in this act without licensure; and providing penalties.

Referred to the Committee on State Government.

By Messrs. HARE and WAGNER.

HOUSE BILL No. 1261.

An Act to amend section two of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2772), entitled "An act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed fees, and providing fees and penalties," creating a special fund in the State Treasury to be known as the Topographic and Geologic Survey Fund; providing for the transfer of certain moneys into said fund by the Department of Internal Affairs; and making an appropriation thereof.

Referred to the Committee on State Government.

By Mr. EDWIN A. LEE. HOUSE BILL No 1262.

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

Referred to the Committee on Appropriations.

By Mr. CHARLES H. BRUNNER.

HOUSE BILL No. 1263.

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

Referred to the Committee on Judiciary Special.

By Mr. RUSH. HOUSE BILL No. 1264.

An Act to further amend section three hundred nine and subsection three hundred eleven of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties, "imposing the expense of clothing persons admitted to schools for mental defectives on institution districts in certain cases; giving the Commonwealth preference against the estates for such persons in such cases; permitting such persons vacations; and prohibiting deductions from State appropriations because thereof.

Referred to the Committee on State Government.

By Messrs. LESKO and HABERLEN.

HOUSE BILL No. 1265.

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corpora-

tions for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

Referred to the Committee on Highways.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 206. (HOUSE BILL No. 1266).

An Act to further amend subsection (a) of section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" by providing for the furnishing of statements to persons against whom claims are due for support maintenance and assistance.

Referred to the Committee on Welfare.

REPORTS FROM COMMITTEES

Mr. WEISS, from the Committee on State Government, reported as committed, House Bill No. 1228, entitled:

An Act to amend sections three and four of the act, approved the fifth day of June, one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trademark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name" exempting the sale of books to libraries from the provisions of said act.

Mr. DOLAN, from the Committee on Cities-First Class, reported as committed, House Bill No. 499, entitled:

An Act to amend section eighteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by preventing the reduction in pay or position of any police officer or fireman by reason of any superannuation classification.

Mr. LOVETT, from the Committee on Townships, reported as committed, House Bill No. 826, entitled:

An Act to amend section one thousand four hundred one of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships, of the second class; and amending, revising, consolidating, and changing the law relating thereto," further regulating the establishment and maintenance of sidewalks.

Mr. O'NEILL, from the Committee on Professional Licensure, reported as committed, House Bill No. 765, entitled:

An Act to amend the title, to further amend section one, and to reenact sections two, four and five of the act approved the seventh day of June, one thousand nine hundred one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage and cesspools, in cities of the second class; and imposing fines, penalties and forfeitures for violation thereof," extending the provisions of said act to certain boroughs, incorporated towns and townships.

Mr. PROSEN, from the Committee on State Government, reported as committed, House Bill No. 53, entitled:

An Act providing for the acquisition of the Admiral Peary Memorial Park, and for its management and development by the Pennsylvania Historical Commission; and making an appropriation.

Mr. PROSEN, from the Committee on Judiciary General, reported as committed, House Bill No. 984, entitled:

An Act providing that when new trial is granted upon grounds that damages are inadequate or excessive, the new trial shall be confined to that question and not to liability.

Mr. YESTER, from the Committee on State Government, reported as committed, House Bill No. 1105, entitled:

An Act naming the State Military Reservation at Indiantown Gap, "Camp Muhlenberg."

Mr. BAKER, from the Committee on Workmen's Compensation, reported as committed, House Bill No. 990, entitled:

An Act to amend section one hundred and eight of the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by further defining the term "occupational disease."

Mr. TARR, from the Committee on Townships, reported as committed, House Bill No. 885, entitled:

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," providing for filling vacancies in the office of township commissioner.

Mr. LEONARD, from the Committee on Cities—First Class, reported as committed, House Bill No. 796, entitled:

An Act authorizing the payment of taxes in cities of the first class, by partial or installment payments.

Mr. FINESTONE, from the Committee on Judiciary General, reported as committed, House Bill No. 964, entitled:

An Act relating to the business of selling or leasing chattels on the installment or deferred payment plan; and prohibiting the joining in one agreement of sale or lease of chattels purchased or leased at different times.

Mr. HARE, from the Committee on Counties, reported as committed, House Bill No. 60, entitled:

An Act validating compromise agreements and private

sales made by the county commissioners of real estate purchased by them at county treasurers' sales, whether or not such agreements and sales were made in compliance with the acts of assembly relating thereto.

Mr. McFALL, from the Committee on State Government, reported as Committed, House Bill No. 389, entitled:

An Act authorizing the Department of Property and Supplies, with the approva' of the Governor and the Board of Trustees of the Fairview State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

Mr. PRESLEY N. JONES, from the Committee on Judiciary Special, reported as committed, House Bill No. 1023, entitled:

An Act prohibiting employers from directly or indirectly offering for sale, selling, procuring for sale, having in possession or under control for sale to employes or others, any merchandise not produced by employers or not handled in the regular course of employer's business; providing exceptions thereto; declaring such prohibited sales to be unfair competition; and repealing prior inconsistent legislation.

Mr. WEINGARTNER, from the Committee on Townships, reported as committed, House Bill No. 1090, entitled:

An Act to amend section one thousand one hundred fifty-six of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto" by eliminating the right of the State Department of Highways to permit and collect fees for the placing of public utility service equipment and other obstructions in or upon township highways and giving such right to the township supervisors.

Mr. FRENCH, from the Committee on Townships, reported as committed, House Bill No. 1157, entitled:

An Act to validate and confirm certain contracts heretofore entered into by Boards of Township Supervisors where the Township has received in maintenance and improvement of its highways, a reasonable quid pro quo for such contracts, and to authorize, ratify, confirm and validate payments on such contracts by the Township, and to provide that no Township Supervisor shall be subject to surcharge for payments made on any such contract.

Mr. BOIES, from the Committee on Law and Order, reported as committed, House Bill No. 1070, entitled:

An Act prohibiting owners of restaurants, pool rooms, bowling alleys, confectionery stores, barber shops, grocery stores or hotels from encouraging or permitting gambling; and prescribing penalties.

Mr. CHUDOFF, from the Committee on Judiciary General, reported as committed, House Bill No. 658, entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 106), entitled "An act authorizing and empowering the city treasurers of the several cities of the second class and third class of this Commonwealth to sell at public sale all properties upon which the taxes, assessed and levied, are delinquent and remain unpaid," by adding thereto section nine and one-tenth authorizing the devestiture of mortgages, judgments and charges against properties sold at such sales in cities of the second class by common pleas court.

Mr. GOODWIN, from the Committee on State Government, reported as committed, House Bill No. 1187, entitled:

An Act for conveyance to the United States of America of title in and to certain land compromising the Marcus Hook Pennsylvania, Quarantine Station property, and ceding to the United States jurisdiction over said land.

Mr. SHAFFER, from the Committee on Counties, reported as committed, House Bill No. 975, entitled:

An Act to amend section two of the act approved the twenty-ninth day of April, one thousand nine hundred and fifteen (P. L. 200), entitled "An act creating, in counties having over eight hundred thousand, and less than one million five hundred thousand, inhabitants, according to the last preceding United States census, a board to fix and determine the number and compensation of employes in all county offices, boards, bureaus, departments, and divisions thereof; prescribing the powers and duties of said board, and regulating appeals from the decision thereof," by providing for annual meetings of the salary board, in second class counties, at the call of the chairman of the board of county commissioners.

Mr. CHERVENAK, from the Committee on Counties, reported as amended, House Bill No. 785, entitled:

An Act to further amend section sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280) entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and pool district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by giving count commissioners the right to recover possession of real property purchased at tax sales and to rent such lands, and providing the disposition o moneys received from such rentals.

Mr. SAMUEL ROSE, from the Committee on Judiciary General, reported as amended, House Bill No. 730, entitled:

An Act further regulating the trials of Criminal Cases and imposing certain duties on trial judges in the trial of such cases.

Mr. MARKS, from the Committee on Judiciary General, reported as amended, House Bill No. 869, entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred thirty-six (P. L., First Extraordinary Session, 47), entitled "An act to enable persons, associations, partnerships, and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description; providing for bonds with confessons of judgments; regulating the assignment and release of such mortgages; and designating the operation and effect of the lien of such mortgages" by extending, enlarging, and removing the limitations from the class of those who may become chattel mortgagees; by making further provision respecting fees of recorders of deeds in connection with chattel mortgages, extension of the lien of said mortgages and defaults of said mortgages; and by defining violations and prescribing penalties.

Mr. MODELL, from the Committee on Judiciary Special, reported as amended, House Bill No. 480, entitled:

An Act to amend sections eight hundred thirty-four and eight hundred thirty-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making the crimes fraudulent conversion of property and cheating by fraudulent pretenses misdemeanors; and modifying penalties.

Mr. MORAN, from the Committee on Workmen's Compensation, reported as amended, House Bill No. 1002, entitled:

An Act to further reenact and amend the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," changing maximum and minimum rates, periods, total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident, authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; changing powers and duties of the board; and imposing additional penalties; authorizing the department, the board and the referees to approve compromise agreements in certain cases, and generally amending, clarifying and changing the provisions of said act.

Mr. YESTER, from the Committee on Professional Licensure re-reported as committed, House Bill No. 684, entitled:

An Act to further amend sections six and nine of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," further regulating the granting, suspension and revocation of the licenses of optometrists.

Mr. KOLANKIEWICZ, from the Committee on Professional Licensure, re-reported as committed, House Bill No. 685, entitled:

An Act to protect the public against the advertising or offering for sale at fixed prices eyeglasses, spectacles, etc. putting restraint upon laymen selling eyeglasses, spectacles, etc. and filling prescriptions for the same similar to the restraint upon professions licensed by the State to prescribe eyeglasses and spectacles fixing a penalty for violations of this act and investing the courts with jurisdiction to prevent and restrain violations of this act.

Mr. Di GENOVA, from the Committee on Law and Order, re-reported as amended, House Bill No. 510, entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound, motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws" by changing the method and time whereby future referendums be initiated and held.

REPORT FROM COMMITTEE

Mr. LOVETT from the Committee on Rules, reported as committed, Senate Concurrent Resolution Serial No. 118.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 26, 1941.

Whereas, The Department of Public Assistance has, and is at the present time, compelling all persons that apply, or are receiving public assistance, to cancel any life insurance policy whether held by the relief recipient or by any member of his family in excess of $500.00; and

Whereas, Many persons have paid premiums on such life insurance policies for as long as thirty-five years and now are compelled to cancel these policies at a great loss, thereby depriving their dependents from recovery after death in excess of $500.00; therefore be it

Resolved, (if the House concur), That the Department of Public Assistance be requested and notified to at once raise the maximum amount of Insurance permitted to be carried by a relief recipient or by any or all members of his or her family directly affected from $500.00 to not less than $1000.00 in the aggregate in policy or policies either paid up or in premium paying period, and be it further

Resolved, That the Department of Public Assistance is requested to notify its various County Boards of Assistance of this request and resolution immediately upon its passage.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORT FROM COMMITTEE

Mr. MELCHIORRE from the Committee on Rules, reported as committed House Resolution No. 73.

HOUSE RESOLUTION NO. 73

Mr. MELCHIORRE. Mr. Speaker, I desire to call up House Resolution No. 73, just reported from committee.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 8, 1941.

Whereas The future of this great Nation depends upon its youth and their capacity to uphold the standards established by their forefathers to safeguard the American way of life and

Whereas Clean living and healthful sports are conducive to the development of both virility and morality and the first essential of capacity to carry on is youth's physical equipment and

Whereas One who has lived in our midst for well nigh four score years has by his example and industry made it possible to develop in the ranks of clean sportsmanship exemplars of the value of physical development and clean living as standards for our youth and

Whereas The General Assembly desires to show its appreciation to the citizen who has dedicated his life to the development of youth and maintaining their ideals on high standards therefore be it

Resolved (if the Senate concur) That the Legislature acknowledges the contribution made to our cultural development by endorsing the celebration of May 17th 1941 as Connie Mack Day and be it further

Resolved That His Excellency the Governor of Pennsylvania shall issue publish and declare an appropriate proclamation to the people of Pennsylvania designating for observance this year the 17th of May as Connie Mack Day

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPUBLICAN CAUCUS

Mr. WOODSIDE asked and obtained permission of the House to hold a caucus of the Republican Members during the session of the House in the new House Caucus Room.

MR. LOVETT IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1207, (Senate Bill No. 285), entitled:

An Act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class and on unpaid delinquent poll poor district institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period preserving certain tax liens and providing for the extension thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1181, entitled:

An Act abating certain tax penalties and interest on unpaid county, (except in counties of the second class), city, (except in cities of the first and second class) borough, town, township, school district, (except in school districts of the first class), poor district, (except in counties of the second class) and county institution district, (except in counties of the second class) taxes, prohibiting the sale of real property for the nonpayment of any such taxes for a certain period, and preserving certain tax liens, and providing for the extension thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 971, entitled:

An Act to further amend sections fifteen and fifteen and three-tenths, and to repeal sections fifteen and one-tenth and fifteen and two-tenths, of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing for the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in certain cases, reviving, validating, preserving and extending liens.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER (Elmer Kilroy) in the Chair.

The SPEAKER. The Chair thanks the gentleman from Westmoreland, Mr. Lovett, for presiding.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 691, entitled:

An Act to amend section one thousand three hundred one of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by extending the provisions relating to voting by persons in actual military service to primary elections

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. MATTHEW J. WELSH. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 733, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. TROUT. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr Speaker.

Mr. TROUT. I should like to ask the gentleman from Monroe to explain just why this bill is to be recommitted to the Committee on Constitutional Amendments.

Mr. ACHTERMAN. The main reason is the fact that we have a bill on third reading now that more adequately and completely covers the subject.

Mr. TROUT. I thank the gentleman from Monroe, Mr. Achterman.

Mr. Speaker, I am sorry that I cannot agree with the gentleman from Monroe in his statement. House Bill 733 was introduced after a great deal of study and a number of conferences with the leaders of both the majority and the minority party. It was my hope that we might elimi-

nate any political feeling in attempting to get for once what some of us have been hoping for for a number of years. I should have liked to have had an opportunity of discussing this bill in some detail on the floor of the House and I should like to have had an opportunity given to all the Member to discuss the bill. I am very sorry, Mr. Speaker, that the majority leader has seen fit to make a motion to recomit the bill without having given the opportunity of a careful discussion on the floor of the House, in comparison with the provisions of bill 470, concerning which the gentleman from Monroe has just spoken. I ask the membership of the House to vote "No" on the motion to recommit.

Mr. ACHTERMAN. Mr. Speaker, in answer to the gentleman from Lancaster, I told him that our reason for recommitting House Bill 733 was because it did not adequately or completely cover the subject. I am at a loss, Mr. Speaker, to understand why he and those whom he represents should hold so sacred one particular fund which they have tapped time and time again without making any effort to replace it, and not feel that other funds that they have likewise tapped, are not equally sacred.

May I say to the gentleman that House Bill 470 treats all funds in the same light and prevents a transfer of money from those funds to be used for other purposes without the replacement of those funds within the biennium, and provides that appropriate revenue measures shall be enacted so that those funds will be replaced within the biennium. The gentleman's bill No. 733, covers the problem only in relation to funds realized from taxes on motor vehicle legislation fees, operator license fees and so on. Those funds are truly used for highway purposes. Can the gentleman from Lancaster tell me why the funds that the County Commissioners receive, the funds that the supervisors receive from the State, which have been constantly tapped, should not receive the same sort of treatment? Those funds are used for road purposes, the same as the fund the gentleman mentioned. Are we going to hamstring the County Commissioners and the Supervisors while at the same time protecting the State Highway Department, or are we going to approach the problem in the broad field, the field in which we should approach it, by raising sufficient funds to carry out the various governmental operations without the constant tapping of special funds? May I ask the gentleman from Lancaster why he does not feel that the funds which the fireman receive for their pensions are equally as sacred as the funds the Highway Department receives, and may I ask him why he does not approach this subject in that light? I am sure, Mr. Speaker, that House bill 733 is inadequate and does not cover the subject. It was drawn for one small particular group. Our party proposes to study and to approach the entire problem with the thought in mind that we intend to have a solution once and for all, to the effect that we shall not tap one particular fund without making a provision for repaying that particular money. That is why I am moving for the recommittal of the gentleman's pet measure.

Mr. WOODSIDE. Mr. Speaker, I am not going to debate House Bill 470 until we reach that bill.

There were two remarks, which the gentleman from Monroe made which I think should be cleared up. One was the statement that transfers have been made by this side of the House without any effort having been made to replace the fund. That is definitely a misstatement of fact, as the gentleman well knows. I think he made it rather as a slip of the tongue. I wish to say to the members of the House that every effort has been made and will be made to replace all of that money.

In the second place the gentleman from Monroe in his original motion made the remark that it was being recommitted for further study and amendment, while in interrogation he emphatically admitted it was being recommitted because there was another bill which they expected to pass, which I think means that this bill is to be recommitted to be pickled and for no other reason.

Mr. ACHTERMAN. Mr. Speaker, just in reply to the gentleman from Dauphin, Mr. Woodside, his party may have made efforts to replace the funds they have tapped, but it still remains a fact that those funds have not been replaced up to the present moment. I have not forgotten that some years ago the Democratic majority had to replace the funds tapped by the prior Republican administration, and I am certain that in 1943 the Democrats again will be forced to replace funds the Republicans have tapped.

Mr. WOODSIDE. Mr. Speaker, there are two very good reasons why what the gentleman has stated are not true. The gentleman well knows or should know, if he does not know, that the only purpose of borrowing money from a fund is to carry over from the thirty-first day of May to the first day of June, and tax anticipation notes have solved the other problem of governmental financing.

The gentleman from Monroe during the Special Session of 1940 expressed ignorance of a situation time and time again, one that I do not think, Mr. Speaker, he actually had, but the only purpose of borrowing money or passing any of the transfers is to be able to balance over between the thirty-first day of May and the first day of June. Certainly you do not pay the money back during the same biennium. You have to have a reason to borrow it, but you do pay it back immediately after the transfer, after the first day of June, by floating tax anticipation notes. All of the bills provide for that and the Governor's budget provides for that repayment, so that everything reasonable to be done to repay that fund has been done, and everything that can be done to repay it, will be done. There is no question about that. The money will be repaid and every provision has been made to repay it at the time when everybody knew it was to be paid.

Mr. ACHTERMAN. Mr. Speaker, the gentleman spoke about tax anticipation notes. May I give him and his party a warning? If the deficit continues to increase at the rate it now continues to increase, and may I say, Mr. Speaker, very roughly that the deficit now is in the neighborhood of ninety million dollars, he will find that the issuing of tax anticipation notes is not going to solve the problem.

Mr. TROUT. Mr. Speaker, it is strange how soon we forget. I recall that we had a Governor in Pennsylvania some years ago by the name of Pinchot. I guess most of you remember that. When the Democrats took possession of the State Government in 1935 they said that the "Great Pinchot had left a deficit of thirty-five million dollars, for which they were compelled to assume responsibility. Then at the end of the first biennium of that administration there was still a deficit only it had increased, and at the end of the second biennium of that Democratic administration the deficit still existed, only it was larger. Then when the Republicans took over the state government there was a deficit but it had still increased. Now, our friend from

Monroe says when this biennium closes the deficit will be still larger. Well, if that is true then we will have to take the Democrats and the Republicans jointly and they will have to assume responsibility for the increase of the deficit. I think we all agree on that point.

I have just one other point on this House Bill 470. We enacted in 1936, I think, a one cent gas tax which was paid to the General Fund. That tax has been re-enacted, and according to the schedule of the present Governor it is again to be re-enacted at this Session. Now, gentlemen, that is a diversion of funds. House Bill 733 says that the gas tax will not be re-enacted, but you say House Bill 470 is going to stop that one cent gas tax from going into the General Fund. If for no other reason, that is reason enough why there should be a provision, as there is in House Bill 733, so that we might get rid of that one cent gas tax. We talk about diversion but when we do we forget about the one cent gas tax that we have been paying since 1936. It seems to me it is time to stop that too.

Mr. Speaker, I ask for the roll call.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. TROUT and Mr. CHARLES H. BRUNNER and were as follows:

YEAS—119

Achterman,	Flynn,	McDermott,	Regan,
Allmond,	French,	McFall,	Reynolds,
Baker,	Gallagher,	McGrath,	Rooney,
Balthaser,	Gerard,	McIntosh,	Rose, S.,
Bentley,	Goodwin,	McLanahan,	Rosenfeld,
Bentzel,	Haberlen,	McLane,	Sarraf,
Boies,	Hamilton,	Melchiorre,	Scanlon,
Boney,	Harkins,	Mihm,	Schwab,
Bradley,	Harmuth,	Modell,	Shaffer,
Brown,	Harris,	Monks,	Shaw,
Brunner, P. A.,	Heatherington,	Mooney,	Shepard,
Burns,	Hering,	Moran,	Stank,
Burris,	Herman,	Moul,	Stine,
Chervenak,	Hirsch,	Munley,	Tarr,
Chudoff,	Holland,	Nagel,	Tate,
Cochran,	Jefferson,	Nunemacher,	Thompson, E. F.,
Cohen, M. M.,	Jones, P. N.,	O'Brien,	Verona,
Cohen, R. E.,	Keenan,	O'Connor,	Vincent,
Corrigan,	Kenehan,	O'Mullen,	Vogt,
Croop,	Kolankiewicz,	O'Neill,	Voldow,
Cullen,	Korolofski,	Owens,	Weiss,
DiGenova,	Leonard,	Petrosky,	Welsh, E. B.,
Dolon,	Lesko,	Pettit,	Welsh, M. J.,
D'Ortona,	Levy,	Polaski,	Williams,
Duffy,	Longo,	Polen,	Wolf,
Early,	Lovett,	Powers,	Woodring,
Elliott,	Malloy,	Prosen,	Wright,
Falkenstein,	Marks,	Rausch,	Yester,
Finestone,	Maxwell,	Readinger,	Young,
Finnerty,	McClanaghan,	Reese, R. E.,	Kilroy, Speaker

NAYS—72

Auker,	Fletcher,	Leydic,	Sollenberger,
Boorse,	Foor,	Lichtenwalter,	Sorg,
Bower,	Greenwood,	Lyons,	Stambaugh,
Bretherick,	Gross,	McClester,	Stockham,
Brunner, C. H.,	Gyger,	McDowell,	Taylor,
Cadwalader,	Habbyshaw	McKinney,	Thompson, R. L.,
Cook,	Haines,	McSurdy,	Trout,
Cooper,	Hare,	Muir,	Turner,
Cordier,	Helm,	O'Dare,	VanAllsburg,
Dalrymple,	Hewitt,	Reagan,	Voorhees,
Dennison,	Huntley,	Reese, D. P.,	Wagner,
Dix,	Imbrie,	Rhea,	Watkins,
Eckels,	Jones, G. E.,	Riley,	Weingartner,
Elder,	Kline,	Rose, W. E.,	Winner,
Ely,	Knoble,	Sarge,	Wood, L. H.,
Fisher,	Krise,	Serrill,	Wood, N.,
Fiss,	Lee, A.,	Simons,	Woodside,
Fleming,	Lee, T. H.,	Snyder,	Yeakel,

So the question was determined in the affirmative and the motion was agreed to.

FORMER MEMBER AND WOMEN'S REPUBLICAN CLUB WELCOMED

The SPEAKER. We are honored by having with us today, a former member of the House, Martha G. Thomas, and members of the Chester County Women's Republican Club who are guests of Messrs. Leisey, Gyger and Rank.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1022, entitled:

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of nonresident hunting licenses without securing a Pennsylvania dog license

The first section was read.

On the question,

Mr. HARE. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 13), page 3, line 12, by inserting after the word "may" the following: "without securing a license or licenses therefor".

Amend Sec. 1 (Sec. 13), page 3, line 15, by inserting after the word "law" the following: "if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Pennsylvania by the state of such person's residence".

The amendments were agreed to.

The section was agreed to as amended..

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. HARE. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 2, last line of title, by inserting after the word "license" the following: "where the home state

of such nonresidents afford a similar exemption to residents of Pennsylvania."

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 678, entitled:

An Act to safeguard life health and property defining regulating and licensing contractors and journeymen engaged in the business of painting paperhanging and decorating fixing license fees providing for the revocation of such licenses and appeals therefrom creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry and conferring powers and imposing duties thereon providing penalties and making an appropriation

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SCANLON. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 199, entitled:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred forty (Act No. 4) entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by further defining moneys transferred to the General Fund

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 854, Printer's No. 253, entitled:

An Act to further amend section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages in the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," permitting hotel and restaurant licensees to sell by the bottle at certain times, for consumption off the premises regulating such sales and imposing penalties.

was defeated on final passage Monday April 14th, 1941, be reconsidered.

Mr. GOODWIN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr READINGER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Goodwin vote on the final passage of this bill?

Mr. GOODWIN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it.

Whereupon, a division was called for, one hundred five members having voted in the affirmative and sixty in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I thought probably the sponsor of this bill would follow the more usual procedure of putting the bill over on the calendar so that it could be printed and could be taken up in its usual order, so that the members would know it was going to be taken up. However, since he has not seen fit to do that, it seems to me there is one thing about the bill that ought to be called to the attention of the House, which was not called to the attention of the House last night, or at least ought to be suggested.

It is a fact as the bill is drafted, unless it can be shown there are other provisions in the act which definitely change the construction of the bill, as it now appears on our desks, it would be possible to sell a bottle of liquor in hotels at all times when the States stores are not open. Now, if that means what it says, "at all times when the State stores are not open," it would be after the hours of two o'clock in the morning, and it would mean on Sunday and at all other times when the State stores are not open including holidays on which sale is forbidden. It might be possible, in connection with the rest of the Liquor Control Act, that that would not be true. I think personally, it should be made clear in this bill, that such a situation is not desired by the sponsors, if in fact it is not desired by them, and since it has not been made clear in this bill for that reason alone this bill should be defeated. I was hoping the sponsors in order to clarify that point would amend the bill, although I'm not suggesting that I would be in favor of the bill even then, but it would make it a much less objectionable bill. I think this matter should be called to the attention of Members of the House before this bill is voted upon.

Mr. SCANLON. Mr. Speaker, I cannot quite agree with the minority floor leader because on line eleven, page four of the bill, as I read the bill it provides, "Hotel restaurant and public service licensees their servants agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of the following week day and shall not sell on Sunday."

Therefore, I submit Mr. Speaker, that this is only a technical objection. I discussed this matter with the

minority leader and if this bill should pass the House I would not have any objection to the bill's being amended in the Senate. It is not the intention of the sponsor to allow any licensee to sell by the bottle on Sunday. I hope the Members will not construe the bill in that light. If this bill should pass this House, and it is deemed necessary I would be agreeable to inserting an amendment in the Senate.

Mr. CHARLES H. BRUNNER. Mr Speaker, a few minutes ago I voted to reconsider the vote by which this bill was defeated. Last night I voted for this bill, and until Mr. Woodside the minority floor leader called my attention to the possibility of this measure allowing sales on Sundays and various hours of the early morning and late at night, I had intended again to vote for this measure. I think it is incumbent upon the sponsor of this measure to allow the membership of this House to consider the full consequences of this act, and unless the sponsors are willing that the bill be placed on the postponed calendar I am asking the membership of this House to vote "No."

BILL POSTPONED

Mr. SCANLON. Mr. Speaker, in view of the fact that we cannot clarify the situation now, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SHAW.

The House resumed the consideration on final passage of House Bill No. 367, entitled:

An Act legalizing the operation of bowling alleys and participation in the sport of bowling after two o'clock post meridian on Sunday

On the question recurring,

Shall the bill pass finally?

Mr. McFALL. Mr. Speaker, another attempt is being made to pass a Sunday bowling bill that is obnoxious to many good citizens of our State and unjust to many others, so we are back where we started from a week ago, when this bill was defeated because it could not muster the 105 votes necessary to its passage. De who oppose this bill intend to fight every inch of the way not by trading votes, which seems to be an old political custom, but by appeals to finer and nobler codes, to the spiritual and inspirational ideals, without which man would be just another animal.

I oppose this Sunday bowling bill because of many reasons, chief among them being Sunday observance (desecration) Sunday work (employment) and the denial of self-government local option (referendum). We are many men of many minds. We do not all think alike. This is as it should be—it is our right and privilege. A young man married happily continually boasted about his wife, kept saying he was so glad every man did not think as he did or else they would all want his wife—one day one of his friends growing tired of this said to him, "It is a good thing everybody doesn't think as I do, if they did, no one would want her.

Sabbath observance was so important to our forefathers that they enacted into law what we have come to know as the Blue Laws of Pennsylvania. Many of these laws are looked upon as being narrow—unethical and in some cases impossible to live up to in letter and in law, such as the kissing of one's wife and prohibiting all worldly pleasures on the Sabbath day. From what I heard on the floor of this House last Thursday on the question of having a wife—I feel sure there are some House Members who would be glad if they had a wife to kiss—one day out of a week.

I do not like to think of our Forefathers as being narrowminded, but rather that they wanted to give the Sabbath the full value of their devotion, forgetting and putting aside all material things that would hinder or cause them to forget that the worship of God in their minds would always come first.

I do not need to tell you that the first religious bodies of our state zealously guarded the Sabbath day as a day for worship and as a day for rest, such religious bodies as the Quakers—the Moravions, the Lutherans, the Methodists and many others. Later years has seen the breaking down of the high ideals and the spiritual devotion once held for the Sabbath day. Constant chiselling has worn away some of the religious and spiritual desires and the day has been given over to sports and pleasures that are slowly but surely sapping the souls of men of their spiritual values and to the physical body that rest that is so vital and necessary to human health and happiness.

None of us like a chiseler, for he is one who seeks to destroy, to tear down or to remove. We look upon a chisler as undesirable, worthless and of no value or good to society. I would therefore, Mr. Speaker, hate to go down in history as being one Legislator who helped to chisel away Sabbath observance so that Sunday will come to mean only another weekday. At the rate we are now going soon there will be no day of worship—no day to hallow or no day to rest.

Those that are championing this bill like to claim the healthful and necessary exercise this game of bowling affords. I will agree if the game is held to a strict moderation for that very purpose, but not to commercialize the game on Sunday so that tournaments and match games can be run off hour after hour where spectators and players will be crowded and jammed into basements and rooms with limited space, a foul and tobacco smoke laden atmosphere to breathe. So I am not so sure if there are any real physical benefits or any moral benefits for that matter in opening the gates to Sunday bowling.

If we feel the need for exercise, young or old, and we want to utilize part of Sunday for that purpose we can get all we need by walking out into God's sunshine and breathe the pure air he gives us without money and without price.

Where do we get this idea of Sabbath observance and a day of rest from—now I am not going to think the Representatives of this House are all as dumb as the story of the three Senators who bet none of them knew the Lord's Prayer. One of them said I will take the bet and began to recite—"Now I lay me down to sleep I pray the Lord my Soul to keep, if I should die before I wake I pray my Soul the Lord to take and the other two said, you win I did not think you knew it.

In the Book of Genesis, second chapter, second and third verses we find these words—

And on the seventh day God ended his work which he had made and he rested on the seventh day from all his work and God blessed the seventh day and sanctified it; because that in it be had rested from all his work which God created and made. The word sanctified means to purify. Now I give you this question to answer, will the passage of this Act help God to still further purify the Sabbath day?

Legalizing and commercializing Sunday bowling brings into the picture the profit motive, a desire to do business on Sunday, a motive so obvious that we can pass over it by saying the desire to make money by many is much more stronger than the desire to do good to all the people.

Then there is this Commandment. Six days shalt thou labor and do all thy work, but the seventh day is the Sabbath of thy Lord in it thou shall not do any work, thou nor thy son. Nor thy daughter, thy manservant, thy maidservant, nor thy cattle, nor the stranger within thy gate.

There are millions of people who still believe in the Golden Rule—and the ten commandments. That there is something beautiful and inspiring in the devotion of parents and children to the observance of the Sabbath day no one can deny.

What more pleasing sight or inspirational touch can one get than to see the smiling faces of the children of our state, spick and span in suits and dresses wending their way each Sunday to Sunday School. Why should there be obstacles placed in the way of this rising generation, the men and women of tomorrow, some of whom will be the leaders and rulers of our state. "If righteousness exalteth a nation" why don't we let well enough alone and try to make all things better, rather than to tear down the high ideals set by our Forefathers, and by every thinker—philosopher and teacher—that ever trod the Earth.

Then there are certain inamiable rights every community is entitled to, which right this bill denies. The right of home rule, local self-government—local option—referendum.

Baseball, football, motion pictures all come under local option. Why not bowling? If this bill passes every ten pin alley in the state can be open from 2:00 p.m. until the next day. In any place an alley can be set up regardless of what the wishes and desires of the community are. We hear a lot about home rule these days. Too much centralization and too much power given into the hands of a few. This bill does not recognize any of these facts, but says in effect, Take it or leave it. We are going to have bowling all over the state whether you like it or not.

Senator Jaspan introduced a bill in the Senate, to make all Sunday legislation a matter of local option.

This bill would repeal parts of the acts of 1794 and of Section 651 of the Penal Code of 1939, that plainly is inconsistent with the purpose of the act. Section 651 of the Penal Code prohibits the attendance of persons under 18 years of age in bowling alleys on any day of the week, this bill, No. 367, makes no such provision, and would therefore permit on Sunday what the Penal Code prohibits on other days of the week. To me this just doesn't make sense, or is the general opinion for this Bowling Bill to construe. "Better the day, better the deed."

Sen. Jaspan introduced in the Senate today a bill to make all Sunday legislation a matter of local option.

Mr. Speaker and Members of the House, I want to thank you for the attention you have given to my remarks. My one hope is that the truth of my statements may have found a reciprocating feeling in the minds and hearts of every member and with me will vote "no" on this bill.

Mr. HARE. Mr. Speaker, coming as I do, from the little rural county of Somerset, the roof garden of Pennsylvania and the foothills of Heaven, I feel that I would be derelict in my duty if I did not rise to oppose this bill.

In our country, we have a great deal of respect for the churches, and I feel that I would be slurring the memory of a mother who taught me the Lord's prayer on her knees if I would now cast aside the moral training and respect for the Creator by voting for any further desecration of the Sabbath day. It seems to me rather hypocritical that Members of this House can bow their heads at the beginning of each session, before some of the most beautiful prayers to which I have had the privilege of listening. Yesterday the Chaplain of this House made the statement in his prayer, "let Thy Children within this state remember their Creator". Certainly we all recognize the fact that this Democracy exists with a sense of moral values largely because of the creation of the Ten Commandments. We certainly recognize that every nation that has fallen since the beginning of time, has fallen because in some form or another they forgot the teaching of the greatest teacher who ever lived. I have no desire in my little village to have a minister interrupted in the midst of his Doxology on a Sunday evening by a gutteral explosion of voices in a bowling alley because some fellow missed a spare by two pins. We are definitely faced with an anti-church bill. Take it or leave it. If any of you have any regard for the teaching of the church that spawned you,, then certainly you should vote against this type of criminal legislation.

Mr. FRENCH. Mr. Speaker, I am sorry I am not able to rise to magnificent heights of oratory in order to get my thoughts across, but in my hunmble manner I will have to do the best I can.

The gentleman on my right stole a part of my speech. One of the reasons I am before this "mike" at the present moment in opposition to this bill is the particular reason that the gentleman just spoke about a minute ago. I was born of very humble parents back up here on the mountain on a little old hill near a farm. My parents at the time I thought were a little bit hard on us. They would not permit us to pick up a baseball bat on Sunday afternoon to knock out a few flies. They would not allow us to go swimming on Sunday; they would not let us do a lot of things. They would not even let us whistle around the place on Sunday. They might have been a little bit stern, at least we thought so at the time, but I stand here to honor the folks, those old people for what they did for us, and I have never forgotten them.

This bill that we are about to vote on is a purely commercialized affair. I was very much impressed as all of you were this afternoon when this session started, with the band of young folks up there rendering that most magnificent music. I dare say there are few men in the House at the present time who are not fathers of boys and girls back home. The question which each one of us has to answer for himself this afternoon is this, do we want these

chaps of ours to spend Sunday afternoon in a bowling alley, or do we not? Are we not men enough, do we not have enough control over our kids to say to them "Let us take a rest this afternoon" or if we have a car "Let us take a little car ride." I know there will be some opposition to that statement because some of you may feel that that is just as bad as bowling, but I think that is not true. Would it not be far better for us to try to furnish some other amusement for those children on Sunday afternoons than to let them go into a bowling alley? I have been in them a few times but never on Sunday. You know as well as I do that the folks in these bowling alleys are good fellows, but they are not very particular about the use of their language around such places as that. We all know that to be a fact. That is another good reason why we should oppose this bill this afternoon.

Another thing, as I said a moment ago, this is a purely commercial bill, a bill to commercialize the Sabbath. I want to make this statement to you folks, that any bill or any movement that is intended to commercialize the Sabbath or earn money by commercializing the Sabbath, such money earned in that manner is eventually bound to sicken your hearts. Chickens are bound to come home to roost sooner or later. Besides that, Members of the House, this bill is intended to abolish an edict or I might call it an act that was laid down to us many centuries ago. I have never found any place recorded in history, and I am sure there is no member of this House who has ever found it recorded any place in history that that act or that edict was ever abolished to the best of my knowledge. Now then, I am not opposed to bowling. I want you fellows to get me clear on that. I think it is good clean sport, one of the cleanest sports we have. I think it is a fine thing and I am not opposed to bowling, not by any means. It is a fine sport. It is a clean sport, as clean as any sport as we have anywhere, but we are opposed to this proposition of desecrating the Sabbath.

Gentlemen, I ask you to consider this matter very seriously and when the time comes to vote on this bill, vote in such a manner so that you can go back home and meet the people who walk up and down the street with a clear conscience, so that you will not have to go across on the other side of the street in order to keep from meeting them. I ask you men to vote "no" on this bill this afternoon.

Mr. HEATHERINGTON. Mr. Speaker, I want to speak a few words in defense of the Sunday bowling bill. This bill was introduced, not for the purpose which has been mentioned, to commercialize the Sabbath, but the Sunday bowling bill was introduced as a health measure.

In the Pittsburgh Sunday Press, Commenting on Sunday bowling after the bill was defeated, the editorial reads as follows:

> "For want of five votes a bill to permit bowling on Sunday was defeated in the State House of Representatives, even though a majority of those present favored it. The vote was 98 in favor of the bill and 96 opposed. The constitution requires 105 votes in order to pass a bill. Actually there were 100 Representatives in favor of the measure, but two of them changed their votes the result was announced so that they would be in position to ask a reconsideration.
>
> "We hope that the extra five votes will be rounded up when the bill again comes up, so that it can be passed.
>
> "Bowling is a clean, healthful sport, played in good surroundings. It has never been tainted by gambling or other evil conditions.
>
> "It helps build sturdy men and women—something this nation needs. It provides clean and inexpensive recreation—and to some persons Sunday is almost the only opportunity to get it.
>
> "Many other sports are legal on Sunday It is rank discrimination to ban bowling.
>
> "The era of blue laws is gone. A modern nation recognizes that it is not proper function of law to try to enforce the religious beliefs of one person upon another who disagrees with them. Under the bowling bill nobody who doesn't believe in Sunday bowling would be compelled to do so. But it is equally fair that those who want it should not be controlled by those who don't."

Further, Mr. Speaker, I will quote from the Pittsburgh Sun-Telegraph, which reads as follows:

> "The Sun-Telegraph was active in the movement to modify the Blue Law to permit Sunday movies and ball games in communities which vote in favor of them at local option elections. We would like to see this liberalism extended to the authorization of bowling on Sundays after 2 p. m. and are glad to learn that the enabling bill, though defeated in the House last week by a majority of six votes, still has a chance. A motion to reconsider will be made, and the result will be determined by 14 members of the House who were absent when the original vote was taken."

Mr. Speaker and members of the House, I have a clipping from the McKeesport Daily News, which reads as follows:

> "Kenny Mettle, one of the best bowlers in this city, is thankful that he took up bowling. At the age of four he was stricken with infantile paralysis. During his high school days he attempted various forms of athletics, but bowling really gave him a lease on an active life and now he is a 190 average bowler."

Now, friends, the "Curbstone Coach" in the McKeesport Daily News says:

> "It won't be long until bowling invades the schools of the district if the interest taken by the youngsters in the game is an indication. Girls and boys of 'teen age have been trying their skill on local alleys between league matches of the older folks and some of them are becoming quite proficient at scattering the pins. That's one nice thing about bowling, you don't have to be a 200-pound giant to achieve a good score. Just like a good baseball pitcher, all you need is a little control."

There is one other point, Mr. Speaker, about this sport of bowling. In the past it was a sport that was manned by men, but women are beginning to take the men off the sporting page when it comes to bowling. Gentlemen, I agree with some of the men on the other side of the House when they say we must rest on the seventh day, but I want them also to know that 15 or 18 years ago, as I was working in the steel works, Judge Gary told me that I must work on Sunday and stay home on Wednesday. He made Wednesday my seventh day.

I ask the members on both sides of the House as a health measure to support the Sunday bowling bill.

Mr. HEWITT. Mr. Speaker, I suppose after this long debate the Members are sort of uneasy. I will try not to impose too much upon the time of the House in my remarks.

There has been one feature of this bill which has been overlooked. There was a time when a man worked six days a week, ten or twelve hours a day, and at that time there was not much chance for recreation. Now we have gotten down to eight hours a day or seven hours a day, and that gives a man the bigger part of the afternoon for

recreation. The gentleman from Allegheny states that this is a health measure. I noticed this bill was reported from the Committee on Law and Order. I don't know why it was not reported from the Committee on Health and Sanitation, if it is that kind of a bill.

Mr. Speaker, I am opposed to the bill because I come from a little county which has a lot of churches up on the hill and all around the town, and I do not want to hear the bowling balls and pins being knocked down when the minister is preaching his sermon. Another thing, these bowling alleys are located on the first, second or any other floor and anybody who bowls knows it is a noisy game.

I'm opposed to the bill for those several reasons.

Mr. WRIGHT. Mr. Speaker, I desire to make a brief statement relative to the Sunday bowling bill 367, but to be more specific I will refer to a few instances when our greatest men spoke on this same subject.

Abraham Lincoln on November 15, 1862 issued the following order. "The President, commander-in-chief of the Army and Navy desires and enjoins the orderly observance of the Sabbath by the officers and men in military and naval services.

The importance of man and beast of the prescribed weekly rest, the sacred rights of Christian soldiers and sailors, a becoming deference of a Christian people, and due regard for the Divine Will, demand that Sunday labor be reduced to the measure of strict necessity.

The dicipline and character of the National Forces should not suffer, nor the cause they defend be imperiled by the profanation of the day or names of the Most High."

In their orders for Sabbath observance, Harrison, McKinley and Woodrow Wilson followed Lincoln's example.

And only a few weeks ago President Roosevelt said "What we need now more than anything else is a moral and spiritual undergirdling." and, Mr. Speaker and Members of the House, I believe that our Sabbath and Sanctuary are indispensible for the creation of such undergirdling.

In this day of world tragedies and public distress, we need a stouter morale and a morale that expresses itself in morals. A loose living, pleasure loving, light minded, happy-go-lucky people simply cannot possess a morale equal to the present crisis.

It is natural for everyone to think of themselves first, but, Mr. Speaker, I have been selected to represent a people who are the equal of any in Pennsylvania in refinement and sturdy citizenship; while I view it as a grave responsibility to be their representative, I think of it as a distinct privilege, realizing that my representation of them here is unbreakably linked with their private life and their public welfare.

The promoters of the Sunday Bowling Bill are aiming to break down our age-old Sabbath Day traditions, they might just as well try to shut up Summer in a little garden as to try to smother the living truth in that tradition, it breaks through and escapes such efforts and language, and we, the citizens, of the great state of Pennsylvania proponents of Sunday observance are proud. Arguments should not be needed the facts alone testify.

The things we do here now are not for us but are for those that follow in the great tomorrow. The Sunday Bowling Bill if passed in its present form would become a law without referendum to municipalities, And, Mr. Speaker, and members of the House, you will agree with me that there are quite a few good citizens living in the Commonwealth of Pennsylvania who are just outside the limits of our two great cities, Philadelphia and Pittsburgh. These good people of whom I speak love the Christian Sabbath and its ideals, and their experience has proven that their faithful observance of the Sabbath Day makes for efficiency.

Mr. Speaker, more directly, more deeply, our national idea and ideals are derived from a faith in the heart of men and women today, we need to go no further back. It is to that moral tradition that we owe our origin.

By the same token, if morals fail, morale will fail too, and along with it our sense of the dignity, duty, and worth of the Sabbath Day to man. Only by its observance, can we keep our tradition of liberty under law—Moral Law.

Mr. Speaker, please allow me to remind you that all progress whether it be ethical, social, economical or political, is moving steadily forward upon the marching feet of little children. These same young men and women will build a new America whose foundations are being laid now by our own pronouncements.

Surely then, this splendid group, a body of law-making and law-observing men, will do nothing to weaken our spiritual undergirdling, or the desecration of our Christian Sabbath. Therefore, Mr. Speaker and Members of the House, allow me to appeal to each of you, but most especially to the fathers, to vote against the passage of the Sunday bowling bill, 367.

Mr. AUKER. Mr. Speaker, I ask the further indulgence of the House for about five minutes. I am arising to oppose this measure on one ground that to my mind makes it utterly vicious, utterly bad and utterly disreputable. It seems to me that we are again passing a law, imposing our will on the individuals and people back home, concerning whom we have no business to pass such legislation. Let us follow that through to a concrete example. I am referring now to the fact that this bill carries no local option feature as all the other sports bills had. Let us take for instance, in the city of Altoona, that ten percent of the people wanted bowling and ninety percent of the people did not. All right ten percent of the people forced their will on the other ninety percent. What is true in Altoona is true in every little borough and hamlet and city in this Commonwealth. I say to you that such a principle of government is utterly bad, utterly vicious. We have no right here to pass such a law and force this kind of thing down the throats of the people back home. That is democracy at its worst. There is nothing democratic about it. Certainly the sponsors of this bill, if they wanted to have a good measure, would have included a local option feature in it.

I am asking the Members of the House, if for no other reason than that we should not come here and impose our will upon the people back home, to vote against this bill. They do not have any say whatsoever as to whether they want bowling in their community on Sunday or not They will not have any say whatsoever, except to forbid their children to go there on Sunday, and whether they want their children to go to the bowling alleys on Sunday or not, if the bowling alleys are opened it is likely the children will go in anyway. That is not home rule, certainly it is not democratic government, and for that reason alone I am asking you to vote down this measure.

Mr. BENTLEY. Mr. Speaker, the remarks I am about to make might better come under the head of personal privilege, because I voted for this bill at the time it was first before the House and I propose to again vote for the bill, but I do not intend to sit idly by and leave unanswered

on the record the charge that I am irreverent to the Sabbath because of my vote. What is even more of a personal affront, that I lack respect to my parents because I so voted. I so understood the remarks of the gentleman from Somerset. I think by those remarks every Member of the House who voted for this bill at the time it was first before the House suffered a personal affront I yield to no man of this House in the respect I have for my parents and my daughter. But my vote in the first instance and again today will be a vote for fair play. The best example of it that I can give is to take the statement that was made by one of the men who preceded me who in his conclusion said the bill says you are going to have bowling whether you like it or not. I say that a refusal to permit bowling is a sword cutting the other way, and it is the statement that you won't have bowling whether you like it or not.

Mr. Speaker, I wanted to make clear my position and my reasons for supporting this bill. I say to the men of this House, who have no doubt felt as I did when those words were being spoken that they too should rise and express their resentment against that sort of an attack on our rights and duties to vote as we see our way clear to vote.

Mr. FRENCH. Mr. Speaker, I am sorry I had to get up here again and I would not have done so except for a remark which Mr. Heatherington made. It seems from his remarks that this bill has resolved itself into a health bill. I want to call his attention and also the attention of the other Members of the House to a statement he made two weeks ago on the floor that if this bill is defeated, it would deprive the city of Pittsburgh and likewise the city of Philadelphia of one million or more dollars in revenue, by preventing bowling tournaments from being held there. If that is not commercialism I would like to have somebody else tell me what it is.

Mr. CULLEN. Mr. Speaker, I also rise to resent the statement about being irreligious because I am supporting this bill. I might say that I am a married man with four young men. My wife, three children and I go to church, the other one does not go because he is in the United States Navy. We attend our religious services and then I bowl with my sons. If that is irreligious Members of this House, give me more of it.

They spoke very eloquently about our forefathers and these so-called blue laws. Those laws may have been all right in their day, but Mr. Speaker, I contend they are insidious today. They are not the kind of laws we want at the present time. I contend this is a liberal nation and a liberal state. One of the speakers spoke about us fellows swearing when we miss a spare. What right has he got to tell me that I cannot swear when I miss a spare? Wnat right has he got to tell me I cannot swear when I want to swear? Right in line with that I might state that there is very little swearing in bowling alleys because we have the finest women in the state there who bowl. We pay respect to our womanhood. Yes, if I miss a spare I can swear, and I do not have to account to any Member of this Legislature or any other citizen of this state. It is my business and not the business of anybody else. When I swear, I swear very quietly. And that is my right. I do not hesitate to say we are going to have a good many votes against this particular bill by a good many gentlemen who go out on the golf course on Sundays and swing a golf club. It is about time I think that Members of the Legislative bodies in this state and every place else stop and legislate more in the interest of the people. But this cannot be done, Mr. Speaker. You cannot legislate morals. If I want to be religious because of what this body says, all right, I will. And if I do not want to be religious this body cannot make me be religious. Therefore, all of this stuff about religion which our forefathers brought back, I think in a lot of cases is a lot of bunk, because up in New England a great man by the name of Roger Williams was chased out of the state because he wanted to have his own religion. Those are the men we are supposed to follow. I for one think all the blue laws on the statute books ought to be scrapped and the sooner they are scrapped the better it will be for the state of Pennsylvania.

In conclusion, Mr. Speaker, I would like to read into the record a statement from the Philadelphia Record found in the editior of April 6, 1941, as follows:

> "If the Governor of Pennsylvania is still of the opinion his state shouldn't have Sunday bowling because of the objections from church groups, here is an interesting note that we bring to his attention.
>
> "There are 6012 church teams registered with the American Bowling Congress," and incidentally they play on Sunday, "As well as 3678 teams from the Knights of Columbus, Masonic Orders and B'Nai Brith.
>
> "Among other groups represented in the American Bowling Congress are 448 from fraternal orders—Elks, Eagles, etc.; 1302 Y. M. C. A. teams, 2500 civic club teams—Lions, Kiwanis, Exchange, etc. while thousands of others come from clubs—Penn A. C., Detroit A. C., Chicago A. C., etc., colleges, American Legions, country clubs, Federal and State Employes, etc. Or are you still uninterested, Governor?"

Mr. Speaker, I am asking you, is not that a representation of good citizenship of this state or any other state, and they all bowl and they are bowling on Sunday. I thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken. Messrs. Reagan, Gates and Norman Wood asked for a verification of the roll. The roll was verified and was as follows:

YEAS 105

Baker,	Gallagher,	McLanahan,	Rose, S.,
Bentley,	Gerard,	McLane,	Rose, W. E.,
Boies,	Goodwin,	Melchiorre,	Rosenfeld,
Boney,	Harkins,	Mihm,	Sarraf,
Bradley,	Harmuth,	Modell,	Scanlon,
Brown,	Heatherington,	Monks,	Schwab,
Brunner, C. H.,	Hering,	Mooney,	Shaffer,
Brunner, P. A.,	Herman,	Moran,	Shaw,
Burns,	Hersch,	Muir,	Shepard,
Cadwalader,	Hirsch,	Munley,	Sorg,
Chudoff,	Holland,	O'Brien,	Tate,
Cohen, M. M.	Jefferson,	O'Connor,	Thompson, E. F.,
Cohen, R. E.,	Jones, P. N.,	O'Dare,	Turner,
Cook,	Keenan,	O'Mullen,	Verona,
Cordier,	Kenehan,	O'Neill,	Vincent,
Corrigan,	Kline,	Owens,	Vogt,
Croop,	Kolankiewicz,	Petrosky,	Voldow,
Cullen,	Komorofski,	Polaski,	Voorhees,
Dalrymple,	Leonard,	Powers,	Weiss,
DiGenova,	Longo,	Prosen,	Welsh, E. B.,
D'Ortona,	Lovett,	Rausch,	Williams,
Duffy,	Malloy,	Readinger,	Wood, L. H.,
Falkenstein,	Marks,	Regan,	Woodring,
Finestone,	Maxwell,	Reynolds,	Young,
Finnerty,	McClanaghan,	Riley,	Kilroy,
Fletcher,	McDermott,	Rooney,	Speaker.
Flynn,	McGrath,		

NAYS 88

Achterman,	French,	Leisey,	Serrill,
Auker,	Gates,	Levy,	Simons,
Balthaser,	Gillan,	Leydic,	Snyder,
Bentzel,	Gillette,	Lichtenwalter,	Sollenberger,
Boorse,	Greenwood,	Lyons,	Stambaugh,
Bower,	Gross,	McClester,	Stine,
Bretherick,	Gyger,	McFall,	Stockham,
Burris,	Habbyshaw,	McIntosh,	Taylor,
Cochran,	Haberlen,	McKinney,	Thompson, R. L.,
Cooper,	Haines,	McSurdy,	Trout,
Dennison,	Hamilton,	Moul,	VanAllsburg,
Dix,	Hare,	Nagel,	Wagner,
Dolon,	Harris,	Nunemacher,	Watkins,
Early,	Helm,	Pettit,	Weingartner,
Eckels,	Hewitt,	Polen,	Welsh, M. J.,
Elder,	Huntley,	Rank,	Winner,
Elliott,	Imbrie,	Reagan,	Wolf,
Ely,	Jones, G. E.,	Reese, D. P.,	Wood, N.,
Fisher,	Knoble,	Reese, R. E.,	Woodside,
Fiss,	Krise,	Rhea,	Wright,
Fleming,	Lee, A.,	Rush,	Yeakel,
Foor,	Lee, T. H.,	Sarge,	Yester,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. BENTZEL filed the following reasons for his vote: I desire to vote against this bill, believing that the majority of my constituents would have me do so, and further feel the bill should be amended allowing the voters of York to decide the issue for themselves by vote of referendum.

QUESTION OF INFORMATION

Mr. GATES. Mr. Speaker, I rise to a question of information.

The Speaker. The gentleman from Armstrong will state his question of information.

Mr. GATES. Mr. Speaker, if a man was excused last night for today's session but still is in the House today after being excused, is he entitled to vote?

The SPEAKER. If the gentleman is in the House, he has a right to vote.

Mr. GATES. Thank you, Mr. Speaker.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 236, entitled:

An Act protecting the rights of students in colleges, universities and other educational institutions to credits represented to be obtainable at the time of commencing work therefor; imposing penalties; and providing for equitable relief.

On the question,

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 3, page 2, lines 15 and 16, by striking out the words "Any person aggrieved by any violation of the provisions of this act" and inserting in lieu thereof the following: "Any person who, relying on representations made by any college, university or other educational institution, as hereinbefore set forth, has heretofore or shall hereafter undertake and successfully complete the work prescribed for credit towards a degree, diploma, certificate, advancement or other purpose or advantage, and has been or shall hereafter be denied such credit, and any person who has, with the approval of the college, university or other educational institution, commenced any work prescribed for any such credit and has or shall hereafter be denied an opportunity to complete the same."

Amend sec. 3, page 2, line 19, by striking out the word "he" and inserting in lieu thereof the words: "such person."

Amend sec. 3, page 2, line 19, by inserting after the word "or" the words "to compel."

Amend sec. 3, page 2, line 20, by inserting after the word "work" the following: "which such person had."

Amend the bill, page 2, by inserting after line 23, the following: "Section 4. Nothing in this act shall in any way interfere with the right of any college, university or other educational institution to expel a student for misconduct or breach of regulation, as a proper disciplinary measure, or to refuse a diploma or advancement to any student who has failed to attain the grade required of all students for passing."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 393, as follows:

An Act to amend section one and two of the act approved the fifth day of June one thousand nine hundred and thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the fifth day of June one thousand nine hundred and thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no contract relating to the sale or resale of a commodity which bears or the label or content of which bears or the vending equipment from which said commodity is sold to the consumer bears the trade-mark brand or the name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the State of Pennsylvania by reason of any of the following provisions which may be contained in such contract

(a) That the buyer will not resell such commodity except at the price stipulated by the vendor

(b) That the [vendee or producer require in delivery to whom he may resell such commodity to agree that he will not in turn resell except at the price stipulated] [by such vendor or such vendee] buyer of such commodity require upon his resale of such commodity that the purchaser from him agree that such purchaser will not in turn resell except at the price stipulated by the vendor of the buyer

Such provisions in any contract shall be deemed to contain or imply conditions that such commodities may be resold without reference to such agreement in the following cases

(a) In closing out the owners stock for the purpose of discontinuing delivery any such commodity

(b) When the goods are damaged or deteriorated in quality and notice is given the public thereof

(c) By any officer acting under orders of any court or in the execution of any writ or distress

Section 2 Wilfully and knowingly advertising offering for sale or selling any commodity at less than the price stipulated in any contract entered into pursuant to the provisions of section one of this act whether the person so advertising offering for sale or selling is or is not a party to such contract in unfair competition and is actionable at the suit of [any person damaged thereby] such vendor buyer or purchaser of such commodity

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOLLAND. Mr. Speaker, we are about to vote on a bill which will give more power to the major oil and gasoline companies in Pennsylvania than any power that has ever been given to the government.

This bill has the support of the Associated Petroleum Industry. The Associated Petroleum Industry consists of all of the executives of all the major oil and gasoline companies in the United States. This association protested and fought the enactment of the N. R. A. stating that the N. R. A. was price fixing. They now come to this House and offer House bill 393 which gives the power to any large oil and gasoline company to fix the price. This is a lot of power to give to any one industry.

I might point out that a man who has been very prominent in this industry, a man who gave some very enlightening testimony before the Oil Commission, is now in this House and was in this House last night and today lobbying for this bill. I refer to Purvis Taylor.

We have in Committee House bill 523 which would give the power to the dealers to get together for protection, but now we are called upon to vote on a bill that makes the oil industry bigger than the Government and gives them complete control of the dealers, in fact gives them a power that no other industry has in the United States.

I have here a letter from the Associated Retail Gasoline Dealers, Incorporated of the State of Pennsylvania, who protest against this bill and state that this bill will hurt every independent gasoline dealer in the state of Pennsylvania. I feel that this House should vote against this bill and give the independent gas dealers of the State a chance for their eexistence.

Mr. VOLDOW. Mr. Speaker, I rise at this time in support of the bill. This bill will simply permit the producer of a commodity sold from vending equipment and which bears the tradename or name of the producer to stipulate the minimum resale price of such commodity with his purchaser or dealer. I should like to point out to the membership of this House that the Fair Trade Act of 1935 today covers commodities in general which bear the name of the producer and that this bill simply amends the Fair Trade Act of 1935 by extending the provisions thereof to commodities sold from vending equipment.

This bill would not only apply to the gasoline industry, but would also apply to other commodities sold from vending equipment. For example the bill will apply to Coca Cola sold from vending equipment in paper cups, or to peanuts sold from vending equipment.

A condition has long been prevelant in Philadelphia and in many other parts of the state which makes it impossible for the dealer of gasoline to make a fair margin of profit. These men put in long and hard hours of work in their gas stations, usually opening their station at 7 a.m. and closing at 1 or 2 in the morning and the existing "price wars" in the industry has prevented these men from making a decent living. Many of them have not even been able to eke out a meager existence. Furthermore these "price wars" have resulted in fraud being practiced on the public. Often times those dealers who undersell are forced to mix a standard grade of gasoline with an inferior grade of gasoline. Whenever I purchase gas from a dealer who undersells, I have invariably noticed the difference in the performance of my car and from past experience I know that this is due to the gasoline being mixed with an inferior grade.

In other words the purpose of this bill is twofold: 1 to permit the dealer a fair margin of profit and 2 to protect the public from fraud. The Fair Trade Act of 1935 now applies to commodities in general which bear the name of the producer and I can't see any difference between commodities in general and gasoline. Therefore, I ask the membership of this House to support the Bill.

Mr. NAGEL. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Voldow.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. VOLDOW. I shall, Mr. Speaker.

Mr. NAGEL. I want to call the gentleman's attention to the situation that existed only a few weeks ago and perhaps exists today in my section of the state. In a section of Beaver County where gas is sold, and it is Blue Sunoco to be exact about it, this retailer sold his gas at nineteen cents a gallon. Four miles away in the adjoining county of Lawrence this same gas was sold from sixteen to sixteen and one half cents a gallon. When I asked my Beaver county dealer why this was so he said he could not explain, but the distributor of this particular gas hauled it past his filling station four miles beyond and sold it to that dealer at a lesser price. Can the gentleman from Philadelphia explain why this is done and whether or not the passage of this bill would cure this evil.

Mr. VOLDOW. Mr. Speaker, the passage of this bill would cure that situation.

Mr. NAGEL. Mr. Speaker, then would it leave the way open to price fixing and to raise the price to an exorbitant figure for the consumer?

Mr. VOLDOW. Mr. Speaker, if the price is raised those men who raise the price will drive themselves out of business because they will have to compete with those

individuals who conform with the price as fixed by the producer.

Mr. NAGEL. Mr. Speaker, will the gentleman tell this House whether or not in his opinion the passage of this bill would open a way for dealers to connive and get together and fix prices perhaps dangerous and injurious to the consumer of gasoline?

Mr. VOLDOW. Mr. Speaker, this bill has nothing to do with dealers fixing the price. The price under this bill is fixed entirely and solely by the producer who sells the commodity. In no event can the buyer fix the price under this bill.

Mr. GATES. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Voldow.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. VOLDOW. I shall, Mr. Speaker.

Mr. GATES. Mr. Speaker, I would like for my own information to know whether in answer to Mr. Nagel's question Mr. Voldow said that the producer had the right to fix the price at which he sold his oil and gasoline to the dealer and also had the right to fix the price at which the dealer sold the commodity.

Mr. VOLDOW. Mr. Speaker, will the gentleman from Armstrong please repeat the question? I did not quite understand him.

Mr. GATES. Mr. Speaker, does the producer, in the bill of the gentleman from Philadelphia, have the right not only to fix the price at which he sells his commodity to the dealer but also the right to tell the dealer what price he shall sell the commodity for?

Mr. VOLDOW. Mr. Speaker, with or without this bill the producer will have the right to fix the price at any level since it is his commodity. However under the bill the producer has the right to fix the price at which the dealer can resell.

Mr. GATES. Mr. Speaker, then if I understand correctly the producer could fix his price at nineteen to twenty cents a gallon and he could fix the price at which the dealer sold his gasoline at twenty-five cents a gallon, and the poor consumer would have no redress at all. In other words as Mr. Holland pointed out, it seems to me that this is a travesty on justice under the democracy of the United States, and the state of Pennsylvania in particular, when we give any particular manufacturing association authority to fix the price to the dealer and the price at which the dealer can sell his commodity to the consumer. I think it is the most unethical bill I have ever heard of since I have been in the halls of legislature.

Mr. VOLDOW. Mr. Speaker, in answer to the gentleman may I say as I said before, under the Fair Trade Act of 1935 numerous commodities are now covered by the Fair Trade Act which gives the producers of those commodities the right to fix the price. As an example let me point out that Prestone on the market is sold for two dollars and sixty-five cents per gallon. The producer has never taken advantage of the dealer and has always allowed him a fair margin of profit. I do not believe the producer of gasoline will take advantage of the dealer in this instance.

Mr. PETROSKY. Mr. Speaker, I arise at this time to oppose House Bill 393, due to the principles that are involved in this measure. It may be true that Prestone is being sold for a fixed price, Prestone is not in the high competitive status as a commodity on the market as are gasoline and oil.

I find the gentleman speaks of the fair margin of profit to the dealer in the fixing of the prices of gasoline and oil. We have no way of insuring this fair margin of profit under this measure. Therefore, I think in this bill we are legislating for a few privileged persons and legislating detrimentally to those dealers and to those consumers of gasoline and oil that will be interested in this measure.

Therefore, I ask the membership of the House to vote against House Bill 393.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Voldow, Finestine and Marks asked for a verification of the roll.

The roll was verified and was as follows:

YEAS 76

Achterman,	Gerard,	Mihm,	Scanlon,
Balthaser,	Haberlen,	Modell,	Schwab,
Bentley,	Haines,	Monks,	Shepard,
Bretherick,	Herman,	Munley,	Snyder,
Brown,	Hersch,	O'Brien,	Taylor,
Chudoff,	Huntley,	O'Mullen,	Turner,
Cohen, R. E.,	Kenehan,	O'Neill,	Voldow,
Cordier,	Kline,	Owens,	Watkins,
Corrigan,	Knoble,	Powers,	Weingartner,
Cullen,	Kolankiewicz,	Prosen,	Weiss,
DiGenova,	Lee, E. A.,	Readinger,	Welsh, E. B.,
Dix,	Lesko,	Regan,	Wilkinson,
Duffy,	Levy,	Rooney,	Winner,
Eckels,	Longo,	Rose, S.,	Wolf,
Elder,	Malloy,	Rose, W. E.,	Woodside,
Falkenstein,	Marks,	Rosenfeld,	Woodring,
Finestone,	McClanaghan,	Royer,	Young,
Finnerty,	McLane,	Rush,	Kilroy,
Fiss,	McSurdy,	Sarraf,	Speaker.
Gallagher,	Melchiorre,		

NAYS 93

Baker,	French,	Lee, T. H.,	Reynolds,
Boorse,	Gates,	Leonard,	Rhea,
Bradley,	Gillan,	Leydic,	Sarge,
Brunner, C. H.,	Goodwin,	Lichtenwalter,	Serrill,
Brunner, P. A.,	Greenwood,	Lovett,	Shaffer,
Burns,	Gross,	McClester,	Sorg,
Burris,	Habbyhaw,	McDermott,	Stambaugh,
Cadwalader,	Hamilton,	McFall,	Stine,
Cochran,	Hare,	McGrath,	Stockham,
Cohen, M. M.,	Harkins,	Mooney,	Tarr,
Cook,	Harmuth,	Moran,	Thompson, R. L.,
Cooper,	Harris,	Moul,	Trout,
Croop,	Heatherington,	Muir,	Verona,
Dalrymple,	Helm,	Nunemacher,	Vincent,
Dennison,	Hewitt,	O'Connor,	Vogt,
Dolon,	Hirsch,	O'Dare,	Voorhees,
Early,	Holland,	Petrosky,	Wagner,
Elliott,	Imbrie,	Pettit,	Welsh, M. J.,
Ely,	Jones, G. E.,	Polaski,	Williams,
Fisher,	Jones, P. N.,	Polen,	Wood, L. H.,
Fleming,	Keenan,	Reagan,	Wood, N.,
Fletcher,	Komorofski,	Reese, D. R.,	Wright,
Flynn,	Krise,	Reese, R. E.,	Yeakel,
Foor,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McClanaghan.

The House resumed the consideration of House Bill No. 77, entitled:

An Act requiring the Department of Welfare of the Commonwealth of Pennsylvania, to allow all employes of state penal and correctional institutions twenty-four consecutive hours of rest each week; authorizing the Department of Welfare to provide additional employes.

On the question recurring,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman from Monroe whether he made inquiry of the Department of Welfare concerning the budgetary effect of this bill, what the report was and from whom it was obtained?

Mr ACHTERMAN. Mr. Speaker, I did inquire and Secretary Sweeney sent me information that this bill would not affect his budget.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman whether that was based purely upon the theory that they would allocate an amount to each institution and that institution would therefore have to get along on the amount that was allocated to them.

Mr. ACHTERMAN. Mr. Speaker, it was based on the fact that they allocate to the various institutions certain sums of money. From that allocation the institutions will, of course, pay their bills, including the employes' wages. I was advised that in the opinion of the Department it would not affect the budget of these institutions.

Mr. WOODSIDE. Mr. Speaker, in other words it would cost the Commonwealth no more and the institutions no more in salaries to operate under this bill in the manner in which they are now operating?

Mr. ACHTERMAN. Mr. Speaker, that was my conclusion from the report made to me by the Department.

Mr. TURNER. Mr. Speaker, I have had this question up before in reference to the Sleighton Farms Institution in Delaware County, to which young girls are committed from the courts of the different counties in and about Philadelphia. I think as long as a half dozen years ago this question was raised. Now I do not think any of us want to object to the employes of our penal and correctional institutions receiving twenty-four hours of rest. In other words, they ought to have a day off. But in these institutions such as Sleighton Farms it raises a very difficult problem, and in spite of the report of the gentleman from Monroe, and I do not mean or imply that I doubt his word in any way, I know that the Sleighton Farms people advised me in the past that not only would it raise a budgetary question but it would raise a very serious question of personnel.

In that institution girls are housed in cottages. They have a house mother in each cottage. It is not easy to get someone to take over that job. It is a very specialized job and a very particular job. Their custom has been in the past to give their people a vacation once a month when they can work it out, but to give them a day of rest once a week means the employment of people who are not easy to find, and it makes it a very difficult proposition for them as well as entailing additional cost.

Without further information on it I would have to vote against the bill because I do not feel I can place that problem upon the institution.

Mr. ACHTERMAN. Mr. Speaker, I inquired of the representatives of the Department in relation to the subject concerning which the gentleman from Delaware was speaking.

Apparently, in some institutions the employes will accumulate their twenty-four hours of leave, and possibly take two days off in a two-week period. Apparently the accumulations do not exceed more than that. However, I did inquire whether it would raise any serious question as to the administration of the work of the institution, and I was told it would not cause any great discord or disruption in that particular work. I was very particular and careful in my inquiry relative to the increased expense and I was assured it would not affect their budget in any manner, so that personally I see no reason why there should be opposition to this bill.

Mr. TURNER. Mr. Speaker, on the statement of the gentleman from Monroe, Mr. Achterman, I shall vote "aye" on the bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 194

Achterman,	Foor,	Malloy,	Rosenfeld,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarraf,
Bentley,	Gerard,	McClester,	Scanlon,
Bentzel,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McFall,	Serrill,
Boney,	Goodwin,	McGrath,	Shaffer,
Boorse,	Greenwood,	McIntosh,	Shaw,
Bower,	Gross,	McKinney,	Shepard,
Bradley,	Gyger,	McLanahan,	Simons,
Bretherick,	Habbyhaw,	McLane,	Snyder,
Brown,	Haberlen,	McSurdy,	Sollenberger,
Brunner, C. H.,	Haines,	Melchiorre,	Sorg,
Brunner, P. A.,	Hamilton,	Mihm,	Stambaugh,
Burns,	Hare,	Modell,	Stine,
Burris,	Harkins,	Monks,	Stockham,
Cadwalader,	Harmuth,	Mooney,	Tarr,
Chudoff,	Harris,	Moran,	Tate,
Cochran,	Heatherington,	Moul,	Taylor,
Cohen, M. M.,	Helm,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Munley,	Thompson, R. L.,
Cook,	Herman,	Nagel,	Trout,
Cooper,	Hersch,	Nunemacher,	Turner,
Cordier,	Hewitt,	O'Brien,	VanAllsburg,
Corrigan,	Hirsch,	O'Connor,	Verona,
Croop,	Holland,	O'Dare,	Vincent,
Cullen,	Huntley,	O'Mullen,	Vogt,
Dalrymple,	Imbrie,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Voorhees,
DiGenova,	Jones, G. E.,	Petrosky,	Wagner,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dolon,	Keenan,	Polaski,	Weingarten,
D'Ortona,	Kenehan,	Polen,	Weiss,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rank,	Williams,
Elder,	Komorofski,	Rausch,	Winner,
Elliott,	Krise,	Readinger,	Wolf,
Ely,	Lee, E. A.,	Reagan,	Wood, L. H.,
Falkenstein,	Lee, T. H.,	Reese, D. R.,	Wood, N.,
Finestone,	Leisey,	Reese, R. E.,	Woodring,
Finnerty,	Leonard,	Regan,	Woodside,
Fisher,	Levy,	Reynolds,	Wright,
Fiss,	Leydic,	Rhea,	Yeakel,
Fleming,	Lichtenwalter,	Riley,	Yester,
Fletcher,	Longo,	Rooney,	Young,
Flynn,	Lovett,	Rose, S.,	Kilroy,
	Lyons,	Rose, W. E.,	Speaker.

NAYS 0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. McCLESTER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Butler will state his question of personal privilege.

Mr. McCLESTER. Mr. Speaker, on the vote by which House Bill 854 fell last night I rose and very definitely wished to be recorded as voting "no." The Speaker informed me I would be so recorded. In checking up on that roll today I find that I am not recorded at all. Therefore, I would like to have that noted in the Journal.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 827, as follows:

An Act to further amend section nine hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating the adoption of the annual township budget the giving of public notice thereof and the filing of a copy with the Department of Internal Affairs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1738) is hereby further amended to read as follows

Section 902 Annual Budget The board of township supervisors of townships of the second class where the total expenditures for the year will exceed ten thousand dollars ($10,000) shall [annually] before their organization meeting in January of each year or as soon thereafter as practicable and at least thirty days prior to the adoption of the annual budget prepare a proposed budget or annual estimate of revenues and expenditures for the fiscal year beginning on the first Monday of January which shall be filed with the treasurer In all townships in which the estimated expenditures in the budget exceed [five thousand dollars ($5,000)] ten thousand dollars ($10,000) the budget shall be prepared on a uniform form prepared and furnished as hereafter provided The estimates in the budget for the purpose of aiding the board in determining how much road and other taxes to levy shall specify

(a) The amount of money necessary for the maintenance repair and improvement of highways including sluices

(b) The amount of money necessary for the repair and construction of culverts and bridges

(c) The amount of money necessary for the purchase hire repair and custody of tools implements and machinery

(d) The amount of money necessary for each other governmental activity of the township for which a special tax levy may or may not be authorized

(e) The amount of money necessary for the payment of debts or other miscellaneous purposes

Upon the preparation of a proposed budget in which the estimated expenditures exceed [five thousand dollars ($5,000)] ten thousand dollars ($10,000) the supervisors shall either give public notice of the detailed contents thereof or of the fact that the proposed budget will be available for public inspection at a designated place in the township After the expiration of twenty (20) days following the giving of public notice of the detailed contents of the budget or after the budget has been available for twenty (20) days as herein provided such supervisors shall after making such revisions therein as appear advisable adopt the budget and the necessary appropriation measures required to put it into effect In townships in which the estimated expenditures do not exceed [five thousand dollars ($5,000)] ten thousand dollars ($10,000) the supervisors shall as soon as possible after the expiration of thirty days following the preparation of the proposed budget adopt the budget and the necessary appropriation measures required to put it into effect

The total appropriation shall not exceed the revenues estimated as available for the fiscal year In all townships in which the estimated expenditures in the budget exceed [five thousand dollars ($5,000)] ten thousand dollars ($10,000) the board of supervisors shall within fifteen days after the adoption of the budget file a copy of the same in the office of the Department of Internal Affairs The supervisors may by resolution transfer unencumbered moneys from one road tax account to another but no moneys shall be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy for a particular purpose Such transfers shall not be made during the first three months of the fiscal year No money shall be paid out of the township treasury except upon appropriation made according to law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Foor,	Malloy,	Rose, W. E.,
Auker,	French,	Marks,	Rosenfeld,
Baker,	Gallagher,	Maxwell,	Rush,
Balthaser	Gates,	McClanaghan,	Sarge,
Baugher,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Gillette,	McFall,	Schwab,
Boles,	Goodwin,	McGrath,	Serrill,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,
Bradley,	Habbyshaw,	McLane,	Simons,
Bretherick,	Haberlen,	McSurdy,	Snyder,
Brown,	Haines,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stine
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chudoff,	Heatherington,	Moul,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	VanAllsburg,
Cordier,	Hirsch,	O'Connor	Verona,
Corrigan,	Holland,	O'Dare,	Vincent,
Croop,	Huntley,	O'Mullen,	Vogt,
Cullen,	Imbrie,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorofski,	Rausch,	Winner,
Elder,	Krise,	Readinger,	Wolf,
Elliott,	Lee, E. A.,	Reagan,	Wood, L. H.,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, N.,

Falkenstein,	Leisey,	Reese, R. E.,	Woodring,
Finestone,	Leonard,	Regan,	Woodside,
Finnerty,	Levy,	Reynolds,	Wright,
Fisher,	Leydic,	Rhea,	Yeakel,
Fiss,	Lichtenwalter,	Riley,	Yester,
Fleming,	Longo,	Rooney,	Young,
Fletcher,	Lovett,	Rose, S.,	Kilroy, Speaker
Flynn,	Lyons,		

NAYS—1

Turner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 482, entitled:

An Act providing a method of annexation of townships of the second class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

On the question,

Will the House agree to the bill on third reading?

Mr. NAGEL. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 9, page 7, line 23, by inserting after the word "act" the following: "Provided, That land in a township of the second class adjacent to a city or borough upon which the city or borough has undertaken to construct a housing project with the aid of Federal money, may be annexed to such city or borough by ordinance of the city or borough upon petition signed by the majority of the freeholders of such territory. A certified copy of the ordinance therefor, together with a description, and a plot showing the courses and distances of the boundaries of the city or borough before and after such proposed annexation, shall be filed in the court of quarter sessions of the county. A notice of such filing shall also be filed in the office of the county commissioners of the proper county. Thereupon the territory proposed to be annexed shall be a part of the city or borough; except when any ordinance and plot are filed in the office of the clerk of the court of quarter sessions within two months of any general, municipal, or primary election, in which case the property proposed to be annexed shall not become a part of the city or borough until the day succeeding such election."

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 365, entitled:

An Act to further amend section one of the act approved the ninth day of July one thousand nine hundred and nineteen (P. L. 794) entitled "An act providing that estates in buildings ground books curios pictures statuary and other works of art passing by will to any municipality corporation or unincorporated body for free exhibition within Pennsylvania shall not be subject to collateral inheritance tax and in certain instances the date when such tax shall become due" providing for additional exemptions and for exemptions from collateral inheritance and transfer taxes and extending the provisions of said act to property money and funds passing before or after the effective date of this act including property money and funds passing to any public educational institution museum or gallery of art of or under the control of or wholly or partially maintained or supported by the Federal Government

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study and amendment.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1039, Printer's No. 234 was passed over at the request of Mr. MODELL.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulatin procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court

On the question,

Will the House agree to the bill on third reading?

Messrs. KEENAN and SARRAF. Mr Speaker, we ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 2, line 7 of title by inserting after the word "the" the following: "city or".

Amend title, page 2, line 7 of title by striking out after the word "district" the following: "or".

Amend title, page 2, line 7 of title by inserting after

the word "district" the following: "liability to be determined on the basis of the legal settlement of such child at the".

Amend title, page 2, line 8 of title by striking out the following: "by the city in which such child is residing at the".

Amend section 408, page 3, line 4, to insert after the word "parents": "guardian or other relative legally responsible for the support of such child".

Amend section 408, page 3, line 10, to insert after the word "home": "or institution for child care not maintained by the county or State".

Amend section 408, page 3, line 11, to insert after the word "board": "and other support".

Amend section 408, page 3, line 12, to insert after the word "board': "and other support."

Amend section 408, page 3, line 13, to insert after the word "parent": "guardian or other relative legally responsible for the support of such child."

Amend section 408, page 3, line 14, to insert after the word "board": "and the expense of clothing and necessary medical and surgical care."

Amend section 408, page 3, line 14, to insert after the word "paid": "either."

Amend section 408, page 3, line 14, to insert after the word "the": "city or."

Amend section 408, page 3, line 15, to strike out the words "in which the child is residing."

Amend section 408, page 3, line 15, to insert after the word "district": "liability to be determined on the basis of the legal settlement of the child."

Amend section 408, page 3, line 17, to strike out the words "or by the city in which the child is residing at the."

Amend section 408, page 3, line 18, to strike out the words "time of assumption of jurisdiction by the Juvenile Court."

Amend section 408, page 3, line 20, to insert after the word "board": "In all cases of children now being maintained in family homes or institutions for child care the judge of the Juvenile Court shall make a finding as to the legal settlement of the child at the time of assumption of jurisdiction by the Court and shall make an order effective January 1, 1942, upon the appropriate city or county institution district for the future board and other support of such child."

Amend section 408, page 3, line 21, to insert after the word "child": "to an industrial training school or other correctional institution."

Amend section 408, page 3, line 22, by inserting before the word "shall" the word "may."

Amend section 408, page 3, line 22, by striking out the word "shall."

Amend section 408, page 3, lines 22 and 23, to strike out the words, "institution district in which the child resides or the city in which the child resides."

Amend section 408, page 3, line 29, to strike out the words, houses of refuge or."

Amend section 408, page 4, line 9, to insert after the word "the": "city or."

Amend section 408, page 4, line 10, by inserting after the word "district" the following: "or county."

Amend section 408, page 4, line 10, to strike out the words "or by the city."

Amend section 408, page 4, line 10, to insert after the word "said": "city or."

Amend section 408, page 4, line 11, by inserting after the word "district" the following: "or county."

Amend section 408, page 4, line 11, to strike out the words "or city."

Amend section 408, page 4, line 13, to insert after the word "but the" the following: "city or."

Amend section 408, page 4, line 14, by inserting after the word "district" the following: "or county."

Amend section 408, page 4, line 14, to strike out the words "or the city."

Amend section 408, page 4, line 16, by inserting after the word "persons" the following: "or institution districts."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 467, entitled:

An Act to amend subsection (f) of section six hundred twenty-eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" requiring licenses issued under the "Uniform Firearms Act" to bear the fingerprints and photographs of the person to whom the license is issued in certain cases

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 974, as follows:

An Act to amend article twelve section one thousand two hundred six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by providing for the issuance of a certificate of approval for weights and measures of county city and borough sealers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand two hundred six of article twelve of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and

the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 1206 Standards The Department of Internal Affairs shall have the power and its duty shall be

* * * *

(d) To compare test and regulate all weights and measures of all county city and borough sealers now in office or hereafter who may be appointed with the State standards when presented at the office of the Department for that purpose and to certify to their correctness [by affixing the Department's official stamp thereto with the name of the examiner and the date of examination clearly marked thereon] by issuing certificates as to their accuracy bearing the date of examination and approval of the said weight or measure for which the certificate is issued the signature of the examiner and the official stamp of the Department

Section 2 This act shall become effective upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Gillette,	McFall,	Schwab,
Boies,	Goodwin,	McGrath,	Serrill,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,
Bradley,	Habbyshaw,	McLane,	Simons,
Bretherick,	Haberlen,	McSurdy,	Snyder,
Brown,	Haines,	Melchiorre,	Sollenberger,
Brunner, C. H.	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chudoff,	Heatherington,	Moul,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor	VanAllsburg,
Corrigan,	Holland,	O'Dare,	Verona,
Croop,	Huntley,	O'Mullen,	Vincent,
Cullen,	Imbrie,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Wagner,
Dix,	Keenan,	Polaski,	Watkins,
Dolon,	Kenehan,	Polen,	Weingartner,
D'Ortona,	Kline,	Powers,	Weiss,
Duffy,	Knoble,	Prosen,	Welsh, E. B.,
Early,	Kolankiewicz,	Rank,	Welsh, M. J.,
Eckels,	Komorofski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winner,
Elliott,	Lee, E. A.,	Reagan,	Wolf,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leisey,	Reese, R. E.,	Wood, N.,
Finestone,	Leonard,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Woodside,
Fisher,	Leydic,	Rhea,	Wright,
Fiss,	Lichtenwalter,	Riley,	Yeakel,
Fleming,	Longo,	Rooney,	Yester,
Fletcher,	Lovett,	Rose, S.,	Young,
Flynn,	Lyons,	Rose, W. E.,	Kilroy, Speaker
Foor	Malloy,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 772, as follows:

An Act making an appropriation to state teachers colleges to enable such institutions to add certain courses to their curricula

Whereas Our national prosperity and safety is threatened for the present and future generations by the continued exploitation of our national resources and

Whereas The exploitation of top soil is less a matter of greed than ignorance of the vital necessity of top soil as a requisite to animal life and existence and ignorance of necessary conservation practices and controls and

Whereas Rural teachers should have knowledge of conservation practices and erosion control as well as a sympathetic understanding of the agricultural needs of the rural communities they serve and

Whereas Vocational high schools reach a very low percentage of rural youth since sixteen per centum of rural children enter and twelve per centum graduate from high schools of the Commonwealth with a relatively lower percentage matriculating in vocational courses so that a comprehensive understanding of conservation and agricultural problems and remedies is unattainable to the rural masses except through the rural schools of the Commonwealth therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thousand dollars ($100,000) or so much thereof as shall be necessary is hereby appropriated to State teachers colleges of the Commonwealth to enable such schools to instruct their students in the agricultural needs and problems of the Commonwealth particularly on the subjects of soil conservation erosion control reforestation and rural social problems and rural electrification needs The Secretary of Public Instruction shall formulate such an educational program so that instruction shall be given thereon at the opening of the school semesters in the fall term of one thousand nine hundred forty-one

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 194

Achterman,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Gillette,	McFall,	Schwab,
Boies,	Goodwin,	McGrath,	Serrill,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,

Bradley,	Habbyshaw,	McLane,	Simons,
Bretherick,	Haberlen,	McSurdy,	Snyder,
Brown,	Haines,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chudoff,	Heatherington,	Moul,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor	VanAllsburg,
Corrigan,	Holland,	O'Dare,	Verona,
Croop,	Huntley,	O'Mullen,	Vincent,
Cullen,	Imbrie,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Wagner,
Dix,	Keenan,	Polaski,	Watkins,
Dolon,	Kenehan,	Polen,	Weingartner,
D'Ortona,	Kline,	Powers,	Weiss,
Duffy,	Knoble,	Prosen,	Welsh, E B.,
Early,	Kolankiewicz,	Rank,	Welsh, M. J.,
Eckels,	Komorofski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winner
Elliott,	Lee, E. A.,	Reagan,	Wolf,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leisey,	Reese, R. E.,	Wood, N.,
Finestone,	Leonard,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Woodside,
Fisher,	Leydic,	Rhea,	Wright,
Fiss,	Lichtenwalter,	Riley,	Yeakel,
Fleming,	Longo,	Rooney,	Yester,
Fletcher,	Lovett,	Rose, S.,	Young,
Flynn,	Lyons,	Rose, W. E.,	Kilroy, Speaker
Foor,	Malloy,		

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1049, as follows:

An Act creating a temporary State commission to investigate all State hospitals conferring powers and duties on said commission and making an appropriation

Whereas Newspapers have carried reports concerning the operation of certain State hospitals within the Commonwealth of Pennsylvania which if true show an extremely reprehensible situation existing in such State hospitals and

Whereas There have been charges made that certain trustees and supervisory officials have committed criminal acts and

Whereas Certain State hospitals have lost their official standing and rating with the American Medical Association and

Whereas The conduct of certain trustees of State hospitals has resulted in unfavorable criticism of the operation of said hospitals and

Whereas If these charges are true the situation calls for immediate attention by the legislative branch of the government to remedy such a condition therefore

The Generaly Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 A temporary State commission is hereby created consisting of six members three members of which are to be appointed by the Speaker of the House of Representatives from the membership of the House of Representatives and three members of which are to be from the membership of the Senate to investigate the appointed by the President pro tempore of the Senate maintenance operation and conduct of all State hospitals within this Commonwealth

Section 2 Such commission shall select a chairman and a vice-chairman from its own members and may employ counsel and such other assistants as may be needed and may fix their compensation within the amounts made available by appropriatior therefor Such commission may meet anywhere in the State may take testimony and subpoena witnesses and require the production of books papers and records

Section 3 The members of such commission shall receive no compensation for their services but shall be entitled to their necessary traveling and hotel expenses incurred in the performance of their duties

Section 4 Such commission shall make a report to the General Assembly as speedily as possible and shall include in such report such amendments or additions to or revision of the law and such other measures as the commission deems necessary to carry its recommendations into effect

Section 5 The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby appropriated from any money in the State Treasury not otherwise appropriated payable on requisition of the chairman of such commission on the warrant and audit of the Auditor General

Section 6 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 194

Achterman,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Gillette,	McFall,	Schwab,
Boles,	Goodwin,	McGrath,	Serrill,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,
Bradley,	Habbyshaw,	McLane,	Simons,
Bretherick,	Haberlen,	McSurdy,	Snyder,
Brown,	Haines,	Melchiorre,	Sollenberger,
Brunner, C H	Hamilton,	Mihm,	Sorg,
Brunner, P A,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham
Cadwalader,	Harris,	Moran,	Tarr,
Chudoff,	Heatherington,	Moul,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor	VanAllsburg,
Corrigan,	Holland,	O'Dare,	Verona,
Croop,	Huntley,	O'Mullen,	Vincent,
Cullen,	Imbrie,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P N.,	Pettit,	Wagner,
Dix,	Keenan,	Polaski,	Watkins,
Dolon,	Kenehan,	Polen,	Weingartner,
D'Ortona,	Kline,	Powers,	Weiss,
Duffy,	Knoble,	Prosen,	Welsh, E B.,
Early,	Kolankiewicz,	Rank,	Welsh, M J.,
Eckels,	Komorofski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winner,
Elliott,	Lee, E. A.,	Reagan,	Wolf,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leisey,	Reese, R. E.,	Wood, N.,
Finestone,	Leonard,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Woodside,
Fisher,	Leydic,	Rhea,	Wright,
Fiss,	Lichtenwalter,	Riley,	Yeakel,
Fleming,	Longo,	Rooney,	Yester,
Fletcher,	Lovett,	Rose, S.,	Young,
Flynn,	Lyons,	Rose, W. E.,	Kilroy, Speaker
Foor,	Malloy,		

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 470, Printer's No. 240, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 806, as follows:

An Act to further amend section two thousand five hundred fifty-nine of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by abolishing tax collectors' right of distress and sale of goods and chattels for the collection of delinquent per capital poll and occupation taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand five hundred fifty-nine of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as last amended by the act approved the seventeenth day of May one thousand nine hundred thirty-nine (P. L. 153) is hereby further amended to read as follows

Section 2559 Powers of City Treasurer as Tax Collector The city treasurer as the collector of taxes may appoint as many deputies as may be authorized to enable him to collect the said taxes or any of them which deputies shall be paid by the said treasurer The city treasurer as the collector of the several taxes and his deputies shall have and exercise all powers vested by law in the several collectors of state and county taxes and in all the remedies for the collection thereof and shall have additional power and authority after five days' notice to seize by levy and distress any personal property on the premises assessed belonging to tenants purchasers or other without regard to the date of assessment or levy of the tax and to sell the same giving ten days' public notice of such sale by written or printed advertisement and to levy upon any personal property of the delinquent that may be found within the county for the collecion of said taxes and after notice of sale to sell the same for the payment of said taxes Provided however That nothing in this act shall be deemed to authorize the distress and sale of goods and chattels for the collection of delinquent per capita poll and occupation taxes The several warrants shall be effectual to authorize the said treasurer as collector of taxes to collect the said taxes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—110

Achterman,	Finnerty,	Marks,	Reese, R. E.,
Allmond,	Fletcher,	McDermott,	Regan,
Baker,	Flynn,	McFall,	Rooney,
Balthaser,	Gallagher,	McGrath,	Rose, C.,
Baugher,	Gillan,	McIntosh,	Rosenfeld,
Bentley,	Goodwin,	McLanahan,	Sarraf,
Boles,	Haberlen,	McLane,	Scanlon,
Boney,	Hamilton,	Melchiorre,	Schwab,
Bradley,	Harkins,	Mihm,	Shaffer,
Breth,	Harmuth,	Modell,	Shaw,
Brunner, P. A.,	Harris,	Monks,	Shepard,
Burns,	Heatherington,	Moran,	Tate,
Burris,	Hering,	Moul,	Thompson, E. F.,
Chervenak,	Herman,	Munley,	Trout,
Chudoff,	Hersch,	Nagel,	Verona,
Cochran,	Hirsch,	O'Brien,	Vincent,
Cohen, M. M.,	Holland,	O'Connor	Vogt,
Cohen, R. E.,	Jefferson,	O'Mullen,	Voldow,
Cordier,	Jones, P. N.,	O'Neill,	Welsh, E. B.,
Corrigan,	Keenan,	Owens,	Welsh, M. J.,
Croop,	Kenehan,	Petrosky,	Williams,
Cullen,	Kolankiewicz,	Pettit,	Wolf,
DiGenova,	Komorofski,	Polaski,	Woodring,
Dolon,	Leonard,	Powers,	Wright,
D'Ortona,	Lesko,	Prosen,	Yester,
Early,	Longo,	Rausch,	Young,
Falkenstein,	Lovett,	Readinger,	Kilroy, Speaker
Finestone,	Malloy,		

NAYS—61

Auker,	Habbyshaw,	McClester,	Stockham,
Cadwalader,	Haines,	McKinney,	Taylor,
Cooper,	Hare,	Muir,	Thompson, R. L.,
Dennison,	Helm,	O'Dare,	Turner,
Dix,	Hewitt,	Reese, D. P.,	VanAllsburg,
Eckels,	Imbrie,	Rhea,	Voorhees,
Elder,	Jones, G. E.,	Riley,	Wagner,
Elliott,	Kline,	Rose, W. E.,	Watkins,
Ely,	Krise,	Sarge,	Weingartner,
Fisher,	Lee, E. A.,	Serrill,	Weiss,
Fleming,	Lee, T. H.,	Simons,	Winner,
Foor,	Leisey,	Snyder,	Wood, L. H.,
French,	Lichtenwalter,	Sollenberger,	Wood, N.,
Gates,	Lyons,	Sorg,	Woodside,
Greenwood,	Maxwell,	Stambaugh,	Yeakel,
Gross,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

MR. TURNER IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 762, as follows:

An Act to further amend section twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock and poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties permitting dogs kept in a kennel to be taken out for training exercise or entry in field trials

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs

providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial slow and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" as amended by section seven of the act approved the sixth day of May one thousand nine hundred and twenty-seven (P. L. 833) is hereby further amended to read as follows

Section 12 No dog kept in a kennel shall be permitted to stray or to be taken anywhere outside the limits of the kennel except in leash or crate Provided That any such dog may be taken anywhere outside the limits of the kennel for the purpose of training exercise or entry in field trials

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Gillette,	McFall,	Schwab,
Boies,	Goodwin,	McGrath,	Serrill,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,
Bradley,	Habbyshaw,	McLane,	Simons,
Bretherick,	Haberlen,	McSurdy,	Snyder,
Brown,	Haines,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chudoff,	Heatherington,	Moul,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor	VanAllsburg,
Corrigan,	Holland,	O'Dare,	Verona,
Croop,	Huntley,	O'Mullen,	Vincent,
Cullen,	Imbrie,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Wagner,
Dix,	Keenan,	Polaski,	Watkins,
Dolon,	Kenehan,	Polen,	Weingartner,
D'Ortona,	Kline,	Powers,	Weiss,
Duffy,	Knoble,	Prosen,	Welsh, E. B.,
Early,	Kolankiewicz,	Rank,	Welsh, M. J.,
Eckels,	Komorofski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winner,
Elliott,	Lee, E. A.,	Reagan,	Wolf,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leisey,	Reese, R. E.,	Wood, N.,
Finestone,	Leonard,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Woodside,
Fisher,	Leydic,	Rhea,	Wright,
Fiss,	Lichtenwalter,	Riley,	Yeakel,
Fleming,	Longo,	Rooney,	Yester,
Fletcher,	Lovett,	Rose, S.,	Young,
Flynn,	Lyons,	Rose, W. E.,	Kilroy, Speaker
Foor,	Malloy,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 949, as follows:

An Act to further amend section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by imposing liability on executors administrators or trustees for real estate broker's commissions in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" as amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (P. L. 1384) is hereby further amended to read as follows

Section 9 The jurisdiction of the several orphans' courts whether separate or otherwise shall extend to and embrace

(a) The appointment control removal and discharge of the guardians of minors and the settlement of their accounts

(b) The appointment of trustees for any persons interested in the real or personal estate of any decedent and the control removal discharge and settlement of the accounts of trustees so appointed and of testamentary trustees whether the testamentary trustees be appointed nominatum or virtute officii

(c) The appointment of trustees for absent persons the control removal and discharge of trustees so appointed and the settlement of their accounts

(d) The control removal and discharge of executors and administrators deriving their authority from the register of the respective county and the settlement of their accounts

(e) The distribution of the assets and surplusage of the estates of decedents among creditors and others interested

(f) The sale of real estate of decedents for payment of their debts

(g) The disposition of the title to real estate of decedents and of persons disabled from dealing therewith in order to render the same freely alienable and productive to the living owners thereof

(h) The partition of the real estate of decedents among the parties entitled thereto the valuation of such real estate and the sale thereof for the purpose of distribution

(i) The specific execution of contracts made by decedents to sell and convey any real estate of which such decedents shall die seised and of contracts made by decedents to purchase any real estate

(j) Proceedings for the collection or enforcement of payment or delivery of all legacies whether pecuniary specific or otherwise and whether charged on real estate or not

(k) Proceedings for the discharge of real estate of decedents from the lien of debts of decedents and for the discharge of real estate and personal estates from the liens of legacies annuities dower recognizances and other charges

(l) All cases within their respective counties wherein executors administrators guardians or trustees may be possessed of or are in any way accountable for any real or personal estate of the decedent

(m) All appeals from the orders or decrees of the registers of wills of their respective counties and all proceedings removed from said registers by certifications

(n) The control removal discharge and settlement of accounts of trustees of trusts inter vivos

(o) The control removal discharge and settlement of accounts of trustees of life insurance trusts whether taking effect during the lifetime or at or after the death of the insured or settlor

(p) The exercise of all other powers needful to the doing of anything which is or may be hereafter required or permitted to be done in said court whether incidental to the powers hereinbefore enumerated or in addition thereto

And such jurisdiction shall be exercised under the limitations and in the manner provided by law Provided however That nothing in the foregoing shall be construed to relieve executors administrators or trustees who have entered into an agreement of sale of real estate of a decedent or any other real estate held in trust in good faith and who prior to the time fixed for settlement thereunder have recieved a higher offer for such real estate from the payment of real estate broker or broker's commissions to the broker who had procured such agreement of sale Provided further That the said higher offer shall be in an amount in excess of such broker or broker's commissions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 193

Achterman,	French,	Malloy,	Rose, W. E.,
Baker,	Gallagher,	Marks,	Rosenfeld,
Balthaser,	Gates,	Maxwell,	Rush,
Bentley,	Gerard,	McClanaghan,	Sarge,
Bentzel,	Gillan,	McClester,	Sarraf,
Boles,	Gillette,	McDermott,	Scanlon,
Boney,	Goodwin,	McFall,	Schwab,
Boorse,	Greenwood,	McGrath,	Serrill,
Bower,	Gross,	McIntosh,	Shaffer,
Bradley,	Gyger,	McKinney,	Shaw,
Bretherick,	Habbyshaw,	McLanahan,	Shepard,
Brown,	Haberlen,	McLane,	Simons,
Brunner, C. H.,	Haines,	McSurdy,	Snyder,
Brunner, P. A.,	Hamilton,	Melchiorre,	Sollenberger,
Burns,	Hare,	Mihm,	Sorg,
Burris,	Harkins,	Modell,	Stambaugh,
Cadwalader,	Harmuth,	Monks,	Stine,
Chudoff,	Harris,	Mooney,	Stockham,
Cochran,	Heatherington,	Moran,	Tarr,
Cohen, M. M.,	Helm,	Moul,	Tate,
Cohen, R. E.,	Hering,	Muir,	Taylor,
Cook,	Herman,	Munley,	Thompson, E. F.,
Cooper,	Hersch,	Nagel,	Thompson, R. L.,
Cordier,	Hewitt,	Nunemacher,	Trout,
Corrigan,	Hirsch,	O'Brien,	Turner,
Croop	Holland,	O'Connor	VanAllsburg,
Cullen,	Huntley,	O'Dare,	Verona,
Dalrymple,	Imbrie,	O'Mullen,	Vincent,
Dennison,	Jefferson,	O'Neill,	Vogt,
DiGenova,	Jones, G. E.,	Owens,	Voldow,
Dix,	Jones, P. N.,	Petrosky,	Voorhees,
Dolon,	Keenan,	Pettit,	Wagner,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorofski,	Rank,	Welsh, M. J.,
Elliott,	Krise,	Rausch,	Williams,
Ely,	Lee, E. A.,	Readinger,	Winner,
Falkenstein,	Lee, T. H.,	Reagan,	Wolf,
Finestone,	Leisey,	Reese, D. P.,	Wood, L. H.,
Fineroty,	Leonard,	Reese, R. E.,	Wood, N.,
Fisher,	Levy,	Regan,	Woodring,
Fiss	Leydic,	Reynolds,	Woodside,
Fleming,	Lichtenwalter,	Rhea,	Wright,
Fletcher,	Longo,	Riley,	Yeakel,
Flynn,	Lovett,	Rooney,	Yester,
Foor,	Lyons,	Rose, S.,	Young,
			Kilroy, Speaker

Nays 1

Auker,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 764, as follows:

An Act to add section nine hundred thirty-eight to the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for the establishment regulation and use of special dog training areas

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subdivision (d) of article nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" is hereby amended by adding at the end thereof a new section to read as follows

Section 938 Special Dog Training Areas (a) Upon application of any club or organization having twenty or more members who are citizens of this Commonwealth or upon the application of twenty or more citizens of this Commonwealth and the payment of a registration fee of ten dollars ($10) the commission may issue a permit authorizing the establishment and maintenance by such club organization or citizens on land owned by them or over which they have legal control of a special dog training area wherein and whereon dogs may be trained at any time during the entire year No such dog training area shall be of less than one hundred acres nor of more than two hundred fifty acres nor shall permits be issued for more than four special dog training areas in any one county

(b) The permittees shall from time to time during each year stock twenty-five pieces of game per one hundred acres at their own expense under the supervision of the Game Commission The permittees may at any time during the entire year train their own dogs or the dogs of other persons on such area or permit others so to do under such conditions as shall be mutually agreed upon Neither the permittees nor any other person shall at any time hunt or trap within the confines of such area except that the permittees or any person authorized by them may hunt or trap vermin and predators for the purpose of exterminating vermin and predators on such area

(c) The boundary line of such special dog training area shall be plainly and conspicuously posted prior to October first of each year with legible notices at least ten inches by twelve inches in size placed not more than one hundred yards apart which shall bear the following warning.

> Special Dog Training Area
> Hunting is Unlawful
>
> This Land Is Set Aside Under Special Permit for the Training of Dogs
>
> Entering Hereon for the Purpose of Hunting or Disturbing Game or Permitting Dogs to Enter Without Proper Authorization Is Punishable by a Penalty of Twenty-five Dollars ($25.00)
>
> .....
> (Name and Address of Permittee to Be Printed Here)

(d) Each person violating any of the foregoing provisions of this section shall upon summary conviction be sen-

tenced to pay a fine of twenty-five dollars ($25) for each offense together with costs of prosecution

It is unlawful for any person to wilfully negligently or maliciously cut remove cover up deface or otherwise mutilate injure or destroy any special dog training area boundary fence or wire or poster placed in accordance with the provisions of this section Each person violating any provisions of this paragraph shall upon summary conviction be sentenced to pay a fine of ten dollars ($10) for each offense together with costs of prosecution

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 194

Achterman,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Gillette,	McFall,	Schwab,
Boies,	Goodwin,	McGrath,	Serrill,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,
Bradley,	Habbyshaw,	McLane,	Simons,
Bretherick,	Haberlen,	McSurdy,	Snyder,
Brown,	Haines,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stine,
Barris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chudoff,	Heatherington,	Moul,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor	VanAllsburg,
Corrigan,	Holland,	O'Dare,	Verona,
Croop,	Huntley,	O'Mullen,	Vincent,
Cullen,	Imbrie,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Wagner,
Dix,	Keenan,	Polaski,	Watkins,
Dolon,	Kenehan,	Polen,	Weingartner,
D'Ortona,	Kline,	Powers,	Weiss,
Duffy,	Knoble,	Prosen,	Welsh, E. B.,
Early,	Kolankiewicz,	Rank,	Welsh, M. J.,
Eckels,	Komorofski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winner,
Elliott,	Lee, E. A.,	Reagan,	Wolf,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leisey,	Reese, R. E.,	Wood, N.,
Finestone,	Leonard,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Woodside,
Fisher,	Leydic,	Rhea,	Wright,
Fiss,	Lichtenwalter,	Riley,	Yeakel,
Fleming,	Longo,	Rooney,	Yoder,
Fletcher,	Lovett,	Rose, S.,	Young,
Flynn,	Lyons,	Rose, W. E.,	Kilroy, Speaker
Foor,	Malloy,		

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 995, as follows:

An Act to further amend sections two thousand six hundred twenty and two thousand six hundred twenty-five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the filing of copies of auditors' reports in school districts of the third and fourth classes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand six hundred twenty of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (P. L. 243) is hereby further amended to read as follows

Section 2620 In every school district of the second and third classes the proper auditors herein provided to audit the finances of the school district shall begin their duties on the first Monday in July each year and promptly within thirty days audit the accounts of the school district for which they were appointed including the accounts of the treasurer the school depositories and other school funds for the preceding fiscal year in the manner herein provided On the completion of the audit they shall make [a correct duplicate report] correct copies thereof which shall contain an itemized statement of all receipts expenditures and credits whatsoever of school officials and the assets and liabilities of the district one copy to be filed with the board of school directors of the district [and the other] one copy in the court of common pleas to the number and term in which their appointment was made and except in school districts of the third class under the supervision of the County Superintendent of Schools one copy in the Department of Public Instruction by mailing the same sealed and stamped and addressed to the Superintendent of Public Instruction Harrisburg Pennsylvania by registered mail with return registry receipt requested In districts of the third class under the supervision of the County Superintendent of Schools two copies shall be transmitted to the County Superintendent who shall forward one of such copies to the Superintendent of Public Instruction Harrisburg Pennsylvania

Section 2 Section two thousand six hundred twenty-five of said act as last amended by the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1152) is hereby further amended to read as follows

Section 2625 In every school district of the fourth class in this Commonwealth the proper auditors herein provided to audit the finances of the school district shall meet annually with the board of school directors on the first Monday of July at the time of organization or within five days thereafter and within thirty days carefully audit and adjust the financial accounts of the school district for the preceding school year Provided That the meeting of the auditors with the board of school directors shall not be held on the Fourth of July At the completion of the audit they shall make a careful statement in duplicate of the finances of the district for the preceding year setting fourth the assets and liabilities and an itemized statement of all receipts expenditures and credits whatsoever of all school officials and including therein any sums that have been charged against any person or

persons one copy of which annual statement shall be filed by such auditors with the secretary of the board of school directors and one in the court of common pleas of the county on which such district or the greater or greatest part thereof in area shall be located and a summary thereof including the assets and liabilities of the school district shall be published in a newspaper having general circulation in the district once a week for three successive weeks beginning the first week after filing the same or be promptly posted by not less than six copies in as many places in the district The auditors shall also file [one copy] two copies of their report with the County Superintendent of Schools who shall forward one of such copies to the Department of Public Instruction [by mailing the same sealed stamped and addressed to the Superintendent of Public Instruction Harrisburg Pennsylvania by registered mail with return registry receipt requested]

And said bill having been read as length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 194

Achterman,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Gillette,	McFall,	Schwab,
Boles,	Goodwin,	McGrath,	Serrill,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,
Bradley,	Habbyshaw,	McLane,	Simons,
Bretherick,	Haberlen,	McSurdy,	Snyder,
Brown,	Haines,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chidoff,	Heatherington,	Moul,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor	VanAllsburg,
Corrigan,	Holland,	O'Dare,	Verona,
Croop,	Huntley,	O'Mullen,	Vincent,
Cullen,	Imbrie,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Wagner,
Dix,	Keenan,	Polaski,	Watkins,
Dolon,	Kenehan,	Polen,	Weingartner,
D'Ortona,	Kline,	Powers,	Weiss,
Duffy,	Knoble,	Prosen,	Welsh, E. B.,
Early,	Kolankiewicz,	Rank,	Welsh, M. J.,
Eckels,	Komorofski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winner,
Elliott,	Lee, E. A.,	Reagan,	Wolf,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leisey,	Reese, R. E.,	Wood, N.,
Finestone,	Leonard,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Woodside,
Fisher,	Leydic,	Rhea,	Wright,
Fiss,	Lichtenwalter,	Riley,	Yeakel,
Fleming,	Longo,	Rooney,	Yester,
Fletcher,	Lovett,	Rose, S.,	Young,
Flynn,	Lyons,	Rose, W. E.,	Kilroy, Speaker
Foor,	Malloy,		

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 35, as follows:

An Act prohibiting the taxation of income salaries and wages by political subdivisions of this Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No political subdivision of this Commonwealth shall levy any tax on income salaries or wages earned by or accruing to individuals residing within the territorial limits thereof or elsewhere

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective on the first day of January one thousand nine hundred and forty-two

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. VOORHEES. Mr. Speaker, we discussed this bill for two hours last night trying to have it recommitted because it takes away from the city of Philadelphia seventeen million dollars, and the only income the sponsor of the bill could offer amounts to one million dollars which would be cut from the payrolls by firing men from their jobs. The only other place this money can be raised is by increasing the tax on real estate, and a vote in favor of this bill is a vote to increase the tax on real estate in the city of Philadelphia.

I ask you Members of the House to vote "no" on House Bill No. 35.

Mr. ROSENFELD. Mr. Speaker, I am quoting from an editorial appearing in one of the Philadelphia newspapers under date of November 25, 1938, which refers to the vote of Councilman Crossan, and which reads as follows:

> "Crossan's objection was that Council had not affected all economies possible in the 1939 city-county budget, and that the tax would 'fall heaviest on those least able to pay.'"

It appears to me there must be a house divided, or a party divided, if you will, against itself.

Unless this Legislature intervenes, Philadelphia's City Council will retain the obnoxious wage levy which by the admission last night of the gentleman from Philadelphia will continue for the next few years. This estimate to my mind is conservative since I have every reason to believe that its retention will be for the next five years or longer. This unsound tax is a crime against the citizens of a major metropolitan city. There is infinite antipathy and resentment to this tax by practically all classes of citizens of Philadelphia. It has been denounced by all the newspapers of the city. It is obvious that unless the General Assembly prohibits such unfair inequitable and burdensome levies the city of Philadelphia will continue to extract what blood remains of the already anaemic citizens to compensate for the ravages of a diseased administration.

I exhort this House, to end such tyrannous and arbitrary power arrogated by any city council.

We have the prepostrous situation of the Federal Government levying taxes for relief and W.P.A. and then

the city Government levying a wage tax on the public money paid to the W.P.A. workers. Those in control have brought this situation about in order that they may evade the payment of their contribution of the cost of operating the city Government.

Philadelphia's unwarranted plight has caused its city council in desperation to impose the pernicious sales tax. Strong opposition at the end of 1938 presented its re-enactment for 1939. For years, the city had been receiving a rental of four million two hundred thousand dollars from a private operating company for the use of the municipal gas works. Now this annual income was lost since it was pledged to the Reconstruction Finance Corporation and private banking groups for the loan of forty-one million dollars, borrowed to defray 1939 expenses.

On December 13, 1939, the wage tax measure was signed by the Mayor. It is appropriate to inquire how it is to be levied and collected. The tax is imposed upon the following subjects of taxation:

1. The Salary Tax

(a) On the salaries, wages, commissions and other compensation earned during 1940 by residents of Philadelphia.

(b) On the salaries, wages, commissions and other compensation earned during 1940 by non-residents of Philadelphia for work done or services rendered or performed in the City.

2. The Net Profits Tax

(c) On net profits earned during the calendar or fiscal year 1939, of businesses, professions, or other activities conducted by residents of Philadelphia.

(d) On the net profits earned during the calendar or fiscal year 1939, of businesses, professions, or other activities conducted in Philadelphia by non-residents.

The ordinance despite protests from organized labor requires that the salary tax should be collected at the source. Employers are therefore required to make deductions monthly or at the time wages are paid.

There is no question that an income tax which is not graduated, affects the wage earner least able to pay and when this occurs, the levy is iniquitous.

Council's entire approach to the question of raising money is unsound and evasive. It is significant that Council has made no genuine attempt to reduce the city's debt services.

The basic problem is:

(1) A reduction in the funded debt which now takes approximately $39,000,000 of the city's money annually for debt charges or nearly half of the city's entire budget.

(2) Tax Exempt Real Estate

(3) Economies and reductions in personnel

(4) Economies in purchase of city supplies and services such as those involved in condemnation proceedings.

(5) Scientific and more equitable tax assessment system.

(6) Adequate legislation for collections of delinquent taxes so as to eliminate large real estate holders from evading payment of real estate taxes.

(7) Equitable distribution of state taxes due the city.

Gentlemen I am the last one who would transgress upon home rule, but when a cancerous condition exists as does exist in Philadelphia, I feel it is the duty of this legislature to intervene and render such sound advice and such sound assistance as the circumstances will permit. I ask the Members of the House to vote "aye" on this bill.

Mr. VOORHEES. Mr. Speaker I desire to interrogate the gentleman from Philadelphia, Mr. Rosenfeld.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. ROSENFELD. I shall, Mr. Speaker.

Mr. VOORHEES. Mr. Speaker, can the gentleman from Philadelphia suggest some tax that is not iniquitous?

Mr. ROSENFELD. Mr. Speaker, in answer to the gentleman from Philadelphia, all taxes when they get beyond a certain scope become iniquitous. In civilization today a certain amount of taxation is required. This is an unrequired tax and is therefore iniquitous.

Mr. VOORHEES. Mr. Speaker, the gentleman has not answered my question to my satisfaction. We have a practical problem here of raising seventeen million dollars. If he had made some suggestion that would perhaps save—

POINT OF ORDER

Mr. WOODRING. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Northampton will state his point of order.

Mr. WOODRING. Mr. Speaker, the gentleman from Philadelphia, Mr. Voorhees, is not directing his question to the subject before the House. He is discussing the problem of raising seventeen million dollars which is not the problem of this body, but is the problem of the city council of Philadelphia.

Mr. VOORHEES. Mr. Speaker, that is exactly the point I think we should consider in voting on this bill.

The SPEAKER. Does the gentleman desire to further interrogate the gentleman from Philadelphia?

Mr. VOORHEES. Not at this time, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Voorhees.

Mr. VOORHEES. Mr. Speaker, the gentleman has mentioned exactly the point we should consider in voting on this bill. It is not the problem of this body to raise money for Philadelphia, but it becomes the problem of this body to provide the means of raising money for Philadelphia, if we take every possible means of taxation away from them. We have provided under the Sterling Act that everything that the state taxes the city cannot tax. We have two places where we can place taxes, the sales tax and the wage tax. We are now taking away the wage tax. Therefore it becomes a problem for this body to find ways and means to raise that seventeen million dollars. I ask the gentleman from Philadelphia Mr. Rosenfeld, to give a substitute, of some type that is not obnoxious, which the people will be willing to pay, which will be satisfactory to them, and if he can offer that tax then I will be willing to vote for this bill. I think he has a duty to offer any substitute he has for this tax, because if he cannot offer a substitute the only place it is going to come from is a tax on real estate. A vote for this bill then becomes a vote to increase the tax on real estate in Philadelphia. If the gentleman is interested in increasing public housing in Philadelphia, in low-rent housing, the largest amount of the cost in low rent housing comes from financing and from taxes. If we increase the tax on real estate, rents will go up and the people cannot pay for the housing. Therefore, it becomes a duty and an obligation on the part of

the gentleman from Philadelphia to offer a substitute for this tax.

Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Rosenfeld.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. ROSENFELD. I shall, Mr. Speaker.

Mr. VOORHEES. Mr. Speaker, can the gentleman offer a tax which is not obnoxious?

Mr. ROSENFELD. Mr. Speaker, in answer to the gentleman I would say the problem appearing before us today is not one regarding the raising of revenue, but one in which a condition exists that is cancerous to the city of Philadelphia, a condition which we should abolish, because I cannot think of any major city with such an obnoxious tax as Philadelphia has. Philadelphia has until January 1st 1942 to devise a way of raising revenue.

Mr. VOORHEES. Mr. Speaker, I see I cannot get the answer from the gentleman from Philadelphia. I, therefore, ask the Members of of this House to vote "no" on the bill, because it will only increase the tax on real estate in Philadelphia, and the gentleman on the other side has not offered a substitute measure. I ask the clerk to call the roll slowly and to record only the members who answer to their names.

Mr. LEVY. Mr. Speaker, I think last evening the gentleman from Philadelphia gave us sufficient reasons why the General Assembly should attempt to stamp out the obnoxious tax placed upon the citizens of Philadelphia and the non-residents of the city of Philadelphia, without going into much detail about how we ought to get this money.

The gentleman from Philadelphia knows full well it is not the duty of the State Legislature to levy taxes for the city of Philadelphia, and I challenge the gentleman from Philadelphia who represents the party that is now in control of the machinery at Philadelphia to say that the proper function of the City Council of Philadelphia is not to levy taxes. He knows that as well as any other member of this House. The question before us this afternoon is not how we are going to get money for Philadelphia City Council to spend, but it is the duty of the State Legislature to watch that the citizens of Philadelphia are not trampled upon by a group of men who do not have at heart the best interest of the majority of the people in Philadelphia. I would say to the gentleman from Philadelphia that he is intending to confuse the House with reference to this bill. If it were enacted into law finally, it would not necessarily mean that the entire city and county machinery of Philadelphia would cease. The effective date of this act is January 1st 1942, and there is ample time between now and January 1st 1942, for City Council to delve into the problem, conscientiously and sincerely, to try to find some tax by which they might raise the necessary money—and I don't admit it requires seventeen million dollars.

I would further say to the gentleman from Philadelphia and to the Members of this House that we in the Democratic party, in Philadelphia especially, and I feel from other parts of the State feel it is a tribute to a Democratic controlled House to wipe out such an iniquitous tax as the wage, salary and income tax in the city of Philadelphia, which was imposed upon it by Republican dominated City Council against the will of the majority of the people.

Mr. REUBEN E. COHEN. Mr. Speaker, I want to briefly make answer to one question which I am afraid the gentleman from Philadelphia feels has not been answered.

He has asked for a substitute for this tax. The Democratic party went on record some years ago and supported a constitutional amendment that would provide for a graduated income tax in Pennsylvania. There is the answer. If the Republican party in Philadelphia had not knifed that proposition at the polls, the graduated income tax in Pennsylvania would have produced sufficient funds for the school district of Philadelphia and it would have been given money which is required for educational purposes. In that way City Council in Philadelphia would not have the unpleasant task they say they have of raising seventeen million dollars. I say to the gentleman, if they made broth to suit their plans in 1937, they ought to stew in their broth now. We tried it once, now let them try it.

Mr. VOORHEES. Mr. Speaker, we as Members of the House were elected to office to serve in the Legislature, and when we are elected to that office we represent the district from which we come. The members of the City Council are elected by the people and I do think they represent the people, and I do not think it is proper for a Member of this House to criticize another member of a legislative body in this Commonwealth.

We have had experience in raising money in the House. Further we know that the House is not in a position and is not usually willing to turn money back to school districts when they get hold of it. The income tax would not solve the problem in 1942. You do not have this graduated income tax existing on the statute books, and the state is not going to give the money. We have got to get it some place else. The majority on the other side want to take this away from Philadelphia. I remember very well the gentleman from York stating at the last session when he was discussing many bills, "In two years from now how many of you men will not come back"? I say to you members that the citizens of Philadelphia will not be fooled by this matter because if you vote for this bill you will not be back.

Mr. LEVY. Mr. Speaker, I do not want to prolong the discussion on this bill and I am going to be very brief.

Mr. Speaker, I remember very well back in the last session the minority leader made that challenge and apparently it turned out the way he prophesized. We are not going back over that. The only thing I want to say to the gentleman from Philadelphia who is upholding Philadelphia City Council, he had never attempted on this floor in debate to say that the wage, salary, and income tax in Philadelphia is a fair tax; he has never once had the courage to advocate its value. The only thing he tells us is what the tax will yield. We all know what the tax yields and we also know that the people of Philadelphia are against it. I say to the gentleman from Philadelphia, the only way he can vote against this is by saying to the people of Philadelphia, "I am for the salary, wage, and income tax".

Mr. GATES. Mr. Speaker, Mr. Levy in addressing the House very properly said that it is not the business of this House to levy taxes for Philadelphia. By the same token, it is certainly not the business of this House to prohibit Philadelphia from levying such taxes as they see fit to levy.

Mr. VOORHEES. Mr. Speaker, I feel I should answer the gentleman from Philadelphia, Mr. Levy, with reference to my standing on the wage tax. I served on Mayor Wilson's Committee, which studied ways and means of

raising money for Philadelphia when we had this sales tax up. Mr. Wilgarde who sits over here, and who is now Secretary for the Democratic City Committee in Philadelphia, was Secretary to the then Mayor Wilson, and he knows the problem very well. He knows at that time this Committee was composed of the best men in the city of Philadelphia, not because I was a member of that committee, as I just happened to have been a member, but it was composed of the president of Drexel Company, it was composed of the biggest real estate men of Philadelphia, it was composed of consumers, it was composed of labor leaders and it was a cross-section of the City of Philadelphia. They decided that the wage tax was the best way of raising money for the city of Philadelphia. I stand by the findings of that committee. I think the wage tax is the best tax we can get under the present circumstances, and until the Democratic party can offer a substitute, I think the Republican party, as it has always in the past and always will in the future, will face the problem squarely and not pussyfoot on the issue and say, "This is what we need; this is what we must do. Hard as it is let us do it. Let us face the future for Philadelphia. Let us go forward instead of backward and knocking down." I might say that those gentlemen who are criticizing the wage tax have a bill before the Legislature to take away our Art Gallery. Is that being proud of our city of Philadelphia, taking away our objects of art? No, it certainly is not.

Mr. LEVY. Mr. Speaker, the gentleman from Philadelphia has certainly used wide latitude, in my estimation, and has said very little. He is not going to fool the people of Philadelphia by dragging in the Parkway; he is not going to fool the people attempting to make a hero or a martyr out of the members of City Council. We contend this: if the members of City Council had conscientiously and sincerely sat down with the problem of taxation, they would not have levied a wage tax on the people of Philadelphia. I repeat, it is a tribute to the Democratic Party in the State Legislature to advocate the abolishment of the wage tax in the City of Philadelphia.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 118

Achterman,	Gallagher,	McFall,	Rooney,
Baker,	Gerard,	McGrath,	Rose, S.,
Boles,	Goodwin,	McIntosh,	Rosenfeld,
Boney,	Haberlen,	McLanahan,	Rush,
Boorse,	Hamilton,	Melchiorre,	Sarraf,
Bradley,	Harkins,	Mihm,	Scanlon,
Bretherick,	Harmuth,	Modell,	Schwab,
Brown,	Harris,	Monks,	Shaffer,
Brunner, C. H.,	Heatherington,	Mooney,	Shaw,
Brunner, P. A.,	Hering,	Moran,	Shepard,
Burns,	Herman,	Moul,	Stine,
Burris,	Hersch,	Munley,	Tarr,
Chudoff,	Hirsch,	Nunemacher,	Tate,
Cochran,	Holland,	O'Brien,	Verona,
Cohen, M. M.,	Jefferson,	O'Connor	Vincent,
Cohen, R. E.,	Jones, P. N.,	O'Mullen,	Vogt,
Cook,	Keenan,	O'Neill,	Voldow,
Cordier,	Kolankiewicz,	Owens,	Weiss,
Corrigan,	Komorofski,	Petrosky,	Welsh, E. B.,
Croop,	Lee, T. H.,	Pettit,	Welsh, M. J.,
Cullen,	Leonard,	Polaski,	Williams,
Dalrymple,	Lesko,	Polen,	Winner,
DiGenova,	Levy,	Powers,	Wolf,
Dolon,	Longo,	Prosen,	Wood, L. H.,
Duffy,	Lovett,	Rausch,	Woodring,
Early,	Malloy,	Readinger,	Wright,
Elliott,	Marks,	Reese, R. E.,	Yester,
Falkenstein,	Maxwell,	Regan,	Young,
Finestone,	McClanaghan,	Reynolds,	Kilroy, Speaker
Finnerty,	McDermott,		

NAYS 50

Auker,	Haines,	McClester,	Sorg,
Bower,	Hare,	McKinney,	Stockham,
Cooper,	Helm,	Muir,	Trout,
Dix,	Huntley,	O'Dare,	Turner,
Elder,	Imbrie,	Reagan,	VanAllsburg,
Ely,	Jones, G. E.,	Reese, D. P.,	Voorhees,
Fiss,	Kline,	Rhea,	Wagner,
Fleming,	Knoble,	Riley,	Watkins,
Fletcher,	Krise,	Rose, W. E.,	Weingartner,
Gates,	Lee, E. A.,	Serrill,	Wood, N.,
Gillette,	Leydic,	Snyder,	Woodside,
Greenwood,	Lyons,	Sollenberger,	Yeakel,
Habbyshaw,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 751, Printer's No. 264, was passed over at the request of the SPEAKER.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Delaware, Mr. Turner, for presiding.

HOUSE RESOLUTION No. 76

Mr. JEFFERSON. Mr. Speaker, I desire to call up House Resolution No. 76, Printer's No. 267.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 9, 1941.

Whereas Music is the agency that synchronizes and soothes the feelings of mankind and at the same time creates an emotional reaction that brings ease to the mind and solace to the soul and

Whereas Music from time immemorial has been intended by mankind to create an emotional response which is fitting and proper for particular occasions in man's life and

Whereas Music can be best appreciated when it is performed under proper circumstances and

Whereas The commercialism of today and the resultant swing or jazz arrangements of certain music is in absolute derogation of the composer's or creator's expression of such music and

Whereas The songs known as spirituals and folk songs have meant a great deal in the development of the American negro and have been a great cultural contribution by him to the development of American music and

Whereas Spirituals are symbolic of the deep religious devotion of the American negro to his God and creator and

Whereas Today negro spirituals are being used by leading orchestras throughout the country in jazz and swing arrangements which are nothing but ribald desecrations of such beautiful music therefore be it

Resolved That the House of Representatives request all radio broadcasting stations in this Commonwealth to cooperate with it in its attempt to have the spiritual and folk song assume its proper place in our cultural life by limiting the use of such music to religious occasions or to programs of a religious nature on the Sabbath day or other religious holiday and by also eliminating the jazz and swing arrangements of such music which tend to desecrate it and be it further

Resolved That the Chief Clerk of the House mail a

copy of this resolution to all radio broadcasting stations in this Commonwealth in order to apprise them of the feeling of the membership of the House towards these great songs

On the question,
Will the House adopt the resolution?
It was adopted.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION No. 73

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, April 8, 1941.

Whereas, The future of this great Nation depends upon its youth and their capacity to uphold the standards established by their forefathers to safeguard the American way of life; and

Whereas, Clean living and healthful sports are conducive to the development of both virility and morality, and the first essential of capacity to carry on is youth's physical equipment; and

Whereas, One who has lived in our midst for well nigh four score years has by his example and industry made it possible to develop in the ranks of clean sportsmanship exemplars of the value of physical development and clean living as standards for our youth; and

Whereas, The General Assembly desires to show its appreciation to the citizen who has dedicated his life to the development of youth and maintaining their ideals on high standards; therefore be it

Resolved (if the Senate concur), That the Legislature acknowledge the contribution made to our cultural development by endorsing the celebration of May 17, 1941 as Connie Mack Day; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating for observance this year the 17th of May as Connie Mack Day.

RESOLUTION

REPORT FROM SLATE COMMITTEE

Mr. LOVETT offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, April 15, 1941.

Supplemental Report from the Slate Committee

Resolved, That David Stineman, Dauphin County, be elected Speaker's Page, replacing Robert S. Beppler, Lancaster County, resigned.

Resolved, That Jess Moraney, Dauphin County, be elected page to replace David Stineman, Dauphin County, resigned.

Resolved, That James Noel, Dauphin County, be elected Page to replace Henry Russell, Dauphin County, resigned.

Resolved, That Joseph Hilderbrand, Philadelphia County, be elected assistant sergeant-at-arms, replacing Morris Martino, resigned.

CONDOLENCE RESOLUTION

Mr. EDWIN A. LEE offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 14, 1941.

Honorable Samuel B. Scott, prominent lawyer, and a long-time resident of Germantown and Chestnut Hill, died Sunday morning at 11:15 a. m. in the University Hospital, following a three weeks' illness and a major operation.

Mr. Scott was born in Pittsburgh, August twenty-sixth, one thousand eight hundred seventy-eight and was educated in the public schools and Shady Side Academy in Pittsburgh. From there he went to Princeton University in nineteen hundred and in nineteen fifteen was admitted to the Philadelphia Bar. At the time of his death he was a member of the firm of Scott and Burton. He was always active in legislative work and represented the Germantown District at the Pennsylvania House of Representatives during the sessions of nineteen hundred seven, nineteen hundred nine, nineteen hundred eleven and nineteen hundred thirteen.

During World War I he was active in giving "Four Minute Speeches" to the recruits and also represented the local draft board. Later he volunteered for service and was given a commission of Major in the Field Artillery. He was a member of the Houston Post 47, American Legion.

Mr. Scott was a direct descendent of Benjamin Franklin and was a member of the Society of the Descendants of the Signers of the Declaration of Independence.

Mr. Scott is survived by his mother, Mrs. Margaretta Morris, wife of the late Charles Hodge Scott of New York; three daughters, Dr. Eleanor Scott, Mrs. Steuchert of Chestnut Hill and Mrs. Alexander Cortz of Pasadena, California; two sisters, Anna M. Scott of New York and Mrs. Isaac P. Miller of Haverford; two brothers, Alexander Scott of New Britain, Connecticut, and Major William Scott of Cynwyd; therefore be it

Resolved, That in the death of the Honorable Samuel B. Scott the City and County of Philadelphia have lost a citizen of distinction and one who, while a member of this House, served that City and County with ability and fidelity; and be it further

Resolved, That this resolution be printed in the Journal and that a copy thereof be transmitted by the Chief Clerk to the family of the deceased.

CONDOLENCE RESOLUTION

Messrs. GATES and HELM offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 14, 1941.

Harry E. Himes, a prominent member of this House during the decade from nineteen twenty-three to nineteen thirty-one, and chairman of its important Committee on Law and Order during the legislative sessions of nineteen thirty-one and nineteen thirty-three, died at the West Penn Hospital, Pittsburgh, on Good Friday, April 11, 1941.

Mr. Himes was born sixty-nine years ago at New Bethlehem, Clarion County, and received his education in the public schools of that community. Early in life he espoused the printer's trade, in which he advanced step by step, until in eighteen hundred and ninety-six he came to Kittanning, where a few years later he became managing editor of the Kittanning Weekly Tribune.

Aside from his service in the General Assembly, Mr. Himes served as a member of the Kittanning school board, and for a time as its president. He was also active in other public and civic matters, an earnest churchman, and prominent in masonic and other fraternal orders. He is survived by a widow, two sons, a grandson and other collateral relatives, therefore be it

Resolved, That the House of Representatives hereby offer its condolence to the bereaved family, and pay this well earned tribute to the memory of the deceased, upon his passing from a long life of usefulness to his State and community; and be it further

Resolved, That the Chief Clerk be directed to mail a certified copy of this resolution to Mrs. Anna B. Himes of Kittanning, the widow of the Honorable Harry E. Himes.

CONDOLENCE RESOLUTION

Messrs. SCHWAB and MALLOY offered a privileged

resolution which was read, considered and adopted as follows:

In the House of Representatives, April 15, 1941.

The House of Representatives has learned with sorrow of the passing of Mrs. Stanley Lepecki, mother of the Honorable Walter Gryskewicz. Mrs. Lepecki was prominently known in the Ashley and Sugar Notch sections of Luzerne County, and was only recently publicly commended by her parish priest for her exemplary life and religious devotion.

She devoted her life to the improvement of the community in which she resided and was intensely interested in both the communal and religious activities of Sugar Notch and Ashley; therefore be it

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House of Representatives to the family of the deceased as a symbol of the House of Representatives' profound sympathy for them in their great bereavement.

REPORTS FROM COMMITTEES

Mr. MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 1151, entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 575 (Senate Bill No. 201), entitled:

An Act to amend a certain appropriation item contained in section two of Act No. 69-A, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by deferring for a short period of time certain payments required to meet the Sinking Fund requirements of Veterans' Compensation Bonds.

Mr MELCHIORRE, from the Committee on Appropriations, reported as amended, House Bill No. 1152, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred and forty-one; and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred forty-one.

Mr. LOVETT, from the Committee on Appropriations, reported as amended, House Bill No. 1176, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the methods of payment to townships.

COMMITTEE MEETINGS

Boroughs, Wednesday, April 16 at 11 a. m. in Room 330.

Cities-Second Class, Wednesday, April 16 at 11 a. m. in Room 521.

Constitutional Amendments, Wednesday, April 16 at 11:30 a. m. in Room 327.

Counties, Wednesday, April 16 at 12:30 p. m. in Room 521.

Dairy Industries, Wednesday, April 16 at 10 a. m. in Room 329.

Education, Wednesday, April 16 at 10:30 a. m. in Room 326.

Fisheries, Wednesday, April 16 at 10:30 a m. in Room 324.

Judiciary General, Wednesday, April 16 at 12 noon in Room 246.

Liquor Control, Wednesday April 16 at 12 noon in Room 325.

Motor Vehicles, Wednesday, April 16 at 11 a. m. in Room 324.

State Government, Wednesday, April 16 at 11:30 a. m. in Room 325.

Welfare, Wednesday, April 16 at 10 a. m. in Room 246.

There will be a Public Hearing before the Committee on State Government on House Bill No. 849 on Wednesday, April 16, 1941 at 6:00 p. m. in the Forum of the Educational Building.

The Policemen's Ball is being held tonight (Tuesday) at the Zembo Mosque, Third and Division Streets. All members of the House are invited. Your badge will gain you admittance.

Members of the House Committee on Military Affairs are to be guests at the dinner being given at 6 p. m. today (Tuesday) by the Harrisburg Post of the American Legion in honor of war veterans of the Legislature.

The dinner will be at the American Legion Headquarters, 21 South Front Street, Harrisburg.

Your legislative badge will be your guest ticket.

ADJOURNMENT

Mr. PRESLEY N. JONES. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 16, 1941, at 1 p. m.

The motion was agreed to and at (5:53 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., WEDNESDAY, APRIL 16, 1941. No. 37.

SENATE

WEDNESDAY, April 16, 1941

The Senate met at 11:00 o'clock, a. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

With each succeeding day, our Heavenly Father, the need for Thy wisdom and counsel in all our affairs grows more discernible if we both as individuals and as a nation would maintain personal equilibrium and stable government. Concerning this issue there should never be any doubt, O God, for Thou hast been so kind unto us even when we least deserved it, yet the mind of man tends toward the things of lesser import and ceases to remember Thy goodness and fails to trust Thy promises.

About us upon every hand world chaos threatens. Subversive activities in our own body politic persists. Personal ideals very largely lie shattered within the corridors of a forgotten yesterday. The minds of men today are ill at ease. We are on our way, our Father, but we know not whither.

Look with tenderest compassion upon our sorry plight and lead us back to the sound moralities of yesterday based upon a definite, quickened faith in Thee lest we too share the fate of other nations who tried to live without Thee. Their histories have been written.

O do Thou be very near unto us as we once more profess our unalterable faith in Thee and rely upon Thy guidance. For Thy name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WATKINS and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 16, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 16,1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

MONTGOMERY COUNTY

Miss Dorothy Hertzog. Pottstown, April 27, 1941.

ALLEGHENY COUNTY

Lloyd D. McLaughlin, Plum Twp., Unity, May 3, 1941.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 16,1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Lee Davidson, Sharpsburg.
Miss Eleanor G. Schadler, Pittsburgh, 5800 Baum Blvd.
Mrs. Emma C. Wright, West View.

CUMBERLAND COUNTY

L. E. Eppley, Carlisle.

DELAWARE COUNTY

Joseph P. Santman, Chester.

LUZERNE COUNTY

Miss Mildred A. Miller, Wilkes-Barre.

MONTGOMERY COUNTY

Miss M. Elizabeth Mayer, Pottstown.

NORTHAMPTON COUNTY

Miss Anna M. Staffieri, Bethlehem.

PHILADELPHIA COUNTY

Harvey G. Eshleman, Phila., 5337 Greene Street.

WAYNE COUNTY

Miss Helen L. Reagan, Honesdale.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree ot the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Lanius,	Stevenson,
Bartlett,	DiSilvestro,	Letzler,	Stiefel,
Becker,	Ealy,	Mallery,	Tallman,
Carr,	Edmonds,	McCreesh,	Taylor,
Cavalcante,	Farrell,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Woodward,
Deitrick,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 35, (Senate Bill No. 625), entitled:

An Act prohibiting the taxation of income, salaries and wages by political subdivisions of this Commonwealth.

Which was committed to the Committee on Municipal Government.

House Bill No. 77, (Senate Bill No. 626), entitled:

An Act requiring the Department of Welfare of the Commonwealth of Pennsylvania, to allow all employes of state penal and correctional institutions twenty-four consecutive hours of rest each week; authorizing the Department of Welfare to provide additional employes.

Which was committed to the Committee on State Government.

House Bill No. 367, (Senate Bill No. 627), entitled:

An Act legalizing the operation of bowling alleys, and participation in the sport of bowling on Sunday.

Which was committed to the Committee on Law and Order.

House Bill No. 762, (Senate Bill No. 628), entitled:

An Act to further amend section twelve of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "Dog Law of 1921," permitting dogs kept in a kennel to be taken out for training, exercise or entry in field trials.

Which was committed to the Committee on Agriculture.

House Bill No. 764, (Senate Bill No. 629), entitled:

An Act to add section nine hundred thirty-eight to the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "The Game Law," providing for the establishment, regulation and use of special dog training areas.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 772, (Senate Bill No. 630), entitled:

An Act making an appropriation to state teachers colleges to enable such institutions to add certain courses to their curricula.

Which was committed to the Committee on Appropriations.

House Bill No. 806, (Senate Bill No. 631), entitled:

An Act to further amend section two thousand five hundred fifty-nine of the act approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "Third Class City Law," by abolishing tax collectors right of distress and sale of goods and chattels for the collection of delinquent per capita, poll and occupation taxes.

Which was committed to the Committee on Municipal Government.

House Bill No. 827, (Senate Bill No. 632), entitled:

An Act to further amend section nine hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "The Second Class Township Law," further regulating the adoption of the annual township budget, the giving of public notice thereof, and the filing of a copy with the Department of Internal Affairs.

Which was committed to the Committee on County Government.

House Bill No. 949, (Senate Bill No. 633), entitled:

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "Orphan's Court Act of 1917," by imposing liability on executors, administrators or trustees for real estate broker's commissions in certain cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 974, (Senate Bill No. 634), entitled:

An Act to amend article twelve, section one thousand two hundred six, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by providing for the issuance of a certificate of approval for weights and measures of county, city and borough sealers.

Which was committed to the Committee on State Government.

House Bill No. 995, (Senate Bill No. 635), entitled:

An Act to further amend sections two thousand six hundred twenty and two thousand six hundred twenty-five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309) entitled "Public School

Code," by eliminating the duty of filing a copy of the auditor's report with the Department of Public Instruction, by the auditors in school districts of the third and fourth classes.

Which was committed to the Committee on Education.

House Bill No. 1049, (Senate Bill No. 636), entitled:

An Act creating a temporary State commission to investigate all State hospitals; conferring powers and duties on said commission; and making an appropriation.

Which was committed to the Committee on State Government.

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Cambria will state his question of personal privilege.

Mr. HALUSKA. Mr. President, several weeks ago, four or five weeks ago, I was asked by the gentleman from Allegheny, Senator Geltz, if it would be possible to work out some plan to refrain from speaking on questions of personal privilege until the Senate had finished with the Calendar, and up until this time I have walked the so-called chalk-line; I think all my colleagues will agree I have been very loyal to the promise I made.

However, Mr. President, I have noticed that a number of my colleagues have spoken on questions of personal privilege before consideration of the Calendar was begun.

However, this morning, Mr. President, I have a question that is personal to me and I would like the indulgence of this Senate to put before this body something of great importance.

The PRESIDENT. The gentleman from Cambria may proceed.

Mr. HALUSKA. Mr. President, it is not my intention to bring to Harrisburg my problems from Cambria County. We all have problems back home but no doubt my problem is quite different from the problems of others.

I have in my county, Mr. President, a man whom we call Hiram G. Andrews, a man who happens to be the editor of the so-called Johnstown Democrat. To keep the record clear I must give you a brief history of this man. He sought public office in the year of 1940. He sought the seat I am now holding. The record shows, Mr. President, that the people of my county rejected his idea of coming down to the Senate and left him back home.

So, to vindicate himself, he has taken on a policy of continually writing about me and my work in this chamber. Well, Mr. President, I have no fear of what newspapers say if they tell the truth, and I must compliment the many, many newspapers in this great Commonwealth because, from the local Harrisburg papers to the metropolitan Philadelphia and Pittsburgh papers I must say, Mr. President, the writers have been very fair. I did not always agree with what they said about me but they have told the truth, and just as long as they have confined themselves to the truth I find no fault. They have been more than fair in so far as I am concerned but the paper that is edited by Mr. Andrews has taken the other course.

He has failed at one time to tell the truth about my record. I think all my colleagues this morning received a copy of the paper dated Tuesday, April 8th, 1941, in which appears an editorial headed, "Those Broken Promises."

Now, Mr. President, he states that some Senators or in fact all Senators are able to present bills to this Chamber and have them brought before the body of a committee but that Senator Haluska cannot get his bills placed in a committee. He is referring, Mr. President, to the bill I introduced, known as the Sixty at Sixty Pension Plan, and he goes on and says, "Most members of the Senate can get their bills into committee but have a hard time getting them out. 'Battling Kid' Haluska apparently can't even get his bills in."

So, to keep the record clear, Mr. President—it is important to me—I would like this morning to ask a few questions of my colleague from Northampton, Senator Bartlett, the Chairman of the Committee on Welfare, Public Assistance and Pensions.

The PRESIDENT. Will the gentleman from Northampton permit himself to be interrogated?

Mr. BARTLETT. Gladly, Mr. President.

Mr. HALUSKA. Mr. President, did the gentleman hear the quotation I read into the record about a bill a moment ago?

Mr. BARTLETT. I did not understand the question, Mr. President.

Mr. HALUSKA. Mr. President, I was reading an editorial from a paper dated Tuesday, April 8th, written by Mr. Andrews. For the information of the gentleman from Northampton the part to which I referred reads as follows, "Most members of the Senate can get their bills into committee but have a hard time getting them out. 'Battling Kid' Haluska apparently can't even get his bills in."

Will the gentleman from Northampton state whether or not the bill introduced by myself pertaining to the aged, and known as the Sixty at Sixty Plan, is in the Committee on Welfare, Public Assistance, and Pensions?

Mr BARTLETT. It is, Mr. President.

Mr. HALUSKA. Mr. President, has the gentleman from Northampton seen the bill himself?

Mr. BARTLETT. That bill is in the committee, Mr. President.

Mr. HALUSKA. Was that bill discussed in Committee, Mr. President?

Mr. BARTLETT. It has been discussed.

Mr. HALUSKA. Is there any possibility of this bill being acted upon, Mr. President?

Mr. BARTLETT. Mr. President, there is no immediate possibility of that bill being released.

Mr. HALUSKA. Mr. President I thank the gentleman from Northampton. I wanted to make sure the bill was in his committee. I say that, Mr. President, without malice and in all sincerity, because the impression back home is I cannot get my bills placed in committee. I know that sounds silly. However, this man back home is trying to insinuate that my bills are rejected by this Senate and I think it is unfair and improper to have any crazy editor print such trash.

Now, Mr. President, he goes on and states the following: "However, as long as the 'Battling Kid' can keep his pension plan going he expects he will be able to keep going. In the meantime, of course, he will have to write some insurance. It's a great game—statesmanship. Some men are able to make a livelihood out of being a member of the General Assembly," but Haluska cannot.

Mr. President, I agree I can not make a living by merely being a member of the General Assembly. The

meager sum of three thousand dollars for two years can not keep my family or any other man's family. However, he tries to insinuate I must go back home and write some insurance. Certainly. that is true, but I have the same right to go back home and write insurance as my colleagues have to go back home and practice law or to go back home and take care of their farms or to take care of their industries. Why not? What is wrong with that?

Mr. President, I have refrained up to this time from saying anything mean about this man. I realize he likes publicity and because he wants publicity is the simple reason I have refrained from mentioning his name, because even this speech will give him notice and he will go back home and tell his friends his name was brought up in the Senate, and he is a glutton for that.

Mr. President, some weeks ago we had a public hearing, a public meeting, on the so-called communist bill, and I am sorry that Mr. Andrews was not called to appear before that body. Why do I say that? Because in these times of strife, in this great crisis, we are all speaking of Americanism, we are all trying to be patriotic, we do all we possibly can to keep that flag before the American people.

Mr. President, this man, Hiram Andrews, has written in his Johnstown Democrat, the following, stating that Senator Haluska has, and this is very bluntly put, but I will quote his own words, "Senator Haluska is the king of all the Wops in Cambria County." Imagine those words being printed by a so-called white man, by a so-called American—that "Senator Haluska was the king of all the Hunkies in Cambria County."

Mr. President, we speak of fifth columnists. My interpretation of a fifth columnist is one who tries to create class hatred, and if that is not class hatred, nothing is. True enough, I was born of Slovenian parents, and I am proud of it. I am not ashamed of it. First of all, it is not my fault, and secondly, it is something I am proud of, because I can speak in that native tongue, However, my father and mother came from across the seas and settled in the county where my good friend, Senator Reed, comes from, the County of Washington, fifty-eight years ago, and I first saw the light of day in that great county of Washington; I was born in the borough of Cannonsburg, and I came to Cambria County after I was two years old and I have resided in Cambria County since then, and yet he has the audacity to say I come from foreign parents, and that I should be discredited because of the fact my people were Slovenians. Well, thank God my colleagues do not feel that way, because each and every one of them have respected me and I have respected them, but it is tough to live in a county where you have a mad man, a man who is crazy, a man who is insane, trying to put before the public issues that are un-American and unpatriotic, and then wraps himself up in the American flag and says he is a one hundred per cent American.

It is tough to live in such a county, Mr. President. I do not think he has ever grown up; I think he has been a runt, a midget, never a full sized man. Had he been a full sized man, Mr. President, I would not probably be here today. I would take the law in my own hands. I am only hoping I can refrain from doing that, and am asking my Maker to give me sufficient patience and intelligence to keep from attacking that man physically. He comes around this Senate chamber like a weasel, back of the gates, in and out, and then he goes back home and he tells a different story. Let him print my record, let him tell the world about my record; I am proud of my record. I have done the best I knew how since I have been a member of this body and I will continue pursuing the same course. If what I do is wrong, and the papers wish to print it, well and good, but they should confine themselves to the truth.

I have always been told newspapers were news carriers and not news makers but this paper is not a news carrier, this Johnstown Democrat is a news maker, the Johnstown demagogue and the Johnstown Democrat.

Mr. President, I do not know whether the man I am speaking of is here or not. I just wish he was here but in fact, it is just as well that he is not because he is getting the best of my patience and I am sick and tired of having him go back home and speak of my record. He states that I presented a bill which is known as the sixty at sixty bill and that I shall continue to seek public office in 1944 and 1948, until my bill becomes a reality. Well, Mr. President, he told the truth there. I presented that bill that he rants so much about because I believe in it and as long as I have breath I shall fight for its adoption and, as I stated a few weeks ago, if both major political parties do not see fit to adopt a program to take care of our senior citizens, I shall make the sacrifice by preempting a third party, which is my right if I care to do so, and take my message before the public, because I am firmly convinced that something must be done to take care of those people industry fails to hire. If he cares to condemn me because of my policy here, well and good, but I want him to confine himself to the truth.

Now, Mr. President, I think that man should be investigated for his un-American activities and that is one reason I supported the bill offered by the gentleman from Allegheny, Mr. Geltz, setting up a Little Dies Committee. I hope that bill passes the House and I will have an opportunity to present my cause to that committee and if that committee will act justly and fairly, as I know they will, I think this man will be put where he justly belongs—back of the bars.

REPORTS FROM COMMITTEES

Mr. REED, from the Committee on Law and Order, reported as amended, Senate Bill No. 588, entitled:

An Act to protect the debtors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, either by requiring before execution shall issue against real property, either a release of such persons from personal liability or the fixing of the fair market value of the property to be sold, and the entering of certain credits against such judgments based upon such fair market value, and prescribing the method of fixing the fair market value of such property.

Mr. CAVALCANTE, from the Committee on Military Affairs, reported as committed, Senate Bill No. 582, (House Bill No. 639), entitled:

An Act requiring the Department of Property and Supplies with the approval of the Department of Military Affairs to complete and thereafter maintain "The Twenty-eighth Division Shrine" at Boalsburg, Centre County,

dedicating the same to the officers and men of the Twenty-eighth Division and making an appropriation.

for the purpose of two reading with the recommendation that it be recommitted to the Committee on Appropriations.

Mr. BECKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 414, (House Bill No. 616), entitled:

An Act to amend section seven of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427) entitled "An act to Consolidate, Revise, and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings," providing for admission to bail by committing magistrates and coroners in cases involving manslaughter by automobile.

He also, from the Committee on Forests and Waters, Game and Fish, re-reported as amended, Senate Bill No. 310, entitled:

An Act to amend article six, of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it unlawful to take for the purpose of sale, sell or expose for sale any bitter-sweet growing in the wild and providing a penalty.

Mr. WATKINS, from the Committee on Judiciary General, re-reported as amended, Senate Bill No. 125, entitled:

An Act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough, town, township, school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period, and preserving certain tax liens and providing for the extension thereof.

Mr. BARR, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 495, (House Bill No. 524), entitled:

An Act to further amend section two hundred and ten of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," prohibiting the sale of striped bass or rock fish under eighteen inches in length.

Mr. TYLER, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 597, entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor.

Mr. JAMES, from the Committee on Forests and Waters, Game and Fish, reported as amended, Senate Bill No. 405, entitled:

An Act to further amend sections two hundred twenty and two hundred eighty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundry rivers of the Commonwealth," increasing the resident fishing license fee and authorizing the use of the money derived from such increase for the acquisition by lease or purchase of public fishing rights in the waters of the Commonwealth, together with the rights of ingress and egress to and from such waters.

He also, from the Committee on Insurance, reported as committed, Senate Bill No. 547, entitled:

An Act to further amend section four hundred twenty of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by providing for the conversion of annuity contracts.

BILLS INTRODUCED

Mr. ZIESENHEIM read in his place and presented to the Chair Senate Bill No. 637, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for instruction and research in aeronautical engineering and for the acquisition, construction and maintenance of airport facilities as an aid to national defense and for other purposes; and empowering said trustees to enter into agreements with Federal officials or agencies with respect to the construction and use of such airports.

Which was committed to the Committee on Appropriations.

Mr. GELTZ read in his place and presented to the Chair Senate Bill No. 638, entitled:

An Act relating to unregistered aliens; prohibiting registration of, or licenses to operate motor vehicles by, and employment of such aliens; and providing penalties.

Which was committed to the Committee on Highways.

Mr. CRIDER, on behalf of Mr. CARR, read in his place and presented to the Chair Senate Bill No. 639, entitled:

An Act providing for proceedings by petition to the courts of record having jurisdiction in non-support and desertion cases.

Which was committed to the Committee on Judiciary General.

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 640, entitled:

An Act making an appropriation to the Western Temporary Home of Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Messrs. LETZLER and DENT read in their places and presented to the Chair Senate Bill No. 641, entitled:

An Act to amend the act approved the ninth day of April, one thousand eight hundred and seventy-two (P. L. 47), entitled "An act for the better protection of the wages of mechanics, miners, laborers, and others" as

amended, by better protecting the payment of amounts due mechanics, miners, laborers, and others, by raising the amount of the preferred claim to six hundred dollars, by including farmers producing farm products within such protection, and by extending the time for filing lien claims to four months.

Which was committed to the Committee on Workmen's Compensation.

Mr. LETZLER read in his place and presented to the Chair Senate Bill No. 642, entitled:

An Act to reenact and amend the title and act, approved the ninth day of April, one thousand eight hundred and seventy-two (P. L. 47), entitled "An act for the better protection of the wages of mechanics, miners, laborers and others," making the wages and compensation of all employes a prior lien against the real and personal property of their employer for a certain period of time; and providing for the extension of such liens.

Which was committed to the Committee on Workmen's Compensation.

Mr. THOMAS read in his place and presented to the Chair Senate Bill No. 643, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Mercer.

Which was committed to the Committee on Highways.

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 644, entitled:

An Act to amend section one of the act, approved the tenth day of July, one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving State aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by further defining the duty of State-aided hospitals to have a licensed physician or student intern in constant attendance.

Which was committed to the Committee on Public Health.

Messrs. WATKINS and MILLER read in their places and presented to the Chair Senate Bill No. 645, entitled:

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended "An act creating the Highway Mining Commission, with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

Which was committed to the Committee on Judiciary General.

RESOLUTION MEMORIALIZING CONGRESS TO ADOPT S. J. RESOLUTION 40 AND H. J. RESOLUTION 128

Mr. TALLMAN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 16, 1941.

Whereas, Muhlenberg College will hold celebrations during the year 1942 commemorating the two hundredth anniversary of the arrival in the American colonies of Henry Melchior Muhlenberg; and

Whereas, The said Henry Melchior Muhlenberg was the father of General John Peter Gabriel Muhlenberg, a friend of George Washington and a member of his staff; and

Whereas, The said General John Peter Gabriel Muhlenberg was born at Trappe, Pennsylvania, October 1, 1746; and

Whereas, In 1775 the said General John Peter Gabriel Muhlenberg threw off his clerical gown while delivering a sermon at Woodstock, Virginia, disclosing himself dressed in the uniform of an officer of the Continental Army and challenged his congregation with the remarks: "There is a time for all things—a time to preach and a time to pray; but there is also a time to fight, and that time has now come," and took leave of his congregation and led his soldiers in the war for our Country's freedom; and

Whereas, The said General John Peter Gabriel Muhlenberg was chosen the Vice-President of Pennsylvania in 1785 with Benjamin Franklin as President; and

Whereas, He was elected to the First Congress of the United States and reelected to the second and third, serving from March 4, 1789 to March 3, 1795; and

Whereas, In 1801 he was elected to the United States Senate but resigned before the Congress met to accept President Jefferson's appointment as Supervisor of Revenue for the District of Pennsylvania; and

Whereas, There has been introduced in the Senate of the United States by The Honorable James J. Davis, for himself and The Honorable Joseph F. Guffey, a Joint Resolution resolving that the Government and the people of the United States unite with Muhlenberg College in a fitting and appropriate observance of the two hundredth anniversary of the arrival in the American colonies of Henry Melchior Muhlenberg; and

Whereas, There has been introduced in the House of Representatives of the United States by the Honorable Charles L. Gerlach a Joint Resolution resolving that the Government and the people of the United States unite with Muhlenberg College in a fitting and appropriate observance of the two hundredth anniversary of the arrival in the American colonies of Henry Melchior Muhlenberg; Now therefore be it

Resolved (if the House concur), That the General Assembly memorialize the Congress of the United States to adopt with all possible dispatch S. J. Resolution 40 and H. J. Resolution 128 in the form introduced; and be it further

Resolved, That one copy of this Resolution be forwarded to each of the following:

The President of the United States, Franklin D. Roosevelt.

Senator Alben W. Barkley, Chairman of the Joint Committee on the Library.

Senator James J. Davis.
Senator Joseph F. Guffey.
Honorable Charles L. Gerlach.
All members of the House delegation from Pennsylvania.

RULE 39 SUSPENDED

Mr. TALLMAN. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

Mr. STIEFEL. Mr. President, during the past week I received a letter from Muhlenberg College suggesting that the name of the Indiantown Gap Cantonment should be changed to the Muhlenberg Cantonment The gentleman from Lehigh, Mr. Tallman, has introduced a resolution and it occurs to me it would be worthwhile to have inserted therein the suggestion of changing the name of Indiantown Gap Cantonment to Muhlenberg Cantonment.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 45, as follows:

An Act to further amend section four hundred and twenty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing an increase in contributions by county commissioners toward the burial of deceased service men

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred and twenty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by section two of the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 683) is hereby further amended to read as follows

Section 422 Sum to Be Spent The county commissioners of the county of this State within which a deceased service man as hereinabove defined had a legal residence at the date of his death or the county commissioners of the county where a deceased service man died in case he or she had no legal residence in any county of this Commonwealth upon notice in writing by any organization of veterans that the body is unclaimed by relatives or friends and who upon investigation shall find such condition to exist are hereby authorized and directed to contribute the sum of one hundred dollars ($100.00) toward the funeral expenses of such deceased service man When a deceased service man has died while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie Pennsylvania and such home incurs all funeral expenses and buries the soldier in a cemetery in the City of Erie Pennsylvania or the home furnishes clothing casket and shipping case and ships the body to the county from which he was admitted to the home the county from which he was admitted shall reimburse and pay to the Pennsylvania Soldiers' and Sailors' Home the amount of one hundred dollars ($100.00) or so much thereof as was actually expended by such home Provided however That such county commissioners shall not contribute any moneys toward the funeral expenses of such deceased service man where the total expenses of his or her funeral shall exceed four hundred dollars ($400.00) nor unless application for the payment of such moneys shall be made within one year after the death of such deceased service man

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Mundy,	Walker,
Cridel,	Homsher,	Reed,	Watkins,
Crowe,	James,	Ruth,	Wilson, H. I.,
Deitrick,	Jaspan,	Scarlett,	Woodward,
Dent,	Kephart,	Snowden,	Ziesenheim,
DiSilvestro,	Lanius,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 269, as follows:

An Act authorizing the redemption of real property purchased by political subdivisions at tax sales upon the payment of the amount charged against the same and costs by installment payments and prescribing the procedure therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases where heretofore or hereafter real property shall have been or shall be purchased at any tax sale by any political subdivision it shall be lawful for the taxing authorities of such political subdivision in their discretion to permit a redemption of said real property or part thereof so long as the title thereto remains in said political subdivision upon the payment of the amount due thereon by installments in the manner hereinafter provided whether or not the period during which the right of redemption existd shall have expired

Section 2 In order for any person who was or is entitled by law to redeem such property to receive the benefits of the installment system of payment authorized and provided by this act they shall enter into a written agreement with the taxing authorities of the said political subdivision which shall be prepared by the solicitor for such political subdivison in the nature of a lease which shall require at the time of signing the agreement the payment of all costs incident to the aforesaid tax sale and twenty per centum of the amount of all taxes and municipal claims and penalties and interest accrued thereon charged against said property and the payment of the remainder of said amount of tax and municipal claims penalties and interest in four equal installments each of which shall be made within one year after the last day

fixed by said agrement for the payment of the previous installment Said agreement shall further require that the respective current taxes assessed on said real property for each year during such installment period shall be paid before a penalty attaches thereto

Section 3 The aforesaid agreement shall provide for the delivery of possession to such person upon the execution thereof and the receipt of the required first payment and such person shall have the right to retain possession of the property unless and until he shall default in one installment payment or shall fail to pay the current taxes for any year as required by the agreement Upon default of either or both of said payments the political subdivision shall have the right to reposesss said property in the manner provided by the agreement specified in Section Two of this Act or by the entry of a judgment in ejectment upon affidavit or default and the issuance of a writ of habare facias possessionem in due form according to law The agreement shall further provide for the conveyance of said property to the person with whom the agreement is entered into upon final payment of the total amount of said costs taxes municipal claims penalties and interest as aforesaid and the payment of all current taxes as aforesaid and the title so conveyed shall be free and clear of all tax and municipal claims but shall not be discharged from any other liens not discharged by the tax sale

Section 4 The taxing authorities of said political subdivision shall have power to execute and deliver any deeds necessary to render the redemption authorized by this act effective

Section 5 The proceeds of such agreement and payments shall be distributed upon the receipt thereof to the respective political subdivisions and taxing authorities in proportion to their tax and municipal claims against said property

Section 6 All acts or parts of acts inconsistent herewith are hereby repealed

Section 7 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Ealy,	Lanius,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Cavalcante,	Geltz,	McCreesh,	Tyler,
Chapman,	Faluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Snowden,	Wilson, H. I.,
Deitrick,	Jaspan,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,
DiSilvestro			

NAYS—4

Cox	Frey,	McGinnis,	McQuiddy.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 326, as follows:

An Act to authorize school districts and vocational schoo districts to solicit sealed bids for the purchase of ma terial supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense to be used for training or retraining workers and prespective workers for industries essential to national defense waiving all statutory requirements as to advertising for said bids

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to expedite the vocational program for national defense every school district and vocational school district in this Commonwealth is authorized to award contracts for the purchase of material supplies and equipment to be used for training or retraining workers and prospective workers for industries essential to national defense after soliciting sealed quotations from two or more firms manufacturers or dealers in such supplies material or equipment

Section 2 Notwithstanding any law to the contrary it shall not be necessary for any school district or vocational school district to advertise any proposal to award any contract for the purchase of material supplies and equipment to be used for training or retraining workers or prospective workers for industries essential to national defense

Section 3 Every contract heretofore entered into by any school district or vocational school district for the purposes set forth in Section one of this Act is hereby ratified confirmed and valilated whether or not the statutory provisions governing the awarding of such contract was adhered to if the school district or vocational school district has actually received such material supplies and equipment and the same are being used by the school district or vocational school district and if the school district or vocational school district has not suffered any pecuniary loss as the result of such contract

Section 4 The authority vested in school districts and in vocational school districts by this Act to purchase material supplies and equipment after soliciting two or more sealed quotations and without advertising shall apply only to contracts which have been paid or which shall be paid entirely from Federal funds appropriated or to be appropriated to vocational education for national defense

Section 5 The provisions of this Act shall become effective immediately upon its final enactment and remain in effect until July first one thousand nine hundred and forty-three

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Farrell.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. FARRELL. I will, Mr. President.

Mr. REED. Mr. President, may I ask the gentleman from Philadelphia to state whether there is any special reason for dispensing with advertising by the school districts in cases where they are purchasing supplies and materials and other commodities.

Mr. FARRELL. Mr. President, I would say there were not. This is an emergency bill. This bill has only to do with vocational training, with federal funds.

The PRESIDENT. There has been a request that the gentleman from Philadelphia avail himself of the microphone.

Mr. FARRELL. Mr. President, I would like the gentleman from Washington to repeat his question.

(Question repeated by the reporter.)

Mr. FARRELL. Mr. President, may I suggest the gentleman from Washington use the microphone.

Mr. REED. Mr. President, I am not talking right now.

Mr. FARRELL. Mr. President, as far as I know there is no advertising except in a minor way. This is an emergency bill, Mr. President. It is a federal bill for vocational training and I understand that if they have to advertise for bids it would take too long before bids were allotted under the present ruling of the Board of Education. This would give them the right to allot a contract without waiting the required time. Mr. President, I might say this bill is really an emergency bill and this bill should be passed by this Senate. I would have insisted upon a vote yesterday but out of courtesy to my brother Senator, the gentleman from Allegheny, Mr. Frey, I agreed that the bill should go over in its order yesterday, as far as I was personally concerned.

Mr. REED. Mr. President, I desire further to interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be further interrogated?

Mr. FARRELL. I will, Mr. President.

Mr. REED. Mr. President, under the amendment as provided in this bill, how long will it take in order to let a contract, or in other words how much notice would have to be given?

Mr. FARRELL. I do not know that, Mr. President. I can not answer that question without looking at the amendment. I did read the amendment. The amendment was drawn by the educational board at Harrisburg and it has been quite some time ago. I think the gentleman from Montgomery, Senator Edmonds, introduced the amendment. Is that not correct, Mr. Edmonds?

Mr. EDMONDS. Mr. President, I would be very glad to answer the question, if I may. This amendment is limited purely to federal funds for vocational training and the object back of it was that prices for tools are skyrocketing at the present time on account of the demand of the federal government and in order to obtain tools that are necessary to train the young men in the arts of defense it seems wise to give the school boards the authority to obtain quicker action, to receive at least two bids and award the contract to the lowest bidder with no necessity for advertising, and I think that is essential if they are going to be able to get the kind of equipment they want to use at the present time in connection with training young men in the defense industries.

This is limited to federal funds and it is limited to vocational training and it does not make any breach in our present school practice that will later on probably return to trouble us. If it included ordinary contracts I do not think I would like it.

Mr. REED. Mr. President, I thank both of the gentleman from the other side for their remarks.

Mr. FREY. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Farrell.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. FARRELL. I will, Mr. President.

Mr. FREY. Mr. President, have any additional amendments been inserted in the bill since yesterday?

Mr. FARRELL. No, Mr. President, there have not been.

Mr. FREY. Mr. President, is it the intention of the gentleman from Philadelphia to have the bill further amended in the House to provide that contracts shall be awarded by the vote of the school boards?

Mr. FARRELL. I agree, Mr. President, that should the House want to amend it I can not stop it, but I see nothing wrong with the bill as it now stands without further amendments. As I said before, Mr. President, this bill only applies to emergencies for the government—and we cannot go on forever continuing this bill when the Board of Education has now rented large mills and are at a great disadvantage equipping those mills with machinery to give this vocational training to boys.

Mr. FREY. Mr. President, may I further interrogate the gentleman from Philadelphia?

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be further interrogated?

Mr. FARRELL. Yes, Mr. President.

Mr. FREY. Mr. President, the bill introduced by the gentleman from Philadelphia, Mr. Farrell, now provides that contracts may be awarded after the school board has secured sealed quotations from two or more firms but it does not say anything about requiring a vote by the majority of the school board to award the contracts. I think that should be included in the bill and it was my understanding yesterday that would be incorporated, or that it would be amended in the House.

Mr. FARRELL. Mr. President, I think that follows—you cannot award a contract without the approval of the Education board.

Mr. FREY. Where does it so state in the bill, Mr. President.

Mr. FARRELL. It does not so state, Mr. President, but I think the school code so states that.

Mr. FREY. However, Mr. President, this is a separate act.

Mr. FARRELL. It is a separate act, Mr. President, and it would be governed by the school code except to hurry along bids on this work. I think it is very clear when it says here two or more sealed bids without advertising shall bind all contracts which have been paid or which shall be paid entirely out of federal funds appropriated or to be appropriated to vocational education for national defense. I think that is very clear myself, Mr. President.

Mr. FREY. As I understand the bill, Mr. President, no equipment may be purchased by a school board after the school board has solicited sealed quotations from two or more firms, manufacturers of materials or equipment, but it does not say anything about requiring the vote of the school board.

Under its present conditions, Mr. President, I shall be compelled to vote "no" on this bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Dent,	Letzler,	Tallman,
Bartlett,	DiSilvestro,	Mallery,	Taylor,
Becker,	Ealy,	McCreesh,	Thomas,
Carr,	Edmonds,	McGinnis,	Tyler,
Cavalcante,	Farrell,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Walker,
Coleman,	Homsher,	Ruth,	Watkins,

Cox,	James,	Snowden,	Wilson, H. I.,
Crider,	Jaspan,	Stevenson,	Woodward,
Crowe,	Kephart,	Stiefel,	Ziesenheim,
Deitrick,	Lanius,		

NAYS—3

Frey,	Heyburn	Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 420, on third reading, entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 421, as follows:

A Joint Resolution proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

Section one of article eight is hereby amended to read as follows

Section 1 Every citizen twenty-one years of age possessing the following qualifications shall be entitled to vote at all elections subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact

1 He or she shall have been a citizen of the United States at least one month

2 He or she shall have resided in the State one year (or having previously been a qualified elector or native born citizen of the State he or she shall have removed therefrom and returned then six months) immediately preceding the election

3 He or she shall have resided in the election district where he or she shall offer to vote at least two months immediately preceding the election

4 If twenty-two years of age and upwards he or she shall have paid within two years a county municipal or school tax which shall have been assessed at least two months and paid at least one month before the election

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, if you read the last paragraph of this resolution it reads "If twenty-two years of age and upward he or she shall have paid within two years a county, municipal or school tax which shall have been assessed at least two months and paid at least one month before the election."

This joint resolution passed the session of 1939, in both Houses. The Philadelphia Record—I am a great admirer of the Philadelphia Record—the Philadelphia Record always describes me as the multi-millionaire Senator from Germantown and I am perfectly delighted with that description.

At this time, however, Mr. President, I admit it is a little embarrassing to stand up and propose a joint resolution that will require the poor man to pay a tax before he can vote. I acknowledge the handicap and am very sorry but I cannot help it.

Now, Mr. President, you could talk a long while pro and con, of course, on this joint resolution but I will talk only a very few minutes.

As I understand it we have in the counties school taxes, per capita taxes, personal property taxes and real estate taxes and you may pay a one, two, three or five dollars school tax and thereby qualify as a voter. Now, Mr. President, that does not seem to be a large fee to pay for the privilege of suffrage. Some people call this a poll tax. I do not care what you call it but I contend that the doctrine is sound. Well, if we would be perfectly honest with ourselves we would vote for this because after all it is the people who own something that have a stake in this government, and there are over fifty per cent of our people now that own insurance and have saving funds and so on, and I would rather trust the government to those people, certainly, than to the man who owns nothing and has no stake.

Therefore, I hope, Mr. President, my colleagues will vote in favor of this bill and that the more enlightened Democrats will also vote for it. What will happen to it in the House of Representatives heaven only knows.

Mr. DENT. Mr. President, I propose to vote "no" on this bill because some of the iniquities that were in election practices many years ago were caused by this same poll tax. Some people call it a poll tax but I understand there are others that add "cat" to poll.

Years ago, Mr. President, many coal operators in some of the coal mining sections would hand a man a poll tax receipt and a sample ballot at the same time. I do not think this democracy is based upon the ability to pay for the privilege of enjoying suffrage. We are entitled to vote as citizens. It is true a great many persons still do not have anything in this country but a great many of those citizens who themselves do not have anything are the fathers and mothers of children who some day may have as much money as the Senator from Germantown—I mean as much as he is reported to have.

A great many of our great Americans, as I understand it, men like Lincoln and Franklin, ordinary fellows like that, who have gone down in history, their parents were extremely poor and if they had had to pay a poll tax they would have never voted.

I think the system in the South—everyone is acquainted with the poll tax system in the South, the peonage labor, the sharecroppers, in other words, who get a poll tax receipt if they vote right and go in and vote the way the polititical bosses want them to vote.

I think we struck a great blow for democratic government and for clean elections when we repealed the poll tax and I would hate to see the poll tax again become law.

Mr. WOODWARD. Mr. President, it seems to me undemocratic not to give the people a chance to vote yes or no on this proposition. It seems to me the gentleman from Westmoreland is becoming autocratic when he

wants to stop it right here and not give the people a chance to express themselves on it. If you have faith in the people, let them vote on it

Mr. DENT. That certainly gives me an opportunity to strike home a blow I have been wanting to strike for a long time. Mr. President, I asked the gentleman from Germantown if he would vote for my horse racing bill, if we would put in a referendum, which would have allowed the people the same opportunity for acceptance, or rejection of the industry of horse racing, and so now I will make a bargain with the gentleman from Germantown right here on the Senate floor and if the gentleman from Germantown will go along with a horse racing referendum bill I will go along with his bill.

Mr. WOODWARD. Mr. President, I only would say that is a horse of another color.

Mr. CAVALCANTE. Mr. President, the gentleman from Philadelphia, Mr. Woodward, has expounded the virtues of this bill and why we should all vote for it, and he would impugn to the person who does not see those virtues and who might want to vote against it as being undemocratic to so vote.

In this bill I see more iniquity than virtue and I see in the adoption of a joint resolution of this kind less democracy than the gentleman from Philadelphia attributes to it.

May I leave with the gentleman from Philadelphia just one thought, and it is this: when this mighty government of ours points a finger at one of its citizens and says, "Come, I need you in my army to defend America," it does not ask of that person whether he has paid his taxes or not, whether that person has a tax receipt or not. This mighty government of ours looks at the physical fitness of the man to carry a gun to defend this country. It does not require the showing of a tax receipt and so I say that it is greater democracy for us to give the citizens the right to vote, whether they have a tax receipt or not, if that individual may be called at any time by our government to defend it without asking whether he has a tax receipt or not.

Mr. COX. Mr. President, and members of the Senate, I feel that we, the statesmen of the great Commonwealth of Pennsylvania, sometimes have lots of fun. Some of our deliberations remind me very much of some of the scenes in that very interesting movie, "The Lady from Cheyenne." If you have not seen that picture you have really missed something.

Mr. President, if we turn back the pages of history, there are many lessons which we learned. As a matter of fact, one of the reasons for studing history is so that we can learn from mistakes of the past not to make the same mistakes in the future.

Beginning with several states which became the United States of America there was a firm philosophy fixed in the minds of the founders of those states that there should be proper qualifications necessary to enable a man to be enfranchised. Through the history of the United States that philosophy I thought had died completely but I see again through the instrument of the Senator from Philadelphia, Dr. Woodward, it has been once again revived.

The question of poll tax, of course, is an extremely important one because it represents that philosophy. The thing it seems to me we want today in the United States, Mr. President, and in Pennsylvania, is a more sincere interest, a more active interest on the part of all the voters and all citizens of the Commonwealth and of the country. Many of our social and political evils are due to the fact that the great mass, the great majority of the voters, do not take too seriously, or seriously enough, their right to the franchise. Mr. President, anything which would have the effect of removing from the lists individuals who have that right at the present time is the thing we are very much fearful of and so I urge you to not again return to the dark ages of the political and social past of our great Commonwealth and I urge you to vote "no" on this bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Bartlett,	Geltz,	Scarlett,	Tyler,
Becker,	Heyburn,	Snowden,	Wade,
Chapman,	Homsher,	Stevenson,	Watkins,
Crider,	James,	Tallman,	Wilson, H. I.,
Crowe,	Letzler,	Taylor,	Woodward,
Ealy,	Miller,	Thomas,	Ziesenheim,
Edmonds,			

NAYS—18

Barr,	DiSilvestro,	Lanius,	Mundy,
Cavalcante,	Frey,	McCreesh,	Reed,
Coleman,	Haluska,	McGinnis,	Stiefel,
Cox,	Jaspan,	McQuiddy,	Walker,
Dent,	Kephart,		

Less than a constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

Mr. WOODWARD. Mr. President, I ask that the roll be verified.

The PRESIDENT. The roll will be so verified. The affirmative vote will be verified first.

The Clerk read those recorded in the affirmative as follows:

Bartlett,	Geltz,	Scarlett,	Tyler,
Becker,	Heyburn,	Snowden,	Wade,
Chapman,	Homsher,	Stevenson,	Watkins,
Crider,	James,	Tallman,	Wilson, H. I.,
Crowe,	Letzler,	Taylor,	Woodward,
Ealy,	Miller,	Thomas,	Ziesenheim,
Edmonds,			

The PRESIDENT. Are there any corrections in the affirmative vote? The Chair hears none. The affirmative roll stands as verified.

The Clerk will verify the negative vote.

The Clerk read those recorded in the negative as follows:

Barr,	DiSilvestro,	Lanius,	Mundy,
Cavalcante,	Frey,	McCreesh,	Reed,
Coleman,	Haluska,	McGinnis,	Stiefel,
Cox,	Jaspan,	McQuiddy,	Walker,
Dent,	Kephart,		

The PRESIDENT. Are there any corrections in the negative vote? The Chair hears none. The negative roll stands as verified.

Mr. WOODWARD. Mr. President, I thought I had one vote from the democratic side. I thought the Senator from Philadelphia, Mr. Jaspan, had voted "aye".

The PRESIDENT. How did the gentleman from Philadelphia, Mr. Jaspan, vote?

Mr. JASPAN. Mr. President, I voted "no". Very definitely "no". If I lived in Germantown I would have to vote "aye" but I live in one of the poorer districts in Philadelphia.

Mr. WOODWARD. Mr. President, may I inquire how the gentleman from Philadelphia, Mr. Farrell, voted?

The PRESIDENT. The Chair is of the opinion the gentleman from Philadelphia, Mr. Farrell, did not vote. The gentleman is not recorded as having voted. He was not in the Senate when the roll was called.

Mr. WOODWARD. He is not recorded, Mr. President.

The PRESIDENT. That is correct.

The vote on final passage of Senate Bill No. 421, is the yeas 25, nays 18. Having failed to receive a constitutional majority, the bill falls.

BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 422, on third reading, entitled:

A Joint Resolution proposing an amendment to section four, article nine of the Constitution of the Commonwealth of Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 528 as follows:

An Act making a deficiency appropriation to aid certain school districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five hundred thousand dollars ($500,000) is hereby appropriated to the Department of Public Instruction for the purpose of aiding financially handicapped and distressed school districts in such sums and in such manner as the Superintendent of Public Instruction shall determine and for defraying the necessary cost for the administration thereof for the balance of the two fiscal years ending May thirty-first one thousand nine hundred and forty-one and for the succeeding fiscal biennium until the thirtieth day of June one thousand nine hundred forty-one

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Frey,	McCreesh,	Tallman,
Becker,	Geltz,	McGinnis,	Taylor,
Cavalcante,	Haluska,	McQuiddy,	Thomas,
Chapman,	Heyburn,	Miller,	Tyler,
Coleman,	Homsher,	Mundy,	Wade,
Cox,	James,	Reed,	Walker,
Crider,	Jaspan,	Ruth,	Watkins,
Crowe,	Kephart,	Scarlett,	Wilson, H. I.,
Deitrick,	Lanius,	Snowden,	Woodward,
DiSilvestro,	Letzler,	Stevenson,	Ziesenheim,
Ealy,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 538, (House Bill No. 593), as follows:

An Act to amend section two hundred twelve to further amend sections two hundred thirteen two hundred fourteen seven hundred one and seven hundred nine and to amend section one thousand two hundred one of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by exempting the Departmtnt of Internal Affairs from the provisions of said sections and further defining powers of the Secretary of Internal Affairs

The General Assembly of the Commonwtalth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred twelve of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain department boards and commissions shall be determined" is hereby amended to read as follows

Section 212 Bureaus and Divisions The heads of the several administrative departments except the Auditor General State Treasurer and the Secretary of Internal Affairs and the several independent administrative boards and commissions shall subject to the approval of the Executive Board establish such bureaus or divisions in their respective departments boards or commissions as may be required for the proper conduct of the work of such departments boards or commissions Provided That there shall always be in the Department of Internal Affairs a Bureau of Industrial Statistics

Section 2 Section two hundred thirteen of said act as last amended by the act approved the sixth day of June one thousand nine hundred thirty-nine (P. L. 250) is hereby further amended to read as follows

Section 213 Deputies The head of any administrative department except the Auditor General State Treasurer and the Secretary of the Department of Internal Affairs shall have the power with the approval of the Governor to appoint and fix the compensation of a deputy or such number of deputies as the Executive Board shall approve who shall in the absence of the head of such department have the right to exercise all the powers and perform all the duties by law vested in and imposed upon the head of such department except the power to appoint deputies bureau or division chiefs or other assistants or employes and who may at any time exercise such of the powers and perform such of the duties of the head of his department as may be prescribed by the head of his department Provided however That any such deputy shall not have the right to exercise any power or perform any duty which the Constitution of the Commonwealth of Pennsylvania requires the head of his department personally to exercise or perform

Whenever there shall be a vacancy in the office of the head of any department such deputy as the Governor shall designate in writing shall exercise the powers and perform the duties of the head of the department until the vacancy is filled

With the approval of the Governor in writing the head of any department may authorize a named deputy to serve in his stead on any departmental administrative board or commission except the Board of Pardons of which such department head is a member ex-officio One of the Deputy Adjutants General shall possess the same qualifications in all respects as are required by law for the Adjutant General of the Department of Military Affairs

Section 3 Section two hundred fourteen of said act as amended by the act approved the sixth day of June one thousand nine hundred thirty-nine (P. L. 250) is hereby further amended to read as follows

Section 214 Employment and Compensation of Directors Bureau Chiefs and Other Employes Except as otherwise provided in the Civil Service Act the heads of the several administrative departments except the Auditor General State Treasurer and the Secretary of the Department of Internal Affairs and the independent administrative boards and commissions shall appoint and fix the compensation of such directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants and employes as may be required for the proper conduct of the work of their respective departments boards or commissions Except as otherwise provided in this act the heads of the respective administrative departments shall appoint and fix the compensation of such clerks stenographers and other assistants as may be required for the proper conduct of the work of any departmental administrative bodies boards commissions or officers and of any advisory boards or commissions established in their respective departments

Except as otherwise provided in the Civil Service Act the number and compensation of all employes appointed under this section shall be subject to approval by the Governor and after the Executive Board shall have fixed the standard compensation for any kind grade or class of service or employment the compensation of all persons in that kind grade or class appointed hereunder shall be fixed in accordance with such standard

Section 4 Section seven hundred one of said act as amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1865) is hereby further amended to read as follows

Section 701 The Governor The Governor shall have the power and it shall be his duty

(a) To take care that the laws of the Commonwealth shall be faithfully executed

(b) To act as Commander-in-Chief of the Army and Navy of the Commonwealth and of the Militia except when they shall be called into active service by the United States Government

(c) To cause to be published through the Department of Property and Supplies from time to time for the information of the public bulletins of the work of the State Government

(d) To prescribe and require the installation of a uniform system or systems of bookkeeping accounting and reporting for the several administrative departments boards and commissions except for the Department of the Auditor General the Treasury Department and the Department of Internal Affairs but before prescribing and requiring such installation the Governor shall consult with the Department of the Auditor General

(e) To prescribe forms for accounts and financial records reports and statements for the several administrative departments boards and commissions except the Department of the Auditor General the Treasury Department and the Department of Internal Affairs but before prescribing such forms the Governor shall consult with the Department of the Auditor General

(f) To approve or disapprove all investments by departments boards or commissions of funds administered by such departments boards or commissions

(g) To submit to the General Assembly a State budget

(h) After each biennial appropriation to the Department of Property and Supplies (1) for the purchase of stationery paper printing binding ruling lithographing color printing engraving paper envelopes and other printing and binding supplies (2) for fuel supplies furniture furnishings repairs alterations and improvements (3) for automobiles and (4) for rentals of branch offices after making proper deductions for the needs of the legislative and judicial departments to allocate and from time to time to reallocate to the several administrative departments boards and commissions such portions of such appropriations as will fairly represent the needs of the departments boards and commissions for the biennium taking into consideration the right of any such department board or commission to pay its necessary expenses or purchase furniture materials or supplies out of fees or other moneys received by or moneys specifically appropriated to it

Every administrative department board or commission shall be limited in its right to make requisition upon the Department of Property and Supplies to the amount allocated to it unless the Governor shall subsequently permit the Department of Property and Supplies to honor requisitions in excess of such amount

(i) To do all other acts make all appointments fill all vacancies exercise all the powers vested in him and perform all the duties imposed upon him as provided and required by the Constitution and laws of this Commonwealth

(j) To grant to pilots engaged in the aeronautical work of the Department of Revenue commissions of such grades as the Governor may prescribe

Section 5 Section seven hundred nine of said act as amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1865) and the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (P. L. 2003) is hereby further amended to read as follows

Section 709 Executive Board Subject to the provisions of this act the Executive Board shall have the power

(a) To standardize the qualifications for employment and all titles salaries and wages of persons employed by the administrative departments boards and commissions except the Department of the Auditor General the Treasury Department and the Department of Internal Affairs In establishing such standards the board may

(1) Take into consideration the location of the work and the conditions under which the service is rendered

(2) Establish different standards for different kinds grades and classes of similar work or service

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments

other than the Department of the Auditor General the Treasury Department and the Department of Internal Affairs and by the independent administrative boards and commissions and to investigate duplication of work of the several administrative departments boards and commissions and the efficiency of the organization and administration thereof and the better coordination of such departments boards and commissions

(c) To approve or disapprove as provided by this act the payment of extra compensation to employes of administrative departments boards or commissions who are employed at fixed compensation

(d) To determine from time to time the hours when the administrative offices of the State Government shall open and close

(e) To approve or disapprove extensions of leaves of absence with pay for employes of administrative departments or of independent administrative boards or commissions

(f) To make rules and regulations defining the expenses for which officers and employes of the executive branch of the State Government may be reimbursed

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given to approve or disapprove recommendations of department heads or of independent administrative boards or commissions for the bonding of officers or employes of their departments or members or officers or employes of departmental administrative boards or commissions or officers or employes of independent administrative boards or commissions to fix the amounts of the bonds of all such members officers or employes required to give bond and to require any bond or bonds to be executed by a surety or sureties even though the Commonwealth may have established its own idemnity fund as elsewhere in this act provided

(h) To approve or disapprove the establishment of branch offices outside of the Capital city by or for administrative departments boards or commissions

(i) From time to time to determine within what limits the Department of Property and Supplies shall procure liability insurance covering claims for damages against the Commonwealth and State officers and employes arising out of the operation of State automobiles by such officers and employes

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies acting either on its own behalf or as purchasing agency for any other department except the Departmen of the Auditor General the Treasury Department and the Department of Internal Affairs or for any board or commission and to make rules and regulations for the use of State automobiles by State officers and employes except the Department of the Auditor General the Treasury Department and the Department of Internal Affairs

(k) To approve or disapprove requests for and to direct the disposal of files of correspondence reports records or other papers which are not needed for the current or anticipated future operations of any administrative department board or commission and which date back a period of four years or more

Section 6 Section one thousand two hundred one of said act is hereby amended to read as follows

Section 1201 Powers and Duties Retained (a) Subject to any inconsistent provisions in this act contained the Department of Internal Affairs shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said department and the several former bureaus and bureau chiefs thereof and the Secretary of Internal Affairs

(b) The Secretary of Internal Affairs shall appoint and fix the compensation of such directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts auditors inspectors statisticians scientists engineers surveyors draftsmen accountants secretaries marshals clerks stenographers bookkeepers messengers investigators and other assistants and employes as may be required for the proper conduct of the work of his department Such appointments shall be made without the approval of the Governor and shall not be subject to prior action by the Executive Board

Section 7 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President, I desire to call the Senate's attention to this bill. As I read it, it is an amendment to the administrative code of 1929, by adding section 1201 (b) which reads as follows:

"The Secretary of Internal Affairs shall appoint and fix the compensation of such directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts auditors inspectors statisticians scientists engineers surveyors draftsmen accountants secretaries marshals clerks stenographers bookkeepers messengers investigators and other assistants and employes as may be required for the proper conduct of the work of his department Such appointments shall be made without the approval of the Governor and shall not be subject to prior action by the Executive Board."

It seems to me, Mr. President, at this time, when it has been stated many times that the state cupboard is about bare, that we can dispense with changing the law as provided in this bill. I do not see that it will bring about this result, but it opens the door for the opportunity of permitting any head of that department to call in and employ without any restriction or restraint, any of those employes into any of those classes which this sub-section (b) enumerators. I believe at this time it is not necessary to make that change. The state at this time can not afford to take any chances with playing politics with any department by hiring a lot of unnecessary people. I think that department has worked admirably in the past and I say it can do so in the future without changing the law with respect to the hiring and firing of its personnel.

So, for that reason, Mr. President, I propose to vote "no" on this bill.

Mr. WALKER. Mr. President, I propose to vote in favor of this bill. I agree with what the gentleman from Washington says about watching that we do not increase the cost of government, but this bill as now before the Senate does not increase the cost of government.

The State Treasurer and the Auditor General are duly elected officers, they are elected by the people of Pennsylvania, and so is the Secretary of the Department of Internal Affairs. Very unfortunately, under the administrative code as adopted in 1929, the Department of Internal Affairs was reduced in authority and the secretary was reduced in administrative control to a place where he was practically a glorified office boy, he became merely an elective member of the Governor's cabinet, he has no control over his department, he has to get the Governor's permission to have a messenger boy appointed; he has no control over the salaries paid, he has no control over the work they do because he cannot hire or fire them.

Now, The State Treasurer has the right to run his own department, the Auditor General has the right to run his own department, and I think a duly elected office holder, like the Secretary of the Department of Internal Affairs should be placed in the same status as the State Treasurer and the Auditor General.

Now, Mr. President, the Secretary of the Department of Internal Affairs can not run away with all the money in the state, because he is bound absolutely by the appropriation made by the Legislature, but how he apportions that money to his employes is his problem, just as it is the problem of the State Treasurer or the Auditor General.

This bill, I think, is a constructive piece of legislation, because it puts life and responsibility into an office holder who is elected by the people, and the Secretary of the Department of Internal Affairs is responsible to the people who put him in there, and he should be given the same rights, opportunities and responsibilities as the State Treasurer and the Auditor General.

As I said, I think this is a good piece of legislation, and I propose to vote for it.

Mr. REED. Mr. President, in answer to the gentleman from Allegheny, I wish to state that in my experience here I have never heard any criticism raised at any time during any administration as to the efficiency of the office of internal affairs. That is a strong argument in favor of defeating this bill.

We have had progressive Republicans controlling that office under the very able administration of ex-Governor Pinchot, we have had Democrats controlling that office, under the administration of ex-Governor Earle. Now we have that office under the control of the present administration, and during all those times I have never heard of one constructive criticism raised in this whole Commonwealth against the efficiency of the conduct of that office.

Our government is a democratic government and it has remained democratic because of the checks and balances put on various offices from the top to the bottom. No office holder elected under our system should at any time complain of having reasonable checks and balances put on the conduct of his department, and I say now there is no necessity for this bill, since it is to open up the field of adding more employes in that department, and it should be voted down.

Mr. MUNDY. Mr. President, I must say I intend to vote for this bill, because I think that any official elected by the people is responsible to the people directly and in my opinion, if he is held responsible for the conduct of the office he should have the power to name those who shall serve in his office. I might correct the impression, and I stand here ready to be corrected by the Republican side, but I never knew the Secretary of the Department of Internal Affairs was definitely connected with the Pinchot faction of the Republican party. I am rather inclined to think he represents a new thought, the liberal section of the younger element of the Republican party.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41.

Barr,	Edmonds,	Letzler,	Stiefel,
Bartlett,	Farrell,	Mallery,	Tallman,
Becker,	Frey,	McCreesh,	Taylor,
Chapman,	Geltz,	McGinnis,	Thomas,
Coleman,	Haluska,	McQuiddy,	Tyler,
Cox,	Heyburn,	Miller,	Wade,
Crider,	Homsher,	Mundy,	Walker,
Crowe,	James,	Scarlett,	Watkins,
Deitrick,	Kephart,	Snowden,	Wilson, H. I.,
Dent,	Lanius,	Stevenson,	Ziesenheim,
Ealy,			

NAYS—4.

Cavalcante,	DiSilvestro,	Jaspan,	Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with the information that the Senate has passed the same without amendments.

BILL ON SECOND READING

Agreeably to order.

The rule requiring blils to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 30, entitled:

An Act providing for the establishment, construction, maintenance and use of a mountain ridge road or skyway on State forest, game and fish lands in the Pocono Mountains, through or bordering the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike, to be known as the "Rim Parkway"; conferring powers and imposing duties on the Department of Highways; providing for the acquisition and taking of additional land, and the use of Federal Funds; authorizing the collection of tolls and rentals; and appropriating moneys out of the Motor License Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. CROWE. Mr. President, I offer the following amendments.

POINT OF ORDER

Mr. WALKER. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Allegheny will state his question of information

Mr. WALKER. Mr. President, are the amendments being offered by the gentleman from Monroe to Senate Bill No. 169?

The PRESIDENT. Will the gentleman from Monroe state for the information of the gentleman from Allegheny to which bill his amendments are to apply?

Mr. CROWE. To Senate Bill No. 30, Mr. President.

The PRESIDENT. For the information of the gentleman from Monroe, Senate Bill No. 30 has passed second reading.

RECONSIDERATION OF SENATE BILL No. 30

Mr. CROWE. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 30, entitled:

An Act providing for the establishment, construction, maintenance and use of a mountain ridge road or skyway on State forest, game and fish lands in the Pocono Mountains, through or bordering the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike, to be known as the "Rim Parkway"; conferring powers and imposing duties on the Department of Highways; providing for the acquisition and taking of additional land, and the use of Federal Funds; authorizing the collection of tolls and rentals; and appropriating moneys out of the Motor License Fund.

passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. CROWE. Mr. President, I voted "aye".

Mr. EDMONDS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. EDMONDS. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Sections one to eight inclusive of the bill were severally reconsidered.

The first section of the bill was read as follows:

Section 1 The Department of Highways shall as soon as possible after the effective date of this act make surveys estimates of costs and plans for the construction of a mountain ridge road or skyway over the Pocono Mountains through or bordering the counties of Monroe Northampton Carbon Luzerne Lackawanna Wayne and Pike from a point at or near Delaware Water Gap in Monroe County to a point at or near Bushkill in Pike County a distance of about sixty miles to be known at the "Rim Parkway"

On the question,

Will the Senate agree to the section?

Mr. CROWE. Mr. President, I move to amend sec. 1, page 1, line 3, by inserting after the word "construction" the following: "as part of the highway system of the Commonwealth"; Amend sec. 1, page 2, line 1, by striking out the word "skyway" and insert in lieu thereof: "parkway"; Amend sec. 1, page 2, line 2, by inserting after the word bordering" the following: "or accessible to"

Mr. EDMONDS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 It shall be the plan of the parkway to avoid all towns if possible The highway shall have as light grades as possible and shall be designed primarily for tourist traffic and passenger vehicles No intersecting highways shall enter at grade level nor shall any public driveways of any sort be permitted to enter thereon at intervals more frequent than five miles apart at such points as the Secretary of Highways shall designate No advertisements of any sort shall be permitted to be erected along aid highway or within five hundred feet thereof under any circumstances and no notices signals or directions other than those erected by the Department of Highways

On the question,

Will the Senate agree to the section?

Mr. CROWE. Mr. President, I move to Amend sec. 2, page 2, line 9, by inserting after the word "avoid" the following: "congested areas of"; Amend sec. 2, page 2, line 20, by inserting after the part-word "ways" the following: "Bridle trails and pedestrian foot paths may be constructed and maintained as their prospective use may seem to warrant. Landscaping and plantings shall be so planned that the Commonwealth's native plant life be utilized and in such a manner that trees, high shrubbery or plantings will not obstruct the view of the valley side of the parkway. Parking areas to be so planned that parked cars will be screened from the main parkway.

"In planning the parkway, its military value should be considered in the following manner—(a) that at all parts the parkway, including actual driveway, shoulders and borders, be of sufficient width and contour to permit passage under their own power, of our largest present or contemplated military airplane; (b) that within this overall width nothing shall be planted or erected that would interfere with such passage; and (c) that all service lines shall be in underground conduits."

Mr. EDMONDS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third and fourth sections of the bill were read as follows and agreed to:

Section 3 The parkway shall be constructed largely over lands now owned by the Commonwealth as State forest game or fish lands Wherever land not owned by the Commonwealth is needed the Department of Highways shall procure options on such land and may purchase the same for a distance of five hundred feet on each side of the proposed route in order that obstructions to the view of travelers may be removed and that the same may be beautified for public recreation and enjoyment purposes In the event that the department cannot agree with the owners of any of such land it may take the same under the power of eminent domain in the manner and under the procedure prescribed by law in the case of land needed for State highway purposes

Section 4 Insofar as the same are available the parkway shall be constructed with funds obtained from the government of the United States or an agency thereof and shall be subject to all conditions and requirements imposed in connection with the use of such funds

The fifth section of the bill was read as follows:

Section 5 The Secretary of Highways may from time to time as he sees fit prohibit the use of the Rim Parkway by any commercial vehicle and he shall so prohibit the use thereof during the months of June July August and September by any commercial vehicles

On the question,

Will the Senate agree to the section?

Mr. CROWE. Mr. President, I move to amend sec. 5, page 3, line 13, by striking out the word "Rim"· Amend sec. 5, page 3, line 16, by inserting after the word "vehicles" the following: "except for forest fire protection or military purposes".

Mr. EDMONDS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows and agreed to:

Section 6 Subject to approval of the Governor tolls may be charged for the use of the parkway The Secretary of Highways may also lease at a rental of not less than one hundred dollars ($100) per year payable annually in advance suitable sites for gasoline filling stations restaurants hotels garages and other public conveniences provided they are not closer to one another than five miles and that the design of construction of the buildings erected thereon is approved by the Secretary of Highways All moneys collected as tolls or rentals shall be paid into the Motor License Fund in the State Treasury through the Department of Highways

On the question,

Will the Senate agree to the section?

Mr. CROWE. Mr. President, I move to amend sec. 6, page 3, line 23, by inserting before the word "provided" the following: "or concessions".

Mr. EDMONDS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh and eighth sections of the bill were read as follows and agreed to:

Section 7 The cost of making plans and surveys of acquiring land needed for the parkway and of maintenance and repair of the parkway after completion shall be paid out of the Motor License Fund So much of the moneys in the Motor License Fund from time to time as is necessary therefor is hereby appropriated to the Department of Highways for the above purposes

Section 8 The provisions of this act shall become effective immediately upon final enactment

The title of the bill was read as follows:

An Act providing for the establishment construction maintenance and use of a mountain ridge road or skyway on State forest game and fish lands in the Pocono Mountain through or bordering the counties of Monroe Northampton Carbon Luzerne Lackawanna Wayne and Pike to be known as the "Rim Parkway" conferring powers and imposing duties on the Department of Highways providing for the acquisition and taking of additional land and the use of Federal Funds authorizing the collection of tolls and rentals and appropriating moneys out of the Motor License Fund

On the question,

Will the Senate agree to the title?

Mr. CROWE. Mr. President, I move to amend title, page 1, line 2 of title, by striking out the word "skyway" and insert in lieu thereof "parkway".

Mr. EDMONDS. Mr. President, I second the motion.

On the qnestion,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Fayette will state his point of information.

Mr. CAVALCANTE. Mr. President, when did Senate Bill No. 30 pass second reading?

The PRESIDENT. Senate Bill No. 30 passed second reading just a few moments ago and now the vote by which it passed second reading has been reconsidered. Is that satisfactory to the gentleman from Fayette?

Mr. CAVALCANTE. Yes, Mr. President.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

BILL ON SECOND READING

The Senate proceeded to the second reading and consideration of Senate Bill No. 169, entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (Pamphlet Laws eight hundred fourteen), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registers, inspectors of regstration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records.

And said bill having been read at length the second time

On the question,

Will the Senate agree to the bill?

BILL RECOMMITTED

Mr. WALKER. Mr. President, I move that Senate Bill No. 169, the bill just read, be recommitted to the Committee on Elections for the purpose of further study and amendments, as we have had requests for a hearing on this bill.

Mr. GELTZ. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

MOTION TO RECOMMIT

Mr. BARR. Mr. President, when this bill originally started out it was to get rid of a form of government we have in Allegheny County, but I find now it has become a political bill and I think if it had been intended that it was to be a political bill I do not think Mr. Walker and I would co-sponsor it, he being a Republican and I being a Democrat.

I have talked with a number of my colleagues on both sides of the House regarding this bill and have explained just what it does. I might state, Mr. President, that permanent registration originally started in Allegheny County, that is, the City of Pittsburgh in Allegheny County was made the proving ground and later on permanent registration became a reality in every county in the State of Pennsylvania, but in passing the permanent registration act for different counties, boroughs, and townships the bill setting up the commission in the City of Pittsburgh was not repealed.

At the present time we have two registration commissions in the County of Allegheny, one for the City of Pittsburgh, which has a very peculiar set-up, it is appointed by the Governor, they work for the city and the work is paid for by the county. I do not think there is any other commission in the State of Pennsylvania which is just set-up in that way.

Now, Mr. President, as it is, if you live in the City of Pittsburgh and you move to a borough or township within the county, you must re-register. In other words, the salient feature of permanent registration is that the City of Pittsburgh is divided into various Senatorial districts, represented by Senator Cox, Senator Walker and others and in the district represented by Senator Walker part of it is in the City of Pittsburgh and part of it is in the county of Allegheny. If you should live in the fourteenth ward, which is in Senator Walker's district, and move across the street into Wilkinsburg, you must again re-register. The same thing is also true in Senator Cox's district and other wards within the city.

We have in Allegheny a county registration commission which acts under the Board of County Commissioners and I think we have the best board of County Commissioners in the county that we have ever had. There is also involved in these two registration commissions the matter of expense. Some say if it comes under the County Commissioners of Allegheny County, that turns it over to the Democrats. The County Commissioners are composed of two Democrats and one Republian and they have run a very fine permanent registration commission, and that is done nonpolitically. I might also state there are sixty-five employes in the county registration commission and of the sixty-five employees twenty-eight of them are Republicans and when it comes to registration and election our county commissioners feel the Republicans should have the same proportion of representation, one third—more than one third.

Now, Mr. President, this bill has been pushed around on the Calendar here for several weeks. I do not know who wants this public hearing but I have been told the gentleman from Allegheny, Mr. Walker desires to insert amendments and I might state I would be glad to give him what support I can give him. I have heard the name of one woman and I do not think we should have a public hearing on that information and I would suggest to the gentleman from Allegheny, Mr. Walker, if he has any amendments, let us bring them out on the floor and vote on the bill, do something about this bill, either pass it or kill it on the Senate floor, and not send it back to committee where it is going to die a political death.

Mr. WALKER. Mr. President, I am sorry for taking up the time of the Senate in discussing something which perhaps should have been discussed before the Senate convened today. May I suggest to my co-sponsor that no one is more anxious to have this bill passed than I am.

I agree with what the gentleman says about the Allegheny County Election Bureau. I think we are very fortunate in Allegheny County because we have at the head of our election bureau one of the most efficient public servants you could have in that capacity and we are very fortunate and happy to have him.

Mr. President, I am anxious to see this consolidation but I am also anxious to have this the best bill we can possibly have.

I might also state that the one lady mentioned by my colleague from Allegheny, Mr. Barr, did not speak as an individual but as the head of an organization which is state wide. They are interested in public affairs and they are one of the groups which have asked that some amendments be placed in the bill. Very frankly, Mr. President, I am not convinced I would want the amendments in the bill. Some of them might be all right and again they might not. I do not know whether my co-sponsor, the gentleman from Allegheny, Senator Barr, would be willing to accept the amendments. He very cheerfully suggested he could get me some support—I assume from the Democrats, for the amendments, and he has not even seen them.

Mr. President, I have not seen the amendments. I have had them explained to me but I am not convinced I want to accept them. However, I feel these people who have asked for a hearing, this organization—there is no question of trying to satisfy one woman in Allegheny, it is not a question of satisfying the three commissioners in Allegheny County, it is not a question of satisfying the head of the election bureau, it is not a question of satisfying the head of the Republican party in Allegheny County, and it is not a question of satisfying the head of the Democratic party in Allegheny County, but it is a question of some citizens who are desirous of discussing this bill with us and they have asked me if I would secure for them the opportunity to be heard. That is the purpose of sending the bill back, Mr. President.

As to the fear expressed by my co-sponsor that there is something sinister in the motion, I can understand that and I am not hurt by it because I am so accustomed to having the motives of the Republican party misinterpreted by the Democrats and very repeatedly I am so accustomed to having my motives misinterpreted by my own party, that his accusation does not interest me the least bit.

May I say to him, Mr. President, for what it is worth, there is nothing sinister in it, we are not trying to kill the bill; if we were trying to do that we would vote it down on the floor. That is the policy we follow. We are trying to make certain we have the best things in the bill we can possibly get.

Mr. President, I am perfectly willing to turn these jobs over to the Democrats; I do not worry about that because I do not get any jobs from the Republicans anyway and I do not get any from the Democrats, so personnally I do not lose in my district one iota.

May I suggest to the gentleman from Allegheny, Mr. Barr, that I am batting one thousand per cent, because the only man in my district on the county payroll who was a Republican was fired by the County Commissioners not more than two weeks ago. However, do not misconstrue me, that is not why I am interested in the bill. I sponsored the bill long before that gentleman was fired. I think these people are entitled to a hearing and that is why I made the motion. If we adopt the practice of denying to the public who are interested in government and matters such as this, the right to a hearing, we will be establishing a very bad precedent.

I think we ought to remove politics from our minds and consider the fact that the people to whom we are responsible would like to be heard on this bill.

Mr. CAVALCANTE. Mr. President, I am amazed at the remarks of the gentleman from Allegheny, Mr. Walker, that we ought to remove politics from consideration of

this bill. I want to recommend to the gentleman from Allegheny, his consideration of what he did on Senate Bill No. 130.

Mr. President, and members of the Senate, I heard the gentleman from Allegheny on several occasions ask for the recommittal of bills for the purpose of a hearing and I must say I have been amazed at the treatment that has been given the bills after they have been returned for a hearing and I am not going to be hereafter so gullible as to accept the statements of the gentleman from Allegheny that bills are going back for a hearing.

Before I can vote or anybody can vote intelligently on the matter that is before us now, I think the gentleman from Allegheny ought to state and I ask the Chair to indulge me in an inquiry of the gentleman from Allegheny, Mr. Walker, on that point.

The PRESIDENT. Will the gentleman from Allegheny, Mr. Walker permit himself to be interrogated?

Mr. WALKER. Very gladly, Mr. President.

Mr. CAVALCANTE. For the information of this body, Mr. President, will the gentleman from Allegheny give the names of those who want a hearing on this bill?

Mr. WALKER. Mr. President, if I give the names to the gentleman he will not believe me anyway. He just said he would not take my word. May I direct attention to the gentleman from Fayette in connection with Senate Bill No. 130, that he is so outraged about, it was his own motion, according to the Journal by which the bill was returned to committee. I am only one member of the committee and so is he, and he is just as responsible for that bill being now in committee as I am, because he made the motion to send it back to committee.

Mr. President, I do not ask the gentleman from Fayette to take my word for anything. May I say to him, so that it will make him happy and he will sleep well tonight, I am willing to take his word.

Mr. CAVALCANTE. Mr. President, I will take care of Senate Bill No. 130 next week, as I promised the gentleman from Allegheny, Mr. Walker.

I still desire to know whether he wishes to answer my question and place on the records of this Senate the names of the persons who want a public hearing.

Mr. WALKER. The answer to the question of the gentleman from Fayette, Mr. President, is no, I will not give the gentleman the names.

Mr. CAVALCANTE. Mr President, will the gentleman from Allegheny be interrogated further?

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. WALKER. Certainly, Mr. President.

Mr. CAVALCANTE. Mr. President, will the gentleman from Allegheny state for the information of the Senate whether the hearing is going to be a public hearing or a star chamber hearing.

Mr. WALKER. Mr. President, I am not the chairman of that committee and I cannot answer that question, but as far as I am concerned, I am willing to take it either way.

Mr. CAVALCANTE. Mr. President, the gentleman from Allegheny, Mr. Walker, is the gentleman that is asking that this bill be recommitted for the purpose of a hearing. I would like to know how he knows the committee to which this bill will be referred is going to agree to grant the hearing.

Mr. WALKER. Mr. President, I am assuming naturally that the members of the Senate are still co-operative. When I find out they are not I will quit making motions and ignore public demands such as suggested by the gentleman from Fayette. If I send that bill back for a public hearing and the members of the committee refuse to return it to the floor, because in their opinion it is a bad bill, I am perfectly willing to argue that with the committee at that time, and may I again suggest to the gentleman from Fayette that I am willing to discuss Senate Bill No. 130 with him today, tomorrow, Monday or at any other time.

Mr. CAVALCANTE. Now is the time, Mr. President, that we are entitled to know whether this bill is going back for a hearing, for amendments, or for the purpose of interment.

Mr. BARR. Mr. President, my colleague from Allegheny, Mr. Walker, in his remarks brought up the question of jobs and I do not think that is quite fair in a bill such as this. I read yesterday in the Pittsburgh Post Gazette, a release out of Altoona, Pennsylvania, where the county commissioners there said the Democratic majority in the House of Representatives were going to insist on the state taking over the mental institutions of this state, in order to grab these political plums; so I do not know whether the Democrats have grabbed any of Governor James' plums, but I do know in Allegheny County where Democrats have control of the city administration, we have the large city hospital at Mayview, and in the county, we have the large institution at Woodville. We have over one thousand employes, all Democrats, but in order to cut the taxes on real estate in Allegheny County, we are happy to turn these jobs over to the Republicans and the James Administration.

Now, Mr. Walker, I ask that the bill be left on the floor and that we bring the amendments out on the floor and vote for or against the bill.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—27

Becker,	Farrell,	Letzler,	Taylor,
Chapman,	Geltz,	Mallery,	Thomas,
Crider,	Haluska,	Miller,	Tyler,
Crowe,	Heyburn,	Scarlett,	Walker,
Deitrick,	Homsher,	Snowden,	Watkins,
Ealy,	James,	Stevenson,	Wilson, H. I.,
Edmonds,	Kephart,	Tallman,	

NAYS—12

Barr,	Dent,	McCreesh,	Mundy,
Cavalcante,	Frey,	McGinnis,	Reed,
Coleman,	Lanius,	McQuiddy,	Stiefel,

So the question was determined in the affirmative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 292, (House Bill No. 382), entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for same purpose.

The first section of the bill was read as follows:

Section 1 The respective authorities of the several counties cities boroughs incorporated towns and townships of this Commonwealth are hereby authorized to appropriate from time to time as required such amounts as may be deemed advisable or necessary to aid in the establishment or continuance therein of Federal Surplus Commodities Stamp plans for the removal of surplus agricultural commodities set up by the Federal Government under the authority of Acts of Congress and rules and regulations duly adopted in accordance therewith For said purpose the county city borough incorporated town or township is hereby authorized to borrow money and incur indebtedness subject to constitutional limitations and may issue as evidence thereof registered or coupon serial bonds payable by such municipality within thirty years from their issue and bearing interest at a rate not exceeding six per cent per annum payable annually or semi-annually and may negotiate the same for the purpose of raising the money necessary to carry out the provisions of this act and said political subdivisions may levy and collect taxes on all taxable property in said subdivisions for the purpose of paying any bonded indebtedness which may be incurred as herein provided

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I move to amend Section 1, page 2, line 7 by striking out the word "thirty" and inserting in lieu thereof "ten"

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to:

Section 2 The sums appropriated by the several counties cities boroughs incorporated towns and townships may be deposited in one fund in the name of trustees designated by the Secretary of the Department of Public Assistance Said trustees shall use the fund for the purchase of Federal Surplus Commodities Stamps from the Federal Government Upon withdrawal of any county city borough incorporated town or township from further participation in the Federal Surplus Commodities Stamp plan such county city borough incorporated town or township shall be reimbursed from the fund to the full extent of its contributions

Section 3 The provisions of this act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to.

An Act authorizing counties cities boroughs incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein and to borrow money and issue bonds for said purpose

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. H. I. WILSON. Mr. President, I ask unanimous consent that Senate Bill No. 331 on second reading, entitled:

An Act to further amend section two of the act, approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 567), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," providing for the return and payment of said county (and in certain cases city and county) tax to the county treasurer on or before February fifteenth of each year.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 338, entitled:

An Act to further amend sections four and five of the act approved the sixth day of April, one thousand nine hundred thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts, coterminous therewith, abolishing the department of assessors in cities of the second class A consolidating tax statements covering city, school county and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon," by further regulating discounts for prompt payment of taxes and penalties and interest imposed on said taxes and by changing the date of certain tax payments.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 447, entitled:

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 452, entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for use in research work dealing with flax and other farm produce.

The first section of the bill was read as follows:

Section 1 The sum of two hundred thousand dollars ($200,000) or so much thereof as may be necessary is hereby specifically appropriated to the trustees of the Pennsylvania State College for and during the two fiscal

years beginning June first one thousand nine hundred forty-one for the use by the Department of Agriculture in conducting studies and researches to discover and develop new by-products of flax and other farm produce for use in industry and to develop new scientific chemical and other uses than food and feeding and new markets for flax and other farm produce and for the purpose of employing engineers chemists technicians experts and other necessary employes and for the purchase of machinery equipment apparatus and supplies necessary in connection with such studies and researches

On the question,

Will the Senate agree to the section?

Mr. TALLMAN. Mr. President, I move to amend Section 1, Page 1, Line 7, by striking out the words "Department of Agriculture," and inserting in lieu thereof the following: "Trustees of the Pennsylvania State College".

Mr. CROWE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

An Act making an appropriation to the trustees of the Pennsylvania state college for use in research work dealing with flax and other farm produce

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 515, entitled:

An Act to amend article nine of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by requiring an additional affidavit by candidates for nomination for any office.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 518, entitled:

An Act to further amend the first paragraph of subsection (a) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," prescribing additional causes for termination of a contract of a professional employe.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 559, entitled:

An Act creating a joint legislative commission to be known as the Educational Survey Commission; prescribing its powers and duties; conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; imposing duties on departments and agencies of the State government and on colleges and universities; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 561, entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedures for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by redefining amplifying and changing the powers and duties of the commission its employes and commissions further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon the inspection of the records of the commission providing for appeals by the commission to appellate courts repealing and changing certain provisions of said act relating to removal notices and for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. McGINNIS. Mr. President, I ask unanimous consent that Senate Bill No. 567, on second reading, entitled:

An Act to further amend sectons one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1982), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record;" empowering the Supreme court to prescribe rules of practice and procedure and for the conduct of the business of the Orphans' Court.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FIRST READIN

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 212, entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 262, entitled:

A Supplement to the act approved the twelfth day of June, one thousand nine hundred and thirty-nine (P. L. 335), entitled "An act creating a temporary commission to examine, report upon, and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation of the expenses of such commission," by extending the term of such commission until the next regular session of the General Assembly; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 284, entitled:

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7, and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 286, entitled:

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March, one thousand nine hundred and one, (P. L. 20), entitled "An act for the government of cities of the second class," prescribing the manner in which money shall be drawn from the city treasury.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 295, entitled:

An Act to amend sections seven and eight of the act approved the twelfth day of June, one thousand eight hundred and seventy-eight, (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," requiring the publication of advance sheets of such reports, requiring printing and publication in this Commonwealth by a responsible person havng a plant and facilities and place of business therein; and further regulating the basis upon which bids shall be submitted and the provisions of the contract for publication of such reports and advance sheets.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 336, entitled:

An Act to amend subsection A of section nine of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liability, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association or person and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers, imposing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provisions of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 353, (House Bill No. 450), entitled:

An Act to further amend section 1902 of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" exempting certain contract for public utility service from the provisions of said act regulating advertising and bidding for contracts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 364, entitled:

An Act requiring receivers of Taxes in and for cities of the first class to furnish certificates of taxes, water rents and claims which are liens on real estate without charge to owners of said real estate or other parties having an interest therein, and limiting the liability of the Receiver for errors in said certificates, and retaining the liens of all unpaid taxes, water rents and claims against such property though the same are not set forth in said certificate, and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 385, (House Bill No. 561), entitled:

An Act to amend section six hundred and eight of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by making further provisions concerning the voting shares held by incorporated institutions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 418, entitled:

An Act requiring the Governor of the Commonwealth to issue a proclamation setting apart September thirteenth of this year as Commodore John Barry Day.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 448, entitled:

An Act to amend sections three hundred and eight and four hundred and one of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation, and prescribing penalties," by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; clarifying the procedure for establishing such liability of the Commonwealth; and providing for the transfer and lapsing of certain moneys into the General Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 449, entitled:

An Act to further amend section five hundred three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by requiring cash payment of refunds due from the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 450, entitled:

An Act to amend article five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and adiminstrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executives and adminstrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments,

boards and commissions shall be determined," by authorizing the micro filming of records in the various administrative departments, boards or commissions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 480, entitled:

An Act requiring the Department of Health to furnish free of charge all State and State-aided hospitals certain vaccines or serum used in the Pasteur treatment, and requiring such hospitals to furnish and inoculate all persons bitten by dogs in this Commonwealth with such vaccine or serum free of charge.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 481, entitled:

An Act to amend the act, approved the twenty-sixth day of May, 1933, (P. L. 1076) entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit associations, to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," by further defining the organization and powers of credit unions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 507, entitled:

An Act to apportion the State into congressional districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 519, entitled:

An Act to amend sections three hundred one and three hundred two of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by changing the rate of contributions by employers to the Unemployment Compensation Fund.

And said bill having been read at length the first time, Ordered to be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 529, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employes; providing for their compensation payable by such counties; eliminating the triennial assessment; and abolishing the distinction between seated and unseated lands for the purpose of taxation.

And said bill having been read at length the first time, Ordered to be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 550, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administration departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by adding thereto section 2114 establishing a civil service system for the Department of Health.

And said bill having been read at length the first time, Ordered to be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 571, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

And said bill having been read at length the first time, Ordered to be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 575, entitled:

An Act to reenact and further amend the title and act approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for revocation and suspension of licenses by said bureau; and providing penalties for violations thereof, and repealing all acts or parts of acts inconsistent therewith," by defining certain terms; imposing certain additional duties upon

the State Board of Medical Education and Licensure; further regulating the status of student interns; requiring foreign applicants to complete their citizenship; making provisions for graduate student from other states and Canada, and providing for automatic revocations of registration in case of mental incompetency.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RESOLUTION RECALLING SENATE BILL No. 187 FROM THE GOVERNOR

Mr. MALLERY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY, offered the following resolution which was twice read, considered and agreed to:

In the Senate, April 15, 1941.

Resolved (if the House of Representatives concur), That Senate Bill No. 187, Printer's No. 53, entitled "An act to amend section thirty-eight of article four of the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled as amended 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' changing the time within which a discount is allowed for the payment of said taxes," be recalled from the Governor for further consideration.

RECESS

Mr GELTZ. Mr. President, I move that the Senate do now take a recess for one hour.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 187

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, April 6, 1941.

Resolved (if the House of Representatives concur), That Senate Bill No. 197, entitled:

An Act to amend section thirty-eight of article four of the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P L. 521), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; defining as a transfer and taxing the right of survivorship in property as to which such right exists; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," changing the time within which a discount is allowed for the payment of said taxes.

be recalled from the Governor for the purpose of amendment.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 593, entitled:

An Act to amend section two hundred twelve, to further amend sections two hundred thirteen, two hundred fourteen, seven hundred one, and seven hundred nine and to amend section one thousand two hundred one of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by exempting the Department of Internal Affairs from the provisions of said sections, and further defining powers of the Secretary of Internal Affairs.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, April 21, 1941, at 4:30 o'clock, p. m.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:38 o'clock, p. m. until Monday, April 21, 1941, at 4:30 o'clock, p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 16, 1941

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. DONALD McFALL offered the following prayer:

Our Father in heaven, we have courage to believe that Thou art able to make use of us in Thy Kingdom even though our efforts are feeble and our talents few. Make Thy power perfect in our weakness, that we may become vessels of honor and instruments of blessing to all who share our company on the highway of life. Make us ever conscious that there may be someone following in our footsteps, that we might not cause our brother to stumble,

Help us to grow in goodness and in truth and in favor with Thee O God. In Jesus' name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. PROSEN unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. RHEA. HOUSE BILL No. 1267.

An Act abolishing the mercantile license tax imposed on vendors of and dealers in goods, wares, and merchandise; and repealing all laws relating thereto.

Referred to the Committee on Ways and Means.

By Mr. WEISS (By request). HOUSE BILL No. 1268.

An Act to further amend section three hundred and eight of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer; vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," changing the conditions for borrowing money for current expenses.

Referred to the Committee on Counties.

Mr. PETROSKY. HOUSE BILL No. 1269.

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by extending the time for filing municipal claims.

Referred to the Committee on Municipal Corporations.

By Mr. McCLANAGHAN. HOUSE BILL No. 1270.

An Act to further amend sections one, two and seven of the act approved the twelfth day of June, one thousand nine hundred and thirty-one (P. L. 510), entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties," limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis.

Referred to the Committee on Welfare.

By Mr. COOPER. HOUSE BILL No. 1271.

An Act to amend section four hundred and one of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by providing that persons unemployed after the end of any period of military training required by Act of Congress shall then be entitled to compensation under this act to the same extent and with the same effect as though such period of training had not intervened.

Referred to the Committee on Labor.

By Mr. RHEA. HOUSE BILL No. 1272.

An Act to fix the number of Representatives in the General Assembly of the State; and to apportion the State into representative districts as provided by the constitution.

Referred to the Committee on Legislative Apportionment.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 1273.

An Act making an appropriation to the Department of Forests and Waters, for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

Referred to the Committee on Appropriations.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 1274.

An Act to further amend section three hundred forty-five of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by increasing the cost of advertising reports of controllers in counties of the third class.

Referred to the Committee on Counties.

By Mr. HABERLEN. HOUSE BILL No. 1275.

An Act declaring and adopting the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania.

Referred to the Committee on State Government.

By Mr. LEYDIC. HOUSE BILL No. 1276.

An Act making a certain deficiency appropriation to the Department of Welfare for the Dixmont Hospital, Dixmont, Allegheny County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. LEYDIC. HOUSE BILL No. 1277.

An Act making an appropriation to the Dixmont Hospital, Dixmont, Allegheny County, Pennsylvania, to provide for the repayment of a loan theretofore made by said hospital to provide funds necessary in the maintenance of said hospital.

Referred to the Committee on Appropriations.

By Mr. LEYDIC. HOUSE BILL No. 1278.

An Act making an appropriation to the Department of Welfare for the payment of the cost of an additional steam boiler, a fire alarm, a fire sprinkler system, and certain repairs and improvements at The Dixmont Hospital, Dixmont, Allegheny County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. LEYDIC. HOUSE BILL No. 1279.

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal and maintenance of the indigent insane in The Dixmont Hospital Dixmont, Allegheny County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. REGAN. HOUSE BILL No. 1280.

An Act limiting the time within which suits or actions shall be brought for damages to surface property resulting from the mining of coal; and excepting from the operation thereof any suits or actions pending on its effective date.

Referred to the Committee on Judiciary General.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 1281.

An Act to amend the title and reenact and amend section three hundred forty-four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by providing for certain service of process and conferring certain jurisdiction on courts of common pleas, justices of the peace, aldermen and magistrates in action against insurance companies.

Referred to the Committee on Insurance.

By Messrs MAXWELL and WEISS.
HOUSE BILL No. 1282.

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands.

Referred to the Committee on Municipal Corporations.

By Mr. PETROSKY. HOUSE BILL No. 1283.

An Act authorizing and directing county commissioners to execute and deliver good and sufficient fee simple deeds, transferring all their right, title and interest when lands purchased by them at county treasurer's tax sales are subsequently resold by such county commissioners.

Referred to the Committee on Counties.

By Messrs. MAXWELL and WEISS.
HOUSE BILL No. 1284.

An Act requiring owners and lessees of real property, whenever making any improvements thereon, or additions thereto costing more than five hundred dollars ($500) to file a report of such improvements or additions with the county board for the assessment and revision of taxes, and providing penalties.

Referred to the Committee on Counties.

By Mr. LOVETT. HOUSE BILL No. 1235.

An Act to further amend section one of the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended "An act creating the Highway Mining Commission, with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," authorizing the Highway Mining Commission to permit the mining of all coal underlying or adjacent to highways, without substituting other material therefor, where such removal will not cause subsidence dangerous to the traveling public; prohibiting the payment of any damages for such coal when its removal is so authorized, and affording immunity from certain civil and criminal liability to persons mining such coal, when the mining is so authorized.

Referred to the Committee on Mines and Mining.

By Messrs. POLEN and PETTIT. HOUSE BILL No. 1286.

An Act relative to employment of females in hotels, taverns, saloons and eating houses for the mixing or sale of alcoholic drinks, and the penalty for violation thereof.

Referred to the Committee on Liquor Control.

By Messrs. BRADLEY and SCHWAB.
HOUSE BILL No. 1287.

An Act to further amend section twenty-three of the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by imposing a tax upon the gross receipts of companies, limited partnerships, associations, joint stock associations, copartnerships and persons engaged in the business of furnishing natural or manufactured gas.

Referred to the Committee on Ways and Means.

By Mr. REAGAN. HOUSE BILL No. 1288.

An Act to further amend subsection (a) of section four of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by limiting the amount of property of an indigent person liable for his support.

Referred to the Committee on Welfare.

By Mr. HABBYSHAW. HOUSE BILL No. 1289.

An Act to further amend the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as reenacted and amended, by requiring employers who elect not to be bound by the elective schedule of compensation established by the act to insure the payment of their liability for damages at law in an insurance company or mutual association or company, unless they are able to satisfy the Department of Labor and Industry of their financial ability to pay such damages; providing for appeals from decisions of the department; and providing penalties.

Referred to the Committee on Workmen's Compensation.

By Messrs. SIMONS and LYONS.
HOUSE BILL No. 1290.

An Act providing a method of establishing title to land acquired at a sheriff's sale for unpaid taxes or municipal claims or at a county treasurer's sale for unpaid taxes.

Referred to the Committee on Judiciary General.

By Mr. ELY. HOUSE BILL No. 1291.

An Act to further amend subsections seven and nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered; and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof that are or may be inconsistent therewith," changing the salary of teachers in districts of the fourth class; and fixing the amount of aid by the Commonwealth therefor.

Referred to the Committee on Education.

By Messrs. MALOY and BRADLEY.
HOUSE BILL No. 1292.

An Act making an appropriation to aid certain school districts.

Referred to the Committee on Appropriations.

By Mr. RUSH. HOUSE BILL No. 1293.

An Act to carry into effect section one of article fifteen of the Constitution giving cities of the Third Class the right and power to frame, adopt and amend their own charters, and to exercise the powers and authority of local self-government, and providing the procedure therefor, imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county boards of elections, courts of common pleas, and the Secretary of the Commonwealth; and providing for the payment of certain expenses by cities of the third class.

Referred to the Committee on Cities—Third Class.

By Messrs. LESKO and HABERLEN.
HOUSE BILL No. 1294.

A Supplement to the act, approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," providing for the assessment and collection of the county tax by the Department of Revenue and the lien of the same and the payment over the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments, and imposing penalties.

Referred to the Committee on Ways and Means.

By Mr. POLASKI. HOUSE BILL No. 1295.

An Act to amend section four thousand four hundred two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," prescribing the qualifications of members of certain civil service boards.

Referred to the Committee on Cities—Third Class.

By Mr. WOODSIDE. HOUSE BILL No. 1296.

An Act to further amend section three of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 633), entitled "An act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 968), entitled 'An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and the deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties,' as amended, by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws," by deferring the operation of the [illegible] for a further period of time and making further provision for the care of mental patients in certain county, city, or institution district institutions during such time.

Referred to the Committee on State Government.

By Mr. WOODSIDE. HOUSE BILL No. 1297.

An Act to amend the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 62), entitled "An act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487), entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor district to another by the department, and requiring the proper district to pay the cost of the care and treatment of such persons in accordance with the laws relating to indigent insane persons,' by relieving poor districts of certain costs and placing such costs on the Commonwealth," as amended, by deferring the operation of the act for a further period of time.

Referred to the Committee on State Government.

By Mr. WOODSIDE. HOUSE BILL No. 1298.

An Act to amend the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (P. L. 53), entitled "An act relating to institutions of counties, cities and institutions districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances: conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," as amended, by extending the time within which the Commonwealth shall take over all such institutions; extending the time for repeal of certain acts listed in section nine of said act; and making further provisions for the adjustment of varous matters between the Commonwealth and counties, cities, institution districts, boroughs, towns, townships, wards, and other municipal subdivisions of the Commonwealth, in order to effectuate the purposes of said act.

Referred to the Committee on State Government.

By Messrs. DAVID P. REESE and BONEY.
HOUSE BILL No. 1299.

An Act to amend sections four hundred and five and two thousand six hundred and one of the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing in school districts of the third and fourth class for an inventory of supplies relating to athletic activities regulating the issuance of complimentary passes providing for responsibilty where boards of school directors delegate authority over athletic activities and providing for an audit of funds relating to athletic activities.

Referred to the Committee on Education.

By Messrs. BAKER and HOLLAND.
HOUSE BILL No. 1300.

An Act creating a temporary State commission to investigate gasoline price wars in counties of the second class; conferring powers and duties on said commission; and making an appropration.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 217. (HOUSE BILL No. 1301)

An Act requiring the Department of Welfare to notify the clerk of court and the county controller of all discharges or releases from institutions under its supervision.

Referred to the Committee on State Government.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. PRESLEY N. JONES. RESOLUTION No. 78.

In the House of Representatives, April 15th, 1941.

Whereas, It has been indicated that the County Board of Assistance in and for Lawrence County has been administering its duties and obligations to the relief recipients in an inefficient and political manner; and

Whereas, Certain allegations have been made which, if true, would warrant the dismissal of the County Board of Assistance of Lawrence County; and

Whereas, It is necessary and proper to determine the truth or falsity of these allegations; now therefore be it

Resolved, That the Speaker of the House of Representatives appoint a committee of three members to investigate the administration of relief by the County Board of Assistance of Lawrence County; and be it further

Resolved, That the said committee shall have power to issue subpoenas, under the hand and seal of its chairman, requesting and commanding any person or persons to appear before them, and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Rules.

By Messrs. O'BRIEN and KOLANKIEWICZ.
(Concurrent) RESOLUTION No. 79.

In the House of Representatives, April 1941.

Whereas, The 11th day of October, 1779, is the date in American history of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9th, 1779, at the siege of Savannah, Georgia; and

Whereas, The States of Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Lousiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Nevada, Ohio, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and other States of the Union, through legislative enactment, designated October 11th of each year as "General Pulaski's Memorial Day"; and

Whereas, It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Comomnwealth of Pennsylvania hereby requests the Governor of the Commonwealth of Pennsylvania by virtue of the authority vested in him to issue a proclamation designating October 11, 1941 as "General Pulaski's Memorial Day," so the memory of this great man may be appropriately honored.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 366

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 366, Printer's No. 60, entitled, "An Act to add clause seven to subsection (b) and to further amend subsection (c) of section one thousand two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," changing the provisions of said act relating to the speed of such vehicles while being operated on highways under the supervision and control of a Turnpike Commission.

In signing this Bill I have appended the following statement:

"I would hesitate to sign this bill establishing a 70-mile speed limit on the Pennsylvania Turnpike, if the bill did not contain a very important saving clause. I refer to the portion which gives full authority to, and places full responsibility upon, the Turnpike Commission not to permit speeds which prove to be excessive. No engineering reports appear to indicate that a speed limit of 70 miles an hour, plus the so-called "tolerance" customarily extended in enforcing speed regulations, is a safe rate of travel for the ordinary motorist. Both engineering and human factors raise question whether such speed is not too high.

On the other hand, it appears to be agreed that the 50-mile speed limit enforced on other Pennsylvania highways can safely be exceeded on the broad, divided Turnpike free of hills, intersections and sharp curves. However, this bill specifically authorizes the Turnpike Commission to reduce the speed limit at places and on occasions where the allowable maximum is too high.

I am, therefore, taking this means of pointing out to the Commission its very grave responsibility in this matter. Pennsylvania's "Dream Highway" must not be allowed to become a nightmare of fatal accidents.

I am directing the Turnpike Commission and the Motor Police to continue these surveys of accidents upon the highway for the purpose of determining the extent to which speed is a factor in those accidents and shall require the Turnpike Commission, by regulation, to impose such restrictions upon speed as these surveys indicate to be necessary."

ARTHUR H. JAMES.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 349.

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 2, by inserting after the word "district" the words "has heretofore filed in the office of the prothonotary of the proper county any tax or municipal claim and the city brough incorporated town township or school district; also on page 2, line 1, by inserting after the word "default" the words "or filed an amicable scire facias"; also in line 27, by inserting after the word "tax" the words "or municipal"; also on page 3, line 12 by inserting after the word "collected" the following: "or whenever any city borough incorporated town township or school district has heretofore filed in the office of the prothonotary of the proper county an amicable writ of scire facias or a suggestion of nonpayment and an averment of default to revive any municipal claim or has reduced such claim to judgment in the manner provided by law and such writ of scire facias or suggestion of nonpayment and an averment of default shall not have been filed within the period of five years from the time the original claim was filed or within five years after any prior revival of such claim and such judgment shall not have been entered within a period of five years after the filing of the writ of scire facias to reduce such claim to judgment then in any such case such action in filing such amicable writ of scire facias or suggestion of nonpayment and an averment of default or entering such judgment is hereby ratified confirmed and made valid notwithstanding that the same was not filed or entered within the time required by law and that the lien of such municipal claim was lost and the lien of any such municipal claim shall be deemed revived from the date such amicable writ of scire facias or suggestion of nonpayment and averment of default was filed or such judgment entered in the office of the prothonotary and such lien may have been or may be proceeded upon further revived and collected as provided by law.

On the question,

Will the House concur in the amendments made by the Senate?

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication from the Senate together with the bill be laid upon the table.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MIHM asked and obtained permission for the Committee on Cities Second Class to meet during the session of the House.

PERMISSION GRANTED TO USE HALL OF HOUSE

Mr. ACHTERMAN asked and obtained permission to use the Hall of the House at 12 o'clock noon, May 5th, for the

induction into office of G. Harold Wagner, as State Treasurer and at 12 o'clock noon, May 6th, for the induction into office of E. Clair Ross as Auditor General.

REPORTS FROM COMMITTEES

Mr. BAKER, from the Committee on Liquor Control, reported as committed, House Bill No. 625, entitled

An Act to amend clauses (a) and (b) of section two hundred one and section four hundred fifteen of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, further regulating the licensing of importers; and prohibiting the board from importing liquor from any source other than from licensed manufacturers having a manufacturing establishment in this Commonwealth.

Mr. ELLWOOD B. WELSH, from Committee on Education, reported as committed, House Bill No. 1174, entitled

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing certain requirements with respect to contracts of school districts involving more than certain amounts.

Mr. ELLWOOD B. WELSH, from the Committee on Education, reported as committed, House Bill No. 1175, entitled

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

Mr. McDERMOTT, from the Committee on Liquor Control, reported as committed House Bill No. 909, entitled:

An Act to further amend section three hundred three of and to add section three hundred seven to the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by providing for the appointment of assistant managers in Pennsylvania Liquor Stores; and by establishing minimum salaries for certain employes of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores.

Mr. McDERMOTT, from the Committee on Liquor Control, reported as committed, House Bill No. 780, entitled:

An Act to further amend clause (f) of section two hundred one of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," further regulating the fixing of salaries of persons employed under the provisions of said act, and increasing such salaries in certain cases.

Mr. O'CONNOR, from the Committee on Education, reported as committed House Bill No. 1014, entitled:

An Act to further amend clause eight of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the minimum salary of county superintendents.

Mr. HOLLAND, from the Committee on Education, reported as committed, House Bill No. 1156, entitled:

An Act to add section one thousand six hundred and seven and one-tenth to article sixteen of the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts

thereof that are or may be inconsistent therewith" requiring teaching in the public schools of principles of democratic government and patriotism and imposing certain duties on the Superintendent of Public Instruction.

Mr. STINE, from the Committee on State Government, reported as committed, House Bill No. 834, entitled:

An Act requiring persons selling "merchandise" as herein defined, to place weighing and measuring devices in full view of the purchasers; imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures; and providing penalties.

Mr. EARLY, from the Committee on Boroughs, reported as committed, House Bill No. 582, entitled:

An Act to further amend section one thousand one hundred twenty-five and to amend section one thousand one hundred twenty-seven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs, specifying the reasons for making deductions from salary of, and suspending and dismissing policemen, and the procedure in connection therewith, including limitations on the powers of the borough council and burgess; creating a board of review to be appointed by the borough council, and defining the powers and duties of said board.

Mr. GOODWIN, from the Committee on Counties, reported as committed, House Bill No. 1205, entitled:

An Act to amend subsection (b) and (c) of section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

Mr. HEATHERINGTON from the Committee on Boroughs, reported as committed House Bill No. 1058, entitled:

An Act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of salaried employes in borough fire departments (except volunteer departments); providing for the appointment of a Civil Service Board; defining its powers and duties; and imposing powers and duties on boroughs councils with regard thereto.

Mr. GEORGE E. JONES, from the Committee on Liquor Control, reported as committed, House Bill No. 1088, entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation.

Mr. GILLAN, from the Committee on Education, reported as committed, House Bill No. 1173, entitled:

An Act to further amend the fourth paragraph of section five hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," allowing further deductions from gross indebtedness in order to determine indebtedness of any school district.

Mr. McFALL, from the Committee on Boroughs, reported as committed, House Bill No. 1198, entitled

An Act to add subdivision (e) to article two and to amend section eight hundred five of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more by referendum, and prescribing the procedure therefor.

Mr. McFALL, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 1145, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A.

Mr. KENEHAN, from the Committee on Cities-Second Class, reported as committed, House Bill No. 598, entitled

An Act requiring the council of cities of the Second Class A to fix the salaries of the officers and members of the police department; and establishing minimum salaries.

Mr. TATE, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 613, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto Section Six A.

Mr. HEWITT, from the Committee on Fisheries, reported as committed, House Bill No. 1111, (Senate Bill No. 329), entitled:

An Act to amend clause (a) of section twenty of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," fixing the time of day that the open season shall begin for charr, commonly called brook trout and any species of trout except lake or salmon trout.

Mr. HABERLEN, from the Committee on Education, reported as amended, House Bill No. 837, entitled:

An Act to further amend section one thousand six hundred and seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith;" permitting the teaching in high schools and vocational schools of the theories of proper and safe operation of motor vehicles.

Mr. BURNS, from the Committee on Dairy-Industries, reported as amended, House Bill No. 908, entitled

An Act to amend the next to the last paragraph of section four and to further amend section sixteen of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An

act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculutre, dairying, livestock raising, poultry raising, floriculture, mushroom growing; beekeeping, horticulture, and other allied occupations; and providing penalties," by defining the jurisdiction of the Pennsylvania Milk Control Commission over certain associations, and regulating the sale and marketing of milk thereby.

Mr. REYNOLDS, from the Committee on State Government, reported as amended, House Bill No. 777, entitled

An Act to amend section two thousand five hundred five A of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further regulating the fixing of maximum and minimum salaries by the Department of Public Assistance and the employment Board, and providing for increases of salaries in certain cases.

Mr. NAGEL, from the Committee on Education, reported as amended, House Bill No. 1021, entitled

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district.

Mr. ROYER, from the Committee on Liquor Control, reported as amended, House Bill No. 99, entitled:

An Act to amend section two of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities," by exempting clubs from such limitation.

Mr. REGAN, from the Committee on Cities-Second Class, reported as amended, House Bill No. 752, entitled:

An Act authorizing cities of the second class A, with the consent of the owners thereof, to improve and beautify property devoted to park purposes, and adjoining State owned hospitals within such cities.

Mr. ELLWOOD B. WELSH, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 897, entitled

An Act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns, and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town, and townships of the first class, defining the duties of such civil service commission; imposing certain duties and expense on boroughs; incorporated towns, and townships of the first class; imposing penalties; and repealing inconsistent laws.

Mr. READINGER, from the Committee on Rules, reported as committed, Senate Concurrent Resolution Serial No. 123.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 9, 1941.

Whereas, The future of this great Nation depends upon its youth and their capacity to uphold the standards established by their forefathers to safeguard the American way of life; and

Whereas, Clean living and healthful sports are conducive to the development of both virility and morality, and the first essential of capacity to carry on is youth's physical equipment; and

Whereas, One who has lived in our midst for well nigh four score years has by his example and industry made it possible to develop in the ranks of clean sportsmanship exemplars of the value of physical development and clean living as standards for our youth; and

Whereas, The General Assembly desires to show its appreciation to the citizen who has dedicated his life to the development of youth and maintaining their ideals on high standards; therefore be it

Resolved (if the House of Representatives concur), That the Legislature acknowledges the contribution made to our cultural development by endorsing the celebration of May 17, 1941 as Connie Mack Day; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating for observance this year the 17th of May as Connie Mack Day.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 593.

An Act to amend section two hundred twelve, to further amend sections two hundred thirteen, two hundred fourteen, seven hundred one, and seven hundred nine, and to amend section one thousand two hundred one of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive

Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined." by exempting the Department of Internal Affairs from the provisions of said sections, and further defining powers of the Secretary of Internal Affairs.

With the information that the Senate has passed the same without amendment.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House Honorable Alfred C. Alspach a former member from Lancaster County.

Also Honorable Charles Grant Corbin a former member from Mifflin County who is the guest of Mr. French.

Will both gentlemen please come to the rostrum.

If there is no objection the Chair for the benefit of the older members will ask the gentleman from Lancaster to say a few words. For the information of the members from Philadelphia, he is the "twin brother" of Judge Bok.

ADDRESS BY HON. ALFRED C. ALSPACH

Mr. ALSPACH. Mr. Speaker, I assure you, this is the first time it has been my privilege to be up here as a lame duck, or as an ex-member. It is my privilege to look into the faces of such distinguished gentlemen both on the right and left sides of the House as well. I am glad to see there are so many modest members here at this time. It is a pleasure to be here and I wish you all the best of luck in the world, and good luck to the Speaker too. Thank you.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor. and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 593.

An Act to amend section two hundred twelve to further amend sections two hundred thirteen two hundred fourteen seven hundred one and seven hundred nine and to amend section one thousand two hundred one of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by exempting the Department of Internal Affairs from the provisions of said sections and further defining powers of the Secretary of Internal Affairs

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 16, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 187, Printer's No. 53, entitled:

An Act to amend section thirty-eight of article four of the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" changing the time within which a discount is allowed for the payment of said taxes be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

MR. NORMAN WOOD IN THE CHAIR.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair wishes to compliment the Members for their cooperation in submiting long lists of requested bills to the Chief Clerk's Office. This has greatly expedited the work in the bill room. It will further facilitate the filling of these orders if the Members will write the Printer's numbers requested in numerical order. Where pink bills are asked for, arrange your lists numerically according to bill numbers.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1228, entitled:

An Act to amend sections three and four of the act,

approved the fifth day of June, one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark, brand or name," exempting the sale of books to libraries from the provisions of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 499, entitled:

An Act to amend section eighteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by preventing the reduction in pay or position of any police officer or fireman by reason of any superannuation classification.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 826, entitled:

An Act to amend section one thousand four hundred one of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," further regulating the establishment and maintenance of sidewalks.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 765, entitled:

An Act to amend the title, to further amend section one, and to reenact sections two, four and five of the act approved the seventh day of June, one thousand nine hundred one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage and cesspools, in cities of the second class; and imposing fines, penalties and forfeitures for violation thereof," extending the provisions of said act to certain boroughs, incorporated towns and townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 53, entitled:

An Act providing for the acquisition of the Admiral Peary Memorial Park, and for its management and development by the Pennsylvania Historical Commission; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 984, entitled:

An Act providing that when new trial is granted upon grounds that damages are inadequate or excessive, the new trial shall be confined to that question and not to liability.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1105, entitled:

An Act naming the State Military Reservation at Indiantown Gap, "Camp Muhlenberg."

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 990, entitled:

An Act to amend section one hundred and eight of the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine, (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by further defining the term "occupational disease."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 885, entitled:

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," providing for filling vacancies in the office of township commissioner.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 796, entitled·

An Act authorizing the payment of taxes in cities of the first class, by partial or installment payments.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 964, entitled:

An Act relating to the business of selling or leasing chattels on the installment or deferred payment plan; and prohibiting the joining in one agreement of sale or lease of chattels purchased or leased at different times.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 60, entitled:

An Act validating compromise agreements and private sales made by the county commissioners of real estate purchased by them at county treasurers' sales, whether or not such agreements and sales were made in compliance with the acts of assembly relating thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 389, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Farview State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1023, entitled:

An Act prohibiting employers from directly or indirectly offering for sale, selling, procuring for sale, having in possession or under control for sale to employes or others, any merchandise not produced by employers or not handled in the regular course of employer's business; providing exceptions thereto; declaring such prohibited sales to be unfair competition; and repealing prior inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1090, entitled:

An Act to amend section one thousand one hundred fifty-six of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto" by eliminating the right of the State Dtoartment of Highways to permit and collect fees for the placing of public utility service equipment and other obstructions in or upon township highways, and giving such right to the township supervisors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1157, entitled:

An Act to validate and confirm certain contracts heretofore entered into by Boards of Township Supervisors where the Township has recieved in maintenance and improvement of its highways, a reasonable quid pro quo for such contracts, and to authorize, ratify, confirm and validate payments on such contracts by the Township, and to provide that no Township Supervisor shall be subject to surcharge for payments made on any such contract.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1070, entitled:

An Act prohibiting owners of restaurants, pool rooms, bowling alleys, confectionery stores, barber shops, grocery stores or hotels from encouraging or permitting gambling; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 658, entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 106), entitled "An act authorizing and empowering the city treasurers of the several cities of the second class and third class of this Commonwealth to sell at public sale all properties upon which the taxes, assessed and levied, are delinquent and remain unpaid," by adding thereto section nine and one-tenth authorizing the devestiture of mortgages, judgments and charges against properties sold at such sales in cities of the second class by common pleas court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1187, entitled:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania, Quarantine Station property, and ceding to the United States jurisdiction over said land.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 975, entitled:

An Act to amend section two of the act approved the twenty-ninth day of April, one thousand nine hundred and fifteen (P. L. 200), entitled "An act creating, in counties having over eight hundred thousand, and less than one million five hundred thousand, inhabitants, according to the last preceding United States census, a board to fix and determine the number and compensation of employes in all county offices, boards, bureaus, departments, and divisions thereof; prescribing the powers and duties of said board, and regulating appeals from the decision thereof," by providing for annual meetings of the salary board, in second class counties, at the call of the chairman of the board of county commissioners.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1151, entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 575, (Senate Bill No. 201), entitled:

An Act to amend a certain appropriation item contained in section two of Act No. 69-A, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by deferring for a short period of time certain payments required to meet the Sinking Fund requirements of Veterans' Compensation Bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 785, entitled:

An Act to further amend section sixteen of the act approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by giving county commissioners the right to recover possession of real property purchased at tax sales and to rent such lands, and providing for the disposition of moneys received from such rentals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 730, entitled:

An Act further regulating the trials of criminal cases and imposing certain duties on trial judges in the trial of such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 869, entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred thirty-six, (P. L., First Extraordinary Session, 47) entitled "An act to enable persons, associations, partnerships, and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description; providing for bonds with confessions of judgments; regulating the assignment and release of such mortgages; and designating the operation and effect of the lien of such mortgages" by extending, enlarging, and removing the limitations from the class of those who may become chattel mortgages; by making further provision respecting fees of recorders of deeds in connection with chattel mortgages, extension of the lien of said mortgages and defaults of said mortgages; and by defining violations and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 480, entitled:

An Act to amend sections eight hundred thirty-four and eight hundred thirty-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealh," by making the crime fraudulent conversion of property and cheating by fraudulent pretense misdemeanors; and modifying penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1002, entitled:

An Act to further reenact and amend the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," prescribing duties on certain employers changing maximum and minimum rates, periods, total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident; authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; changing powers and duties of the board; and imposing additional penalties; authorizing the department, the board and the referees to approve compromise agreements in certain cases, and generally amending, clarifying and changing the provisions of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1152, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred and forty-one; and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred forty-one.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1176, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the methods of payment to townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Lancaster, Mr. Wood, for presiding.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 227, entitled:

An Act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure and registration of persons, engaging in the care, preparation and embalming of the bodies of deceased persons, creating a State Board of Embalmers, setting forth its powers and duties; and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. O'MULLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study and amendment.

The motion was agreed to.

On the question,

Will the House agree to the motion?

Mr. SCANLON. Mr. Speaker, it was agreed with the sponsor to call the bill up. It was to remain on the floor under an agreement with the President of the State Funeral Directors Association, and I am going to ask the House to vote down this motion to recommitt.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

Mr. SPEAKER Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman whether it was the agreement of the committee from which this bill came that it would be read only two times and then re-reported to the committee.

Mr. ACHTERMAN. Mr. Speaker, I have been so advised by the Chairman of the committee that is correct.

Mr. WOODSIDE. Mr. Speaker, that being the case I will make no objection to the motion to recomit, and ask the Members to go along with it because I think when a committee reports out a bill under those circumstances the House should always abide by the decision of the committee in that respect and recommit. However, I would like to call the attention of the Members of the House and also the attention of the committee to which this bill is being recommitted this bill provides for the floating of tax anticipation notes, and if the bill is delayed any substantial amount of time it will be impossible for the Budget office and the Attorney General's office to prepare the tax anticipation notes, advertise them and have them floated as early in June which we should like to do.

I wish also to call the attention of the Members of the House to the fact that any delay in floating the tax anticipation notes will mean a delay in repayment to the special fund, which in turn will cause a delay in the payment of funds to municipalities and other agencies from which this money has been borrowed. Therefore I suggest to the Committee and to the Members of the House that every effort be made not to keep this bill unduly long in the committee.

Mr. ACHTERMAN. Mr. Speaker, our party recognizes the need for this particular type of legislation, and we understand very thoroughly and very completely how badly the Republican administration needs this legislation to take care of a portion of their deficit which is now existing. If the bill had been prepared properly, of course, it would have been passed by the House. The amendments we intend placing in the measure finally in the committee will take care of that, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agrteably to order,

The House proceeded to the second reading and consideration of House Bill No. 671, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administration work of the Commonwealth by the Executive Department and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative

officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Mr. FINNERTY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 2, (sec. 453), page 5, line 12, by inserting after the word "Examiners" the following: "The State Board of Barber Examiners shall consist of the Superintendent of Public Instruction ex officio and five members."

Amend sec. 2, (sec. 453), page 5, line 21, by inserting after the word "chairman" the following: "and shall elect a secretary who need not be a member of the board."

Amend sec. 2, (sec. 453), page 5, line 22, by striking out the word "Two" and inserting in lieu thereof the word: "Three."

Amend sec. 2, (sec. 453), page 5, line 24, by striking out the word "two" and inserting in lieu thereof the word "three."

Amend sec. 2, (sec. 453), page 5, by inserting after line 29, the following: "The members of the board, other than the Superintendent of Public Instruction, shall receive fifteen dollars ($15.00) per diem for each day actually devoted to the work of the board, and the Secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the Superintendent of Public Instruction."

The amendments were agreed to.

The section was agreed to as amended.

The third and fourth sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 993, entitled:

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 589), entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties" by changing the provisions as to fees charged apprentices and students requiring all barber shops to be registered transferring the administration of certain provisions of said act to the State Board of Barber Examiners and prescribing additional penalties

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1207, Senate Bill No. 285, Printer's No. 105, was passed over at the request of Mr. WEISS.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 971, entitled:

An Act to further amend sections fifteen and fifteen and three-tenths and to repeal sections fifteen and one-tenth and fifteen and two-tenths of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by providing for the renewal extension and continuation of liens for taxes and water lighting power and sewer rates until such taxes and rates are fully paid and satisfied and authorizing the filing and revival of liens heretofore lost and in certain cases reviving validating preserving and extending liens

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SCANLON,

The House resumed the consideration on final passage of House Bill No. 854, entitled:

An Act to further amend sections four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," an permitting hotel and restaurant licensees to sell by the bottle at certain times, for consumption off the premises regulating such sales and imposing penalties.

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. SCANLON. Mr. Speaker, I move that the vote by which this bill was agreed to on third reading be reconsidered.

Mr. O'BRIEN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Scanlon, vote on the third reading of this bill?

Mr. SCANLON. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. O'Brien, vote on the third reading of this bill?

Mr. O'BRIEN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SCANLON. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 411), page 4, line 5, by inserting after the word "business" the following: "and only during the hours hereinafter fixed for the sale of liquor by hotel and restaurant licensees."

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 236, entitled as follows:

An Act protecting the rights of students in colleges universities and other educational institutions to credits represented to be obtainable at the time of commencing work therefor imposing penalties and providing for equitable relief

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any college university or other educational institution represents by means of any bulletin pamphlet or other publication that certain credits towards a degree diploma certificate advancement or other purpose or advantage will be given for the successful completion of certain prescribed work and any person relying on such representation undertakes such work it shall be unlawful to neglect or refuse to give such person after he has successfully completed the same the credit prescribed in the bulletin pamphlet or other publication that was current and not superseded or revoked at the time the work was commenced or to neglect or refuse to permit any person to complete any work prescribed for such credit after such person has commenced the same with the approval of the college university or other educational institution Any such refusals are hereby declared to be frauds upon the rights of persons entitled to the credits or to complete the work prescribed therefor

Section 2 Any college university or other educational institution violating the provisions of section one of this act is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

Section 3 Any person who relying on representations made by any college university or other educational institution as hereinbefore set forth has heretofore or shall hereafter undertake and successfully complete the work prescribed for credit towards a degree diploma certificate advancement or other purpose or advantage and has been or shall hereafter be denied such credit and any person who has with the approval of the college university or other educational institution commenced any work prescribed for any such credit and has or shall hereafter be denied an opportunity to complete the same may apply to any court of common pleas having jurisdiction in the matter for equitable relief by mandatory injunction or otherwise to compel the giving of any credit to which such person is entitled or to compel the continuation of the work which such person had begun Any such person shall be entitled to this relief without regard to any prosecution conviction or acquittal under the provisions of section two hereof

Section 4 Nothing in this act shall in any way interfere with the right of any college university or other educational institution to expel a student for misconduct or breach of regulation as a proper disciplinary measure or to refuse a diploma or advancement to any student who has failed to attain the grade required of all students for passing

On the question,

Shall the bill pass finally?

Mr. KRISE. Mr. Speaker, in arising to oppose this bill I shall be very, very brief. In fact the bill itself is very brief. Up until the time it was amended last evening on third reading the bill was considerably shorter than it is at the present moment.

The bill proported in the beginning, of course, to do something with which we are all in agreement, and that is, that any school, college, or educational institution shall give exactly the same course which they advertise. I think we are all in agreement on that particular phase of the bill. But I think the schools themselves have provided perhaps the means whereby that shall be provided without the necessity of the Legislature doing so. Practically all schools and colleges now have their own associations and in those associations they have very strict rules for schools that would attempt to do any type of advertising and then not live up to that advertising in their curricula content. Therefore, I think the first part of the bill is absolutely not necessary.

When we go into the bill however, the school people would necessarily object. For instance, the bill provides a penalty of five hundred dollars for any school that neglects a student. The bill does not attempt to define the word, "neglect." In such courses where we have lectures and we have all the students sitting before us, there could not be any doubt as to whether we were neglecting the student or not.

Let us take the laboratory course, and we probably could check the work of some student who is taking a laboratory assignment, but because of lack of time on that particular day or probably the non-necessity of checking the work of every individual student, we do not check and then we would be guilty of neglect under the terms of this bill. It is probably not the intention of the author of this bill that schools should be held to accountability for that, but it is the possibility under this bill which makes it dangerous.

The second part of it is to refuse to permit a student to continue the course in which he has matriculated after once they have been accepted by that educational in-

stitution. I think we ought to understand something along that line.

When a student presents himself to the head of the college or the registrar or the president or whatever official may be responsible for the enrolling of that student, they naturally try to find out just as much about the student as they possibly can. They go into the student's background, they try to know something about his previous schooling, high school or college, whatever it might have been. Then they try to observe his personality and all of the things that might go to make up a student. But try as hard as we will it is physically impossible for any registrar to determine with absolute certainty the possibility of the potentialities of any student the first time he comes in contact with him. Every school has a variety of courses. Very often we find the student will attempt to enroll for a particular course. Very often the students come into the schools with the intention of following a prescribed course. It very often happens that as the student progresses in his work we find that he lacks adaptability for that particular type of work. For instance, the student might attempt to enroll in a medical school, and after his first two years they might find that he is not particularly adapted to that work. We in the business college field often find a student that might make a good bookkeeper, an accountant, but he cannot learn shorthand or typing. The reverse might be true. Now you want to say to a school, "because you have accepted this student for a particular course, you cannot change that course to something else." When we find that a student is not adaptable to a particular course and continue that student in that course, we are simply lowering the standards of that school. You say, "Well, the student would be glad to change." I submit to you that no student with the possibility of a five hundred dollar fine attached to the school is going to agree to change his course. It is simply transferring the control of the school from the head of that institution to the students themselves, and are making the head of that institution subserviant to the pupil rather than the pupil being obedient to that particular school. If you want to reduce the standards of our educational institutions and make them the object of fraud then pass this bill, but if we believe in the integrity of our schools and the work that they are doing, then we should vote "no" on this particular measure.

Mr. HARKINS. Mr. Speaker, I am sorry the gentleman from Clearfield did not read on through the bill. If he had he would have seen that section 4 on page 3 of the bill definitely clarifies the misconception under which he is laboring. If he had read that section of the bill he would have seen that it clearly sets forth that it is not the intention of this bill to interfere with the right of the governing bodies of universities refusing to advance a student who does not complete his work, or to interfere with the rights of the university or college officials to expel the student who is guilty of any conduct which otherwise would merit his expulsion. On the contrary this bill is intended to see that our universities and colleges, which we usually have trusted in the past, do not build up within their ranks a system of dictatorship which has arisen and which makes use of the earnest efforts of consciencious students in obtaining further and higher education, but only to bring a flood of glory to certain professors and instructors in these institutions. I know of cases where the practice has been, and is still in effect today, that people who have paid money to a registrar of a school, who had studied and completed certain individual courses, because they have been absent from the university for a certain period of time, have been deprived of the credits which they have already earned. This bill is intended to stop that particular type of fraud being practiced upon students in the Commonwealth. This has been particularly true in the graduate educational departments in many of our institutions, and I regret to say it has been particularly true in some of the institutions which we have trusted by appropriating to them large sums of money for their maintenance. I challenge the right of any university to be so arbitrary as to interfere with the granting of proper credits to a student who has completed his particular work. There is nothing in this bill as now amended which would interfere with the right of the university not to advance a student who does not complete the work. There is nothing here that will interfere with the inner workings of the university at all. The only thing this bill will accomplish is that it will see to it that the university officials are as honest in their dealings with the students, particularly those who are part time students, as they ask the students to be with them. It is a good bill and I ask the support of the House in its passage.

Mr. KRISE. Mr. Speaker, in reply I might say that I did read the entire bill, together with the amendments which were put in the bill last night by unanimous consent on third reading. The bill does provide under that amendment that the college may dismiss or refuse to promote any individual student who has not complied with the requirements of the course set up by that institution. I submit that there is where the difficulty lies. Students are not always graded in college, either on their written or oral work, according to adaptability, and all of the other requisites. I have in my hand here a reference which just came to me this morning with regard to a student. Here is what the employer wants to know in addition to grade, physical characteristics, emotional stability, social adjustment, professional relationship, habits of conduct, professional attitude, it continues with a long list, on which it is impossible for any college to grade as the student is going through his course. The point I am raising in relation to this bill is that any student can take exceptions to the grades that are given to him by any institution and he can make a racket out of that five hundred dollar proposition.

Mr. McMILLEN. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Harkins.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. HARKINS. I shall, Mr. Speaker.

Mr. McMILLEN. Mr. Speaker, has the gentleman from Allegheny personally had any chance to be put in a position were this worked a hardship on him?

Mr. HARKINS. Mr. Speaker, I would not say that, but I do know of many people who have been put in such a position where it has worked a hardship on them. I know of several people who have had their credits cut in half by the University of Pittsburgh because they have not been in school for a period of five years. I have had complaints about State College located at State

College, and I believe it is entirely unfair when the university enters into a contract relationship with the students that they should later say to them, "Because you have not been in school for a couple of years we are going to take half of your credits away, you can keep on coming here to perpetuate a particular department which we have."

Mr. McMILLEN. Mr. Speaker, as time goes by and requirements change in regard to courses, does not the gentleman think for an individual to be given a problem in a part time school, that he too must meet the different requirements of the courses as they are introduced and therefore perhaps there is necessity here for adjustment.

Mr. HARKINS. Mr. Speaker, in answer to the gentleman's question I would say while undoubtedly we live in a world that is progressing, the basic requirements of good education remain essentially the same, and there has not been such a change in the curricula in any of our major institutions that would justify robbing students of half of the credits they have obtained.

Mr. SOLLENBERGER. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Harkins.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. HARKINS. I shall, Mr. Speaker.

Mr. SOLLENBERGER. Mr. Speaker, may I inquire of the gentleman from Allegheny whether or not this bill is retroactive.

Mr. HARKINS. Mr. Speaker, under the present provisions the bill is retroactive as far as the civil remedies prescribed therein are concerned, but not as far as the criminal remedies are concerned. They could not be retroactive as far as concerns the criminal remedies without being an ex-post facto law, and therefore that is not provided in the bill.

Mr. SOLLENBERGER. Mr. Speaker, does this bill include both college and graduate levels?

Mr. HARKINS. Yes, it does, Mr. Speaker.

In order to clarify the situation, it only means that the credits which have already been earned will be granted to an individual who has earned them. It does not allow the student to fail to complete the course and then ask for credits, nor does it allow the student to ask for a credit if he has not paid for the credit in the contract paid for.

Mr. SOLLENBERGER. Mr. Speaker, does the gentleman from Allegheny mean if their credits were earned say in 1910 or 1915, that those credits should be given today by that college or university to the person who is doing the particular work on the basis of all of the credits earned that many years back.

Mr. HARKINS. Mr. Speaker, the bill says that credits shall be granted the way they were at the time the individual began his studies. Whether that be 1920, 1930, or 1940, or 1919 or whatever year the gentleman said, according to terms which the universities or colleges contracted with the student to grant him the credits.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. HARKINS, LEWIS and MARKS asked for a verification of the roll.

The roll was verified and was as follows:

YEAS 109

Achterman,	Gallagher,	McGrath,	Reynolds,
Baker,	Gerard,	McIntosh,	Rooney,
Balthaser,	Goodwin,	McLanahan,	Rose, S.,
Bentley,	Haberlen,	McLane,	Rosenfeld,
Bentzel,	Hamilton,	Melchiorre,	Sarraf,
Boles,	Harkins,	Mihm,	Scanlon,
Boney,	Harmuth,	Modell,	Schwab,
Bradley,	Harris,	Monks,	Shaffer,
Breth,	Heatherington,	Mooney,	Shaw,
Brunner, P. A.,	Herman,	Moran,	Shepard,
Burns,	Hersch,	Moul,	Stank,
Burris,	Hirsch,	Munley,	Stine,
Chudoff,	Holland,	Nagel,	Tarr,
Cochran,	Jefferson,	O'Brien,	Tate,
Cohen, M. M.,	Jones, P. N.,	O'Connor,	Thompson, E. F.,
Cohen, R. E.,	Keenan,	O'Mullen,	Vincent,
Croop,	Kenehan,	O'Neill,	Vogt,
DiGenova,	Kolankiewicz,	Owens,	Weiss,
Dolon,	Komorofski,	Petrosky,	Welsh, E. B.,
D'Ortona,	Leonard,	Pettit,	Welsh, M. J.,
Duffy,	Lesko,	Polaski,	Williams,
Early,	Levy,	Polen,	Woodring,
Elliott,	Longo,	Powers,	Wright,
Falkenstein,	Lovett,	Prosen,	Yester,
Finestone,	Marks,	Rausch,	Young,
Finnerty,	McClanaghan,	Readinger,	Kilroy,
Flynn,	McDermott,	Regan,	Speaker.
French,	McFall,		

NAYS 63

Auker,	Foor,	Leisey,	Sarge,
Boorse,	Gates,	Leydic,	Simons,
Bower,	Gillan,	Lichtenwalter,	Snyder,
Bretherick,	Gillette,	Lyons,	Sollenberger,
Brown,	Gross,	Maxwell,	Sorg,
Brunner, C. H.,	Gyger,	McClester,	Thompson, R. L.,
Cadwalader,	Habbyshaw,	McKinney,	Trout,
Cooper,	Haines,	McMillen,	Van Allsburg,
Cordier,	Hare,	Muir,	Voorhees,
Dalrymple,	Helm,	Nunemacher,	Weingartner,
Dennison,	Hewitt,	O'Dare,	Wolf,
Elder,	Huntley,	Rank,	Wood, L. H.,
Ely,	Imbrie,	Reagan,	Wood, N.,
Fiss,	Kline,	Reese, D. P.,	Woodside,
Fleming,	Krise,	Rhea,	Yeakel,
Fletcher,	Lee, T. H.,	Riley,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 482, Printer's No. 297, was passed over at the request of Mr. GOODWIN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1098, entitled as follows:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing

for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" is hereby amended to read as follows

Section 408 Support Orders The court may in any case make an order upon the parent or parents guardian or other relative legally responsible for the support of such child to contribute such sum for the support of the child as it may determine The court shall have power to enforce any such support order in like manner as courts of quarter sessions may enforce orders for support under the laws of this Commonwealth

Where a child is placed in a suitable family home or institution for child care not maintained by the county or State and the payment of board and other support is required in case provision is not made for such board and other support by voluntary contribution or court order on the parent or parents guardian or other relative legally responsible for the support of such child the court [may] shall direct that such board and the expense of clothing and necessary medical and surgical care be paid either by the city or county institution district liability to be determined on the basis of the legal settlement of the child at the time of assumption of jurisdiction of the Juvenile Court until provision is made for the placing of such child in a suitable family home without payment of board In all cases of children now being maintained in family homes or institutions for child care the judge of the Juvenile Court shall make a finding as to the legal settlement of the child at the time of assumption of jurisdiction by the Court and shall make an order effective January 1 1942 upon the appropriate city or county institution district for the future board and other support of such child

In the case of the commitment of a child to an industrial training school or other correctional institution the court [may] may order the county to pay for the board and clothing of and necessary medical and surgical attendance upon and the care of such child and its maintenance generally and the necessary expenses of placing and replacing the child and may fix the amount which shall be paid for the child Provided That in all cases of commitments to industrial training schools that are not exclusively under State control or that are exclusively under State control the amount of the order for maintenance clothing instruction medical and surgical care shall be fixed according to existing legislation governing the payment of expenses of maintenance clothing instruction medical and surgical care of children committed to such institution

In all cases where the cost of board or care and maintenance of a child has been ordered paid by the city or county institution district or county [it] said city or county institution district or county shall be directly liable the person family association society or institution having the care guidance and control of the child but the city or county institution district or county shall in all cases have full recourse to recover the amounts so paid from the person or persons or institution districts [or poor district] liable for the support of such child

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 182

Achterman,	Flynn,	Levett,	Reynolds,
Auker,	Foor,	Lyons,	Rhea,
Baker,	French,	Malloy,	Riley,
Balthaser,	Gallagher,	Marks,	Rooney,
Bentley,	Gates,	Maxwell,	Rose, S.,
Bentzel,	Gerard,	McClanaghan,	Rosenfeld,
Boies,	Gillan,	McClester,	Sarge,
Boney,	Gillette,	McDermott,	Sarraf,
Boorse,	Goodwin,	McFall,	Scanlon,
Bower,	Gross,	McGrath,	Schwab,
Bradley,	Gyger,	McIntosh,	Shaffer,
Breth,	Habbyshaw,	McKinney,	Shaw,
Bretherick,	Haberlen,	McLanahan,	Shepard,
Brown,	Haines,	McLane,	Simons,
Brunner, C. H.,	Hamilton,	McMillen,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Burris,	Harmuth,	Modell,	Stank,
Cadwalader,	Harris,	Monks,	Stine,
Chervenak,	Heatherington,	Mooney,	Tarr,
Chudoff,	Helm,	Moran,	Tate,
Cochran,	Hering,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Munley,	Trout,
Cooper,	Hewitt,	Nagel,	Van Allsburg,
Cordier,	Hirsch,	Nunemacher,	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Huntley,	O'Connor,	Vogt,
Cullen,	Imbrie,	O'Dare,	Voldow,
Dalrymple,	Jefferson,	O'Mullen,	Voorhees,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Keenan,	Owens,	Weiss,
Dolon,	Kenehan,	Petrosky,	Welsh, E. B.,
D'Ortona,	Kline,	Pettit,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Polaski,	Williams,
Early,	Komorofski,	Polen,	Winner,
Elder,	Krise,	Powers,	Wolf,
Elliott,	Lee, T. H.,	Prosen,	Wood, L. H.,
Ely,	Leisey,	Rank,	Wood, N.,
Falkenstein,	Leonard,	Rausch,	Woodring,
Finestone,	Lesko,	Readinger,	Wright,
Finnerty,	Levy,	Reagan,	Yeakel,
Fiss,	Leydic,	Reese, D. P.,	Yester,
Fleming,	Lichtenwalter,	Reese, R. E.,	Young,
Fletcher,	Longo,	Regan,	Kilroy, Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1039, entitled:

An Act to further amend section one of the act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (P. L. 129) entitled 'An act to empower boroughs and cities to establish a police pension

fund to take property in trust therefor and regulating and providing for the regulation of the same" by further regulating retirement allowances and providing for the return of contributions in certain cases

On the question,

Will the House agree to the bill on third reading?

Mr. MODELL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1 (sec. 1), page 2, line 27, by striking out the word "family" and inserting in lieu thereof: "legal heirs or representatives."

Amend sec. 1 (sec. 1), page 3, line 5, by inserting after the word "from" the following: "the."

Amend sec. 1 (sec. 1), page 3, line 5, by inserting after the word "resigns" the following: "therefrom before receiving any retirement payments."

Amend sec. 1 sec. 1), page 3, line 5, by inserting after the word "the" the following: "total."

Amend sec. 1 (sec. 1), page 3, line 6, by inserting after the word "member" the following: "to the fund."

Amend sec. 1 (sec. 1), page 3, lines 6 and 7, by striking out the following: "if" in line 6, and all of line 7.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 470, as follows:

A Joint Resolution proposing an amendment to article three of the Constitution of the Commonwealth of Pennsylvania by adding thereto section thirty-five

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article three of the Constitution of Pennsylvania is hereby amended by adding thereto the following section

Section 35 The General Assembly shall not pass any law authorizing the transfer of any monies out of any of its special funds if by such transfer the monies are to be used for any purpose other than that for which such monies were previously designated unless repayment thereof within the same biennium is provided for by appropriate revenue producing enactments

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TROUT. Mr. Speaker, I am going to support this bill—and I am asking my colleagues on this side of the House to vote for it. But, in voting for it, I should like to clear up with this bill.

As many of you know only too well, I have always been in favor of legislation to protect the Motor License Fund and other special funds. I am absolutely convinced that motorists who pay their money into the Motor License Fund have the right to demand that every dollar of their money be spent for highway purposes. I believe also that the Motor Fund, and the highway work it finances constitute one of the greatest and most practical work relief mediums we have in this State.

All of you who have served in this House in previous sessions know that I have repeatedly sponsored bills and constitutional amendments to protect the Motor Fund. Most of you are aware that I have personally introduced an antidiversion or good roads amendment again in this session.

I should like to point out likewise that, when the largest organization of motorists in Pennsylvania asked me to introduce an amendment intended to place constitutional safeguards around the Motor Fund, I did everything I could to have the whole matter approached in a purely non-political way. I suggested that the new amendment was so important to the motorists that politics should not be permitted to interfere with its speedy consideration. I discussed the amendment with leaders and members on the majority side of this House. I suggested the possibility of joint sponsorship by members of both parties. I went further and made it clear that I was perfectly willing to withdraw any claim I might have and permit this amendment to be introduced by a single member of the majority party.

None of these suggestions, however, was accepted. So, at the request of the Pennsylvania Motor Federation and the motorists it represents, I introduced H. B. 733.

Yesterday, the majority members of this House sent back to committee this bill which proposes in my estimation a much more practical constitutional amendment. As introduced, the bill applied to Motor Revenues whether they were expended in townships, counties or cities but could easily have been amended to cover all other special funds. Certainly neither I nor any of Pennsylvania's 3,000 000 motorists would have objected to such a change.

I believe that many of the members on the other side of the House are sincerely interested in protecting motor revenues and that they think this result can be accomplished by the adoption of House Bill 470.

In the first place, there is nothing in this proposed constitutional amendment that would prevent the diversion of motorist money by the special gasoline sales tax now being collected for General Fund purposes. That money is being diverted from highway purposes at the rate of $15,000,000 a year. Because it goes directly into the General Fund, it is not protected by H. B. 470.

In the second place, the amendment contained in H. B. 470 imposes no restrictions whatsoever upon Administration transfers because the Act of 1933 is entirely in accord with the amendment now proposed. The transfers can be made only within a single biennium.

In other words, under the amendment before us, such transfers would be legal so long as the General Fund budget is balanced.

Finally, there is the very important matter of workability of the proposed amendment. All previously proposed Amendments to prevent diversion have been sidetracked in the past because legislators argued that they permitted no reasonable flexibility of financing. These objections have not been based on politics or political con-

siderations; previous amendments died in committee or were defeated regardless of whether Republicans or Democrats were in the majority.

The motorists and motor clubs who drafted the amendment in H. B. 733 were not anxious to have Motor License Fund money borrowed or transferred. But, as a matter of practical expediency, they were willing to permit harmless, short-term transfers if the repayment was positively guaranteed and the borrowing was done under conditions that would not interfere with highway improvement programs.

If we are sincere in our desire to protect the money in the special funds, I believe we should provide a constitutional amendment that can be approved by two sessions of the General Assembly and gain a favorable vote of the electorate. I don't think the pending amendment is the best one we could evolve. But, as I said before, I shall support it and shall ask the support of my colleagues so long as it is the only legislation the majority leaders will permit us to vote upon.

Mr. ACHTERMAN. Mr. Speaker, the gentleman did not confine his remarks to the matter before the House, as a matter of fact most of his remarks were addressed to the bill which we recommitted yesterday that was introduced by himself. I therefore am going to briefly state that the remarks I made yesterday have the same application and force and effect today and will continue in the future to have the same force and effect.

Unfortunately the gentleman was only interested in solving one problem that is facing the people of this Commonwealth, and our party has felt that we should not spend our time protecting the interests of the Pews when we have a broad problem in Pennsylvania to meet, that is, preventing the transfer of funds indiscriminately. We feel that the highway fund here in Harrisburg is of importance and we have protected that fund by this measure, but we feel likewise that the funds that are sent to the county commissioners and used for the same purpose, which is roads, are essential and necessary to be protected. Likewise the moneys that are sent to the supervisors in townships as well as cities and boroughs from the Liquor License Fund need protection. We have taken care of that. Incidentally we feel that the funds sent to the firemen for their pension fund need protection and we have taken care of that.

Now then may I make a few remarks in relation to the act of 1933 to which the gentleman referred. May I state, Mr. Speaker, that he has neglected to mention the fact that in House Bill 470 we do provide this, that where funds are taken repayment thereof within the same biennium is provided for by appropriate revenue producing enactments. That means, Mr. Speaker, that laws will be placed upon the statute books replacing the moneys that are transferred. That is not being done at the present time.

May I say to the Members of this House that the present administration used the act of 1933 in order to furnish funds for relief after the Governor of this Commonwealth called us here in special session in 1940 and asked us to give him the right to transfer funds from the motor license fund for relief. After we left here, Mr. Speaker, he neglected to use the acts that we had passed but instead he used the act of 1933. I have been wondering ever since why the Governor did that. I am wondering whether the question of the time of repayment was the motive back of the Republican Party in asking for the act of 1940.

May I point out to the Members of this House that under the act of 1933 funds must be paid back by the end of the biennium, while under the act of 1940, which the Governor asked us to pass when this House was dominated by his party, the funds need not be paid back until the last day of June of 1941. Does the Governor of Pennsylvania intend to avail himself after the last of May to pay back through the act of 1940 funds that were borrowed under the act of 1933? It is possible, Mr. Speaker. In other words, he can go to the same fund now and say, "Mr. Fund, lend me enough money to pay back the monies that I owe you." Then again at the end of June, availing himself of the act of 1933 he can borrow from the general fund or from the motor fund, moneys to pay back what he borrowed under the act of 1940. Then, Mr. Speaker, his position will be this, that he will have transferred the obligation to the new administration at the end of the two year period. May I say that under House Bill 470 we will stop that vicious form of financing in Pennsylvania.

Mr. WOODSIDE. Mr. Speaker, I do not think there will be a more important piece of legislation brought before this session than that which we now have before us. For that reason I am going to take a little extra time in discussing it.

It will not have any material effect upon the people of Pennsylvania during the next year or the next two years or the next three years, but some time thereafter when we are in a more dangerous position we may find this amendment coming up to haunt us. I do not think the gentleman on the other side understands the budgetary problem concerned in the transferring of these funds. I do not think that the gentleman who drafted or introduced this bill fully appreciates the problem, for if he did he certainly would not have put it in the form of this joint resolution which is a proposed amendment to the Constitution. Of course, we all know that this joint resolution must be passed at this session of the Legislature and again be passed at another session and thereafter submitted to the people and approved before it will become a Constitutional amendment and effective. However, I think it is important at this time that we pass a joint resolution proposing a Constitutional amendment which will be sensible and which will meet the problem we have without creating a new and more dangerous problem.

In order that we may see just what the situation is, let us look at the reason for the transfer. Let us discuss, as the gentleman has discussed, the act of 1933. The purpose of the Act of 1933 is to make a cash transfer of funds within the biennium, in other words, you take the cash out of one of the special funds that has a large amount of cash, and transfer it to the general fund, which happens to be temporarily depleted. Then when the general fund, with all the new taxes coming in, receives an increased cash balance, the money is taken out of the general fund and repaid into the special fund. It is entirely a matter of bookkeeping. It is entirely a matter of transferring cash balances from one fund to another at the particular time we need the cash balance. The Act of 1940 and the other transfer acts, as they were passed by the various sessions of the Legislature, had entirely different purposes. The purpose of those acts was to provide money against which we can appropriate.

What does that mean? I tried hard to explain that during the 1940 session, but apparently I was not successful in getting it across.

Mr. Speaker, under our Constitution, as I think everybody knows, we cannot borrow more than one million dollars. That means at all times the expenditures cannot exceed the estimated revenues by more than one million dollars, and if at any time those expenditures do exceed the estimated revenues by more than one million dollars, under the decision handed down as a result of the first Talbot Act, certain appropriations to schools and hospitals were abated.

In order to make appropriations in excess of the estimated revenues there must be some way in which you have money against which to appropriate. In other words, where you have income. That income can be obtained by a transfer from a special fund into the general fund, and you will then have in the general fund any time during the biennium, up to and including the last day of the biennium, revenue against which you can appropriate. So in 1940, following the procedure that had been adopted by the Democratic Administration, we transferred certain moneys against which we made appropriations for relief. We did not actually transfer the cash. That was simply an act of the Legislature signed by the Governor, approving the right of the Governor to take over the cash at such time as he deemed it advisable to do so, and not repay it during the biennium. If there is at any time a transfer of funds which has been repaid during the biennium, no appropriation can be made against it. There is no purpose; there is no reason for it. Therefore I can see no possible reason for making a transfer of funds with a provision that the funds be repaid during the biennium, unless possibly it be for the purpose of saving a little interest on tax anticipation notes.

Mr. Speaker, that brings in the problem that fits into this picture, namely, the question of tax anticipation notes. If at any time during the biennium from the first day to the last, there is a desire to secure cash in the general fund, it can be done by selling to the public tax anticipation notes which can be sold at the present time at a very low rate, in fact at less than one-fourth of one per cent. By selling those notes you can get the cash into the general fund, but before you can float those tax anticipation notes, there must be legislation on the statute books which will bring into the general fund the money to pay back those tax anticipation notes during the same biennium. The fact that it must be paid during the same biennium is very important. What is the situation that develops? Well, on June 1st there is a deficit, there will be a deficit at the beginning of the next biennium, there was a deficit at the beginning of the last biennium, there was a deficit at the beginning of the biennium before that and there was a deficit at the beginning of the biennium before that. That deficit, since tax anticipation notes have come into use, is immediately paid off by the floating of tax anticipation notes.

That is done generally during the month of June. Then the money which has been borrowed from the special fund is paid back into the special fund. Deferred payments are made and the cash balance of the general fund brought up in anticipation of revenue which will come in during the next biennium. Then as you go along into that biennium, if you happen to get cash, you can do one of two different things. You can either transfer from a special fund, money which is not being used, under the act of 1933, or you can float tax anticipation notes and repay them out of such revenue which may come in during that biennium.

If you run into a deficit you must do this: you must either pass a tax which will bring in revenues during that biennium or you may transfer money from any of the special funds, and appropriate against it. What do you mean by transferring money from a special fund? It merely means passing an act saying that a certain amount of money must be transferred during that biennium from a special fund to the general fund and remain there to the end of the biennium. Now, that money cannot be paid back during that biennium or you cannot transfer the fund. Therefore the purpose of this joint resolution, as it appears here, must be to actually prevent the transfer of any funds as was done by the bill during the session of 1940, and was done previously at various times by the Republican Administration and the Democratic Administration and the Pinchot Administration—whatever that was. This amendment would prevent, or at least is aimed to prevent, although I doubt whether it could, the passage of that type of legislation that was passed in 1940.

Then what is the situation? Well, I think in the next two years, probably the next four years, possibly a little bit longer than that, the State is going to get along pretty well, the revenues are going to be up some, the relief load is going to go down, and the problem of financing the government is not going to be as difficult as it has been in the last ten years, but one of these days that is going to change. The relief load will go up. At the same time the relief load goes up, the taxes will come down. Then what will be the situation in which the Commonwealth is going to find itself as it approaches the end of the biennium if the intent of this resolution is carried out? It is going to find that it will have somewhere between forty and sixty million dollars in special funds which will not be in use on May 31, the end of that biennium. That is always true. The money is there, it is not being used, it will not be used. That is the cash balance in those special funds on May 31, at the end of the biennium, which will probably be in the neighborhood of sixty million dollars but not less than forty million dollars.

You are then going to call a special session of the Legislature, maybe in January, maybe the year before, knowing full well that at the end of the biennium there will be fifty or sixty million dollars in the special funds which could be used to carry the Commonwealth through any emergency which may develop. It may not be relief, it may be some new type of emergency. You will have to have the money to carry the Commonwealth through and you are going to find, if the intent of this resolution is carried out, that you will not be able to pass any transfer bills because you cannot use that money. If you were to proceed as you would at the present time, this is what you would do. You would pass your transfer bills in January or the Fall of the year before, and then float tax anticipation notes. You would get your cash in your general fund, and then on the 31st day of May, you would take all of the money out of the special funds which they are not using, since they did not need it, put it

into the general fund and pay off your tax anticipation notes.

Then you would turn around in June and float tax anticipation notes on the income of that biennium. You would immediately pay back from the general fund into the special fund the money which is taken away from it. But if you cannot do that, then in an emergency, in a time when you can least afford to do it, you must pass a tax which will bring the necessary funds within that biennium. That seems to be a very bad situation and one of the things that should be done with this joint resolution is, it should be amended to provide that the money be paid back not later than one month after the end of the biennium. Let us see what the effect of this resolution would be. Under it you could do this, Mr. Speaker. You could take money out of the special fund on June 1st of the biennium and keep it out for one day less than two years. Mark you, members, you could take money out of your special fund under this amendment and keep it out one day less than two years.

That would really handicap the Highway Department. That would really handicap the firemen in the various counties and the other people who are interested in these special funds. You could do that. Here is the other situation. You would have to take the money out of the special fund only for one day or two days in order to carry out a program which may prevent the enactment of a new tax, an emergency tax, at a time when the Commonwealth can least afford it, and say, "No, you cannot do that, you cannot take this money out for two days, when you most need it but you can take it out for two years, when it is going to cripple every one of the special funds to the fullest extent." That is one of the fallacies in this amendment and one of the things that ought to be changed in connection with it.

But that isn't all. The gentleman on the other side said this amendment would take care of the firemen and all the rest of the people who are interested in the special funds. Let us see whether it does. Remember this, special funds are created by acts of the legislature. I do not think the gentleman will contend that if the legislature can hereafter create a new special fund that they cannot hereafter abolish a special fund under this amendment. And if they can create a special fund and if they can abolish a special fund, what can the legislature do? They can abolish the motor license fund. They will not have any. It is gone by an act of the legislature.

The amendment will not prevent it, although the intent of this amendment might be to prevent such a condition, nevertheless it seems clear to me and the best authorities in the State say that under it a special fund can be abolished. So that all you need to do is this: We won't have any Motor License Fund for a year, we will abolish it. As a result of the abolishment of the fund all of the money will come into the general fund, and as all the money will come into the general fund we will then appropriate whatever we want for highway purposes, while we keep the balance in the general fund. So your joint resolution can be circumvented without any difficulty whatsoever. It seems to me this the joint resolution is wrong from all these standpoints.

Why are we going to vote for it? We are going to vote for it for one reason, and only one reason, I think, and that is, because we all favor some sort of a Constitutional amendment which will prevent the permanent transfer of special funds into the general fund, in other words, to prevent the absolute diversion of a special fund to other uses than those for wich it was intended. The gentlemen on the other side agree with that, we agree with that. In the past the state has followed that procedure. The gentlemen on that side have voted consistently to repay the funds and we have done likewise. The Commonwealth of Pennsylvania as represented by a Republican Administration and as represented by a Democratic Administration has kept faith with these special funds in always repaying them, and that is what we want to continue to do. That is what we are all interested in accomplishing. We are not interested, and I am sure the gentlemen on that side are not interested, in securing the passage of an amendment which in five or ten years from now is going to work a tremendous hardship on the people of the Commonwealth, but we are interested in getting through some sort of an amendment to the Constitution which will prevent any Legislature in the future or any administration in the future from permanently diverting these special funds.

Therefore, Mr. Speaker, we are going to vote in favor of this resolution with the hope and the belief that it will be amended in the Senate to meet the objections which I have raised on the floor of the House. If for a minute I thought that possibly the objections would not be met, or if I thought that the joint resolution would not be amended in the Senate, Mr. Speaker, we would not vote for this resolution in its present form, but we believe that some resolution to carry out what I think is your intent and what I know is our intent in this matter, should be passed and sent over to the Senate, amended and passed by them. We are going to vote for this resolution, fully realizing that as it stands now, it is a very bad resolution but realizing that it can be amended to meet the objections to carry out the intent which I think exists among all members of this House.

Mr. ACHTERMAN. Mr. Speaker, the gentleman of course is speaking about the method of financing that the present administration is using. He neglected to say that the deficit is constantly increasing and is now in the neighborhood of ninety million dollars and rapidly approaching a point where that deficit will exceed the special funds.

House Bill 470 is intended to stop that kind of financing in Pennsylvania. It is a notice to administrations that they must live within their budgets, or if they do not then they must find necessary tax measures which will raise the funds in order for them to live within their budgets. In other words, they must honestly and fairly meet the problems that confront their administration. If the gentleman could accomplish what he has in mind so that payment could be made one month after the end of the biennium he would then very frankly, Mr. Speaker still continue the same form of financing in Pennsylvania that we are now experiencing. The doors would again be left open to borrow and pay back in the next administration in the form of tax anticipation notes. We would continue, Mr. Speaker, until finally the amount that was necessary to be paid back at the end of the biennium would equal the amount of the entire anticipated revenues from special funds for the next biennium, and then we would be in trouble. Then you would have a bankrupt State. This legislation is intended to stop this form of financing.

May I assure the gentlemen on the other side of the House, once this bill is finally adopted by the people of

Pennsylvania, in the referendum that will follow, that type of financing will cease in Pennsylvania. We will get back to a sound form of financing. I can understand the complaints of the gentlemen on the othes side of the House that we do not desire to adopt House bill 733, since they know the source from which the bill came, a source that I understand is subsidized by the Associated Petroleum Industry of Pennsylvania, an industry, Mr. Speaker, that desires to have their products subject to one type of taxation alone. That was their sole object, and not for the benefit of the people of Pennsylvania in solving their problem, but to create for themselves a special position so that their industry could continue existing without paying its fair share of tax burdens in this Commonwealth. That is the type of legislation that our party has always opposed. We do not believe, Mr. Speaker, in supporting these favorite groups. House Bill 733 if put into force and effect, if it is finally passed, would do that very thing. It is not going to occur, Mr. Speaker, during this present biennium, I can assure the gentlemen.

Mr. TURNER. Mr. Speaker, knowing that both the majority leader and myself are anxious to attend a meeting of the Council of Defense. I hesitate to continue this debate, but it seems to me it has taken on such proportions that someone had better state a view other than that which has been expressed upon the floor.

In the first place, I am amused at the statement of the majority leader that his party has never stood for any particular or special interest. If I remember rightly, and I think my memory runs back very well into 1935 and 1937, the Democratic party was extremely busy introducing all kinds of bills that played to all kinds of special groups, minority groups, pressure groups, special privilege groups, or any particular kind of group that you can think of in the state of Pennsylvania, that could be gathered together, in order that some aid might be given to the Democratic party. That was very special legislation. I have some good recollection that during this session a number of bills were presented in an effort to catch some flies on the molasses that was being spread upon the legislative calendar in order that they may gain some particular benefit. When you get down to that proposition, we could stand here a long time this afternoon saying unpleasant things, which would not be difficult to do but I do not want to muddy the waters by stirring up any animosity because we all seem to be peaceful and quiet and we all know the difficulty the Speaker is having with the folks back of the rail.

When it comes to tax anticipation notes, upon which my friend on the other side so eloquently dwells, I remember during the Earle administration, when the tax anticipation notes were first devised, when there was a dispute as to who was the inventor of it, between the then Attorney General, Charlie Margiotti, and the then Secretary of Revenue, now a judge of the Federal Court in Philadelphia, Judge Kalodner. At any rate, the dispute among the Democrats was as to who devised tax anticipation notes, which were invented for the Commonwealth of Pennsylvania for the purpose of helping it out of its financial fiscal problem.

I dislike to differ with my leader on this side. I do not very often do that. He has a good head. He is generally on the right track but I cannot agree to go along with this measure. I think it is as cock-eyed a piece of legislation as I have ever seen in the nation. I am afraid of what the gentleman from Dauphin has stated on the floor of the House. I am not in accord with the Republican leader, who very frankly says the bill is bad and that he hopes to amend it in the Senate. I think this is a very dangerous precedent, and the gentleman from Monroe has demonstrated it very clearly when he said that they intended to prevent any transfer of funds from a special fund into the General Fund. With that sort of a proposition I am not in accord or in agreement, although I have been told that politically it is a bad thing to advocate my position in this legislature, but whether it is a bad thing politically or not, I think the interests of all the people of the Commonwealth of Pennsylvania, the necessity to operate the government of Pennsylvania, the necessity of the demand to keep our schools and institutions running in Pennsylvania, has a higher right and a higher place than the particular interests of any particular group in Pennsylvania, and whether that is bad politics or not, I will stand upon it, because I think it is good Americanism, sound patriotism, sound Pennsylvanism to stand on that particular ground. As the gentleman from Dauphin pointed out, under the first Talbot Act, if you have a crisis where you do not have the money to carry on the things that you must carry on in regards to your schools and hospitals, the Supreme Court has said that certain functions of government must go on, they have a prior right, and if you have such a crisis you cannot transfer from the special fund and you would then close your schools and institutions and create a condition in Pennsylvania that I will never be responsible for as long as I am here. If the honest intent, and I would not quarrel with the gentleman as to whether or not that is his honest intent, if the honest intent is to do as the gentleman has stated, that would be all right. Therefore, I say it is wrong and this bill is not an honest bill, it is not on the level. This bill purports to permit you to transfer from a special fund, it says that you must within the same biennium provide for appropriations from revenues, revenues within that biennium, not revenues to be appropriated within the next biennium, but revenues within that biennium, to pay it off. That is not always possible. You could not do it in January or February, as has been brought up time and time again. In a regular session you could not provide a tax to be levied and collected within that biennium. If you are going to do away with tax anticipation notes, your problem would be increased that much more. I say to you this resolution should not pass, whether or not it is the intent to amend it in the Senate. If the Senate would amend it the Democratic leadership would never agree to the amendments. I think it is a very bad and dangerous proposition. I do not think we should pass this resolution with the hope that it may be amended properly in the Senate, when there is such a wide difference of opinion and when there is such tremendous pressure being exerted. I think we ought to stand up here like men and not be dominated entirely by political reasons. The Democratic leadership ought to send this back to committee, and if you do not want to go along on that, put in a resolution that you can transfer at any time now or hereafter from any special fund. You ought to do that, if you honestly believe it and the Democratic leadership says it should be done.

Mr. ACHTERMAN. Mr. Speaker, may I briefly state that the basic difference between the two parties is this, we are not opposed to transferring of funds, but in our

administration we always had the courage to pass revenue measures to replace our borrowed money. The gentlemen on the other side have no desire to face such a problem. We are saying this, Mr. Speaker, that they are either going to face their problems, they are going to be courageous we hope, or if not, we are going to force them to be courageous and meet the problems as they arise. It means, Mr. Speaker, that in each biennium they must meet their problems. They must live within their income.

Mr. WOODSIDE. Mr. Speaker, we have tried to keep the debate on this side non-political, but if the gentleman insists upon being political, let me say first, certainly we do enjoy his admission that this problem is going to be our problem after this constitutional amendment is passed. We thank him for admitting that fact.

May I say one other thing, a lot of other states have amendments preventing a transfer of special funds. Why cannot Pennsylvania have such an amendment? I will tell you why. There is no other state in the nation that has these two important factors working upon the budget. One is the limitation of one million dollars borrowing capacity, and the other is that all of the relief load is carried out of the state fund. When you have those two problems which are peculiar to Pennsylvania, working on the budget problems, you have created a situation which makes it extremely important to the people of the Commonwealth of Pennsylvania and the government of the Commonwealth, to permit under certain circumstances the borrowing of funds, particularly on occassions where it will not cripple any of the special funds. It was interesting to me to have the Democratic Floor Leader discuss the important budget requirements, from the standpoint of the Democratic party, which, they say, has always met their obligations. We have had a great example of that in Washington and we have had an example of it in the Commonwealth of Pennsylvania, because after all, they are always talking about the ninety million dollar deficit, and you have to squeeze that a little bit to get the figures close to that. You must remember that the Democratic administration did not provide revenues to carry through relief and the other appropriations to the end of the biennium, as they should have done. Thus they created a deficit in the Commonwealth of fifty or sixty million dollars for the Republicans to pay off. So, after all, the question of deficit and financing is not peculiar by any means to the Republican party.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 162

Achterman	Fleming,	Malloy,	Rhea,
Baker,	Fletcher,	Marks,	Rooney,
Balthaser,	Flynn,	Maxwell,	Rose, S.,
Bentzel,	French,	McClanaghan,	Rose, W. E.,
Boies,	Gallagher,	McClester,	Rosenfeld,
Boney,	Gates,	McDermott,	Royer,
Boorse,	Gerard,	McFall,	Sarge,
Bower,	Goodwin,	McGrath,	Sarraf,
Bradley,	Gross,	McIntosh,	Scanlon,
Breth,	Habbyshaw	McLanahan,	Schwab,
Bretherick,	Haberlen,	McLane,	Serrill,
Brown,	Haines,	McMillen,	Shaffer,
Brunner, C. H.	Hamilton,	McSurdy,	Shaw,
Brunner, P. A.	Hare,	Melchiorre,	Shepard,
Burns,	Harkins,	Mihm,	Snyder,
Burris,	Harris,	Modell,	Sollenberger,
Cadwalader,	Heatherington,	Monks,	Sorg,
Chudoff,	Helm,	Mooney,	Stambaugh,
Cochran,	Herman,	Moran,	Stank,
Cohen, M. M.,	Hersch,	Moul,	Stine,
Cohen, R. E.,	Hirsch,	Muir,	Tarr,
Cook,	Holland,	Munley,	Tate,
Cooper,	Huntley,	Nagel,	Taylor,
Cordier,	Imbrie,	Nunemacher,	Thompson, R. L.,
Corrigan,	Jefferson,	O'Brien,	Trout,
Croop,	Jones, P. N.,	O'Connor,	Van Allsburg,
Cullen,	Kenehan,	O'Mullen,	Vincent,
Dalrymple,	Kline,	O'Neill,	Vogt,
Dennison,	Knoble,	Owens,	Voldow,
DiGenova,	Kolankiewicz,	Petrosky,	Wagner,
Dolon,	Komorofski,	Pettit,	Weingartner,
D'Ortona,	Krise,	Polaski,	Weiss,
Duffy,	Laisey,	Polen,	Welsh, E. B.,
Early,	Leonard,	Powers,	Welsh, M. J.,
Elliott,	Lesko,	Prosen,	Williams,
Ely,	Levy,	Rausch,	Woodring,
Finestone,	Leydic,	Readinger,	Woodside,
Finnerty,	Lichtenwalter,	Reese, D. P.,	Wright,
Fisher,	Longo,	Reese, R. E.,	Yester,
Fiss,	Lovett,	Regan,	Young,
		Reynolds,	Kilroy, Speaker.

NAYS 4

Auker,	Foor,	Gyger,	Turner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. AUKER filed the following reason for his vote:

Believe that the act is vicious and too bad a Governmental principle to be passed. It would tend too strongly to tie the hands of our state government in time of stress and vital need, when it would be impossible to raise moneys within a biennium to pay for those unexpected stresses, needs and requirements to keep necessary institutions of the State operating.

Majority party of the House would not pass the Trout bill, which was the bill sponsored by the Pennsylvania Auto Clubs.

Mr. TURNER in the Chair

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 199, entitled as follows:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred forty (Act No. 4) entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by further defining moneys transferred to the General Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the sixteenth day of May one thousand nine hundred forty (Act No 4) entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" is hereby amended to read as follows

Section 1 The moneys in the Fire Insurance Tax Fund upon the effective date of this act are hereby transferred to the General Fund and any moneys coming into the Fire Insurance Tax Fund between the effective date of this act and [May] January thirty-first one thousand nine hundred forty-one shall be transferred to the General Fund upon their payment into the Fire Insurance Tax Fund But the total amount to be transferred under this section shall

not exceed two million three hundred thousand dollars ($2,300,000)

The purpose of the transfers authorized by this section is to provide funds for the payment of the appropriations for or relating to public assistance and the other appropriations made by this session of the General Assembly To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Fire Insurance Tax Fund to the General Fund shall be repaid to the Fire Insurance Tax Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 182

Achterman,	Flynn,	Lovett,	Reynolds,
Auker,	Foor,	Lyons,	Rhea,
Baker,	French,	Malloy,	Riley,
Balthaser,	Gallagher,	Marks,	Rooney,
Bentley,	Gates,	Maxwell,	Rose, S.,
Bentzel,	Gerard,	McClanaghan,	Rosenfeld,
Boies,	Gillan,	McClester,	Sarge,
Boney,	Gillette,	McDermott,	Sarraf,
Boorse,	Goodwin,	McFall,	Scanlon,
Bower,	Gross,	McGrath,	Schwab,
Bradley,	Gyger,	McIntosh,	Shaffer,
Breth,	Habbyshaw,	McKinney,	Shaw,
Bretherick,	Haberlen,	McLanahan,	Shepard,
Brown,	Haines,	McLane,	Simons,
Brunner, C. H.,	Hamilton,	McMillen,	Snyder,
Brunner, P. A.,	Hare,	Melchiorre,	Sollenberger,
Burns,	Harkins,	Mihm,	Sorg,
Burris,	Harmuth,	Modell,	Stank,
Cadwalader,	Harris,	Monks,	Stine,
Chervenak,	Heatherington,	Mooney,	Tarr,
Chudoff,	Helm,	Moran,	Tate,
Cochran,	Hering,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Munley,	Trout,
Cooper,	Hewitt,	Nagel,	Van Allsburg,
Cordier,	Hirsch,	Nunemacher,	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Huntley,	O'Connor,	Vogt,
Cullen,	Imbrie,	O'Dare,	Voldow,
Dalrymple,	Jefferson,	O'Mullen,	Voorhees,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
Di Nova,	Keenan,	Owens,	Weiss,
Dolon,	Kenehan,	Petrosky,	Welsh, E. B.,
D'Ortona,	Kline,	Pettit,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Polaski,	Williams,
Early,	Komorofski,	Polen,	Winner,
Elder,	Krise,	Powers,	Wolf,
Elliott,	Lee, T. H.,	Prosen,	Wood, L. H.,
Ely,	Leisey,	Rank,	Wood, N.,
Falkenstein,	Leonard,	Rausch,	Woodring,
Finestone,	Lesko,	Readinger,	Wright,
Finnerty,	Levy,	Reagan,	Yeakel,
Fiss,	Leydic,	Reese, D. P.,	Yester,
Fleming,	Lichtenwalter,	Reese, R. E.,	Young,
Fletcher,	Longo,	Regan,	Kilroy, Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 751, Printer's No. 264, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1022, entitled as follows:

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of nonresident hunting licenses without securing a Pennsylvania dog license

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section thirteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all monies collected into the State Treasury and providing penalties" is hereby amended to read as follows

Section 13 Any person may bring or cause to be brought into the State for a period of thirty days one or more dogs for show trial or breeding purposes without securing such license and any person holding a Pennsylvania non-resident hunting license may bring or cause to be brought into the State not more than three dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law

This section does not apply to dogs used [during the hunting season for hunting game or] temporarily for breeding trial or show nor for the transportation of dogs for [hunting] breeding trial or show purposes the home county license holding good for such purposes throughout the Commonwealth

Section 2 Section eighteen of said act as amended by the act approved the sixth day of May one thousand nine hundred and twenty-seven (P. L. 833) is hereby further amended to read as follows

Section 18 On and after the fifteenth day of January one thousand nine hundred and twenty-two it shall be unlawful for any person to own or keep any dog six months old or over unless such dog is licensed by the treasurer of the county in which the dog is kept and unless such dog at all times wears the collar and tag provided for by this act unless such dogs are temporarily

brought into the State for breeding hunting trial or show purposes as hereinbefore provided

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. DIX. Mr. Speaker, this bill has a very familiar face to me and I recognize it as my child. The gentleman who sponsored it has taken my original bill almost word for word and has presented it in his own name. This is just another example of bill snatching, and legislative pilfering that has been going on in the House for some time. He has, however, taken the bill and amended it to such an extent that it is hardly recognizable, and it has destroyed the good effect which I had in my original bill. The purpose of this bill was to allow hunters from any of the surrounding states to come into Pennsylvania with their hunting dogs without being compelled to secure a dog license in Pennsylvania for just a few days. It would have brought into this state a great many thousands of dollars from tourists who otherwise would not have come into Pennsylvania. Inasmuch as the Department of Commerce is spending money to entice tourists to come into Pennsylvania it occurred to me that here was a large field whereby we could encourage them to come into our state for a few days for the purpose of hunting. They would board here, they would purchase their rifles, they would purchase ammunition, they would bring in their cars and purchase gasoline, and I believe it would be a tremendous impetus to our tourist trade to allow these sportsmen to bring in their dogs without the necessity of securing a Pennsylvania license. However, it has been made retroactive but in spite of that fact I would like to have the Members of the House support this bill as I think it is a very good gesture of friendship on the part of Pennsylvania to other states. For this reason, if for no other, in spite of the fact that the bill has been lifted and put in another person's name, I am heartily in favor of this bill.

The SPEAKER. As a little salve to the injured feelings of the gentleman from Wayne, the Chair would advise the gentleman that the highest compliment that can ever be paid to anyone is to have someone imitate him.

Mr. BRETH. Mr. Speaker, I would like to inform the Members of the House perhaps a little further on the intention of the bill. As it stands now Pennsylvanians must buy a hunting license for their dogs in West Virginia and Maryland when they take them there to hunt. This bill is not only to show the charity of the great state of Pennsylvania, in wanting to permit others from other states to hunt here without requiring a license for their dogs, but to encourage other states to follow suit. Where other states compel Pennsylvania hunters or any other hunters to buy a license for their dogs, when this bill is eventually passed it will be a great precedent for them to follow. I think both Mr. Dix and the sponsor of this bill are to be congratulated upon their uniform ideas, as amended.

Mr. HEWITT. Mr. Speaker, I would like to interrogate the gentleman from Clearfield, Mr. Breth.

The SPEAKER. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. BRETH. I shall, Mr. Speaker.

Mr. HEWITT. Coming in from West Virginia and other states to hunt game, would those hunters be allowed to bring hounds in for hunting deer?

Mr. BRETH. Not to hunt deer, Mr. Speaker.

Mr. HEWITT. Mr. Speaker, in some of those states they hunt deer with hounds.

Mr. BRETH. That is very true, Mr. Speaker.

Mr. TARR. Mr. Speaker, I resent the insinuation that any bill that has been in the Game Committee has not been given due consideration. For the benefit of the House and for the benefit of the gentleman from Wayne, Mr. Dix, I would say his bill was given consideration in the committee. Although I am not going to talk out of committee, it was given due consideration there, and the bill of Mr. Heatherington, which involved all of the principles which we thought would be necessary to insert in such a bill, was brought out to the floor.

The only reason I arise is due to the fact that no bill can be stolen or no bill can be taken out of our committee without the knowledge and consent of the Chairman of the committee. I consider it a direct reflection upon the Chairman of the Game Committee, who happens to be in this case myself. Thank you.

Mr. DIX. Mr. Speaker, I have no quarrel with the Chairman of the Game Committee but he certainly did not give my bill due consideration. This bill was placed in Committee a month before the other bill came out, and originally it was almost word for word the same as mine. If this is not legislative pilfering I do not know what it is.

Mr. McFALL. Mr. Speaker, being a member of the Game Committee I wish to enlighten this House about one fact, and that is that on this committee there are too many Democrats.

The SPEAKER. The gentleman will find plenty of agreement on that on the other side of the House.

Mr. MAXWELL. Mr. Speaker, as secretary of the Game Committee, I wish to support and substantiate the statement made by Mr. Tarr, to the effect that the gentleman from Wayne was given due consideration and his bill was given due consideration without question.

The SPEAKER. The Chair believes every Member will understand that—it was pickled.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 182

Achterman,	Foor,	Flynn,	Regan,
Auker,	French,	Lovett,	Reynolds,
Baker,	Gallagher,	Lyons,	Rhea,
Balthaser,	Gates,	Malloy,	Riley,
Bentley,	Gerard,	Marks,	Rooney,
Bentzel,	Gillan,	Maxwell,	Rose, S.,
Boles,	Gillette,	McClanaghan,	Rosenfeld,
Boney,	Goodwin,	McClester,	Sarge,
Boorse,	Gross,	McDermott,	Sarraf,
Bower,	Gyger,	McFall,	Scanlon,
Bradley,	Habbyshaw,	McGrath,	Schwab,
Breth,	Haberlen,	McIntosh,	Shaffer,
Bretherick,	Haines,	McKinney,	Shaw,
Brown,	Hamilton,	McLanahan,	Shepard,
Brunner, C. H.,	Hare,	McLane,	Simons,
Brunner, P. A.,	Harkins,	McMillen,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sollenberger,
Burris,	Harris,	Mihm,	Sorg,
Cadwalader,	Heatherington,	Modell,	Stank,
Chervenak,	Helm,	Monks,	Stine,
Chudoff,	Hering,	Mooney,	Tarr,
Cochran,	Herman,	Moran,	Tate,
Cohen, M. M.,	Hersch,	Moul,	Thompson, E. F.,
	Hewitt,	Muir,	Thompson, R. L.,

Cohen, R. E.,	Hirsch,	Munley,	Trout,
Cooper,	Holland,	Nagel,	Van Allsburg,
Cordier,	Huntley,	Nunemacher,	Verona,
Corrigan,	Imbrie,	O'Brien,	Vincent,
Croop,	Jefferson,	O'Connor,	Vogt,
Cullen,	Jones, P. N.,	O'Dare,	Voldow,
Dalrymple,	Keenan,	O'Mullen,	Voorhees,
Dennison,	Kenehan,	O'Neill,	Weingartner,
DiGenova,	Kline,	Owens,	Weiss,
Dolon,	Kolankiewicz,	Petrosky,	Welsh, E. B.,
D'Ortona,	Komorofski,	Pettit,	Welsh, M. J.,
Duffy,	Krise,	Polaski,	Williams,
Early,	Lee, T. H.,	Polen,	Winner,
Elder,	Leisey,	Powers,	Wolf,
Elliott,	Leonard,	Prosen,	Wood, I. H.
Ely,	Lesko,	Rank,	Wood, N.,
Falkenstein,	Levy,	Rausch,	Woodring,
Finestone,	Leydic,	Readinger,	Wright,
Finnerty,	Lichtenwalter,	Reagan,	Yeakel,
Fiss,	Longo,	Reese, D. P.,	Yester,
Fleming,		Reese, R. E.,	Young,
Fletcher,			Kilroy, Speaker

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 510 Printer's No. 298, was passed over at the request of the SPEAKER.

REPORTS FROM COMMITTEES

Mr. BRETHERICK, from the Committee on Judiciary General, reported as amended, House Bill No. 1093, entitled:

An Act authorizing suits brought to recover damages in case of accidents in this Commonwealth in any court of record to be certified to the Workmen's Compensation Board in the event that the suit has been filed by mistake in any court of record and defining the legal effect of such certifications.

Mr. SHAW, from the Committee on Cities—Second Class, reported as amended, House Bill No. 375 (Senate Bill No. 253) entitled:

An Act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions; providing for an election on such question; and regulating hours of service, hours of rest and annual vacations.

PERMISSION TO ADDRESS HOUSE

Mr. REUBEN E. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker, I want to talk about pickling. When I became Chairman of a committee at the beginning of this session, the first time in my legislative career I went down to the basement in order to try to find out where all the brine was and they told me it was all used up in the last session of the House.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Delaware, Mr. Turner, for presiding.

QUESTION OF PERSONAL PRIVILEGE

Mr. COOPER. Mr Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Allegheny will state his question of personal privilege.

Mr. COOPER. Mr. Speaker last Wednesday, under a question of personal privilege, I asked that a correction be made in the Legislative Journal on page 28, showing the returns of the general election of 1940 as they pertain to the Twelfth Legislative District of Allegheny County.

I now have in my possession a photostatic copy of the original returns made by the County board of Elections of Allegheny County, showing the returns from the Twelfth Legislative District. Attached to that is a certificate by the Deputy Secretary of the Commonwealth, certifying that this photostatic copy is a true copy of the returns, and I therefore ask that these papers be inserted in the record of the Legislative Journal

The SPEAKER. The papers referred to will be printed in the Legislative Journal.

April 10, 1941.

To Whom It May Concern:

I hereby certify that the attached is a true and correct photostatic copy of the 1940 General Election returns from the County of Allegheny for Representative in the General Assembly, for the Twelfth Representative District in the said county.

In testimony whereof, I have hereunto set my hand and the seal of the Secretary's office, the day and year above written.

GENE D. SMITH
Deputy Secretary of the Commonwealth

SEAL

1940 GENERAL ELECTION
OFFICE OF THE
COUNTY BOARD OF ELECTIONS

Commonwealth of Pennsylvania, } ss:
County of Allegheny }

Pittsburgh, Pa., November 29, 1940.

To the Secretary of the Commonwealth:

We Hereby Certify, That the following is a true and correct statement of the returns of the votes cast at the General Election held on Tuesday, November 5, 1940, for each and every candidate for the office of Representative in the General Assembly, in the twelfth representative district of said county as the same remain on file in this office.

REPRESENTATIVE IN THE GENERAL ASSEMBLY

Democratic

Charles Harmuth had fifty-one thousand one hundred forty-two votes (51,142).

Anthony J. Gerard had fifty thousand seven hundred fifty-four votes (50,754).

Emma Bray had forty-eight thousand eight hundred forty-seven votes (48,847).

Ludvick Zupancic had forty-eight thousand four hundred forty-one votes (48,441).

Republican

Ronald L. Thompson had fifty thousand three hundred two votes (50,302).

Edwin C. Ewing had forty-nine thousand nine hundred nineteen votes (49,919).

John R. Haudenshield had forty-nine thousand five hundred ninety-one votes (49,591).

George W. Cooper had forty-nine thousand nine hundred seventy-one votes (49,971).

Scatter had seven votes (7).

In Testimony Whereof, We have hereunto set our hands and seal of office, this twenty-ninth day of November, 1940.

SEAL

JNO. J. KANE
JOHN S. HERMAN
GEO. RANKIN, Jr.
County Board of Elections

Attest:
WM. W. SNYDER, Clerk.

COMMITTEE MEETINGS

Dairy Industries, Monday, April 21 at 4 p. m. in Room 329.

There will be a Public Hearing before the Committee on State Government on House Bill No. 849 on Wednesday, April 16, 1941 at 6:00 p. m. in the Forum of the Educational Building.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 1048 on Wednesday, April 23, 1941 at 7:00 p. m. in the New House Caucus Room.

There will be a very brief meeting of the State Government Committee in the ante-room at the rear of the House immediately after adjournment today.

There will be a meeting of the Joint State Government Commission in the New House Caucus Room at 4:00 p. m. today.

Allegheny County Democratic Members will meet immediately after the close of today's session in the Old House Caucus Room.

ADJOURNMENT

Mr. FOOR. Mr. Speaker, I move that this House do now adjourn until Thursday, April 17, 1941, at 10 a. m.

The motion was agreed to, and (at 3:57 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., THURSDAY, APRIL 17, 1941. No. 38.

HOUSE OF REPRESENTATIVES

THURSDAY, April 17, 1941

The House met at 10 a.m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. DONALD McFALL offered the following prayer:

Most gracious God, Thou who art the source of all light and life, we beseech Thee to let the light of Thy countenance fall upon our pathway and shine into our hearts today. Be with the members of this House of Representatives as they journey home. As they meet with Thee in the hours of worship may there be a heart searching for deeds done. Then God, bring each man back to this place with a renewed spirit, and if Thou dost show Thy loving kindness, forbid that we should rob ourselves by our lack of childlike trust and faith.

Be with those who are ill in body. Hasten the day when men shall be willing to give their lives for Thee as they are willing to give them to their state and nation; for the latter allegiance is temporal, while allegiance to Thee means life everlasting. Hear our petition, in the name of Christ, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. LYONS unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. OWENS. HOUSE BILL No. 1302.

An Act relative to the printing for the Commonwealth of Pennsylvania; to establish the requirements of responsible bidders; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of act inconsistent with the provisions of this act.

Referred to the Committee on State Government.

By Mr. TURNER. HOUSE BILL No. 1303.

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriations will be available to the school.

Referred to the Committee on Appropriations.

By Mr. McSURDY. HOUSE BILL No. 1304.

An Act to amend section one thousand and twenty-four of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by providing for the salary to be paid to burgesses in certain boroughs where such burgesses are also acting as uniformed policemen.

Referred to the Committee on Boroughs.

By Mr. DiGENOVA. HOUSE BILL No. 1305.

An Act to further amend section four hundred and ten of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," requiring companies to make a provision for cancellation by the insured in policies of life insurance; imposing additional duties on the Insurance Commissioner; and providing for refunds.

Referred to the Committee on Insurance.

By Messrs. NAGEL and GATES. HOUSE BILL No. 1306.

An Act prescribing procedure to be followed at regular sessions of the General Assembly and the publication of legislative histories thereat.

Referred to the Committee on State Government.

By Mr. MARSHALL M. COHEN (By Request). HOUSE BILL No. 1307.

An Act to further amend section eight hundred and six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Common-

wealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, asses, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by changing and restricting the right of the Commonwealth to impose interest on unpaid tax and bonus, when such tax and bonus are not settled within a certain period of time.

Referred to the Committee on Ways and Means.

By Messrs. YEAKEL and STOCKHAM.

HOUSE BILL No. 1308.

An Act to amend sections two and four of the act, approved the sixteenth day of May, one thousand nine hundred forty (Act No. 11) entitled "An act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; consistuting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds," by authorizing the extension of the turnpike provided for therein, to the Delaware River at or near the Borough of Yardley in Bucks County, so as to establish connection through New Jersey to the Metropolitan area surrounding New York City.

Referred to the Committee on Highways.

By Mr. WOODRING. HOUSE BILL No. 1309.

An Act making an appropriation to the Trustees of the Pennsylvania State College for instruction and research in aeronautical engineering and for the acquisition, construction and maintenance of airport facilities as an aid to national defense and for other purposes; and empowering said trustees to enter into agreements with Federal officials or agencies with respect to the construction and use of such airports.

Referred to the Committee on Appropriations.

By Messrs. NAGEL and McLANAHAN.

HOUSE BILL No. 1310.

An Act to amend section one of the act, approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensations of the judges and other officers and the practice and costs on appeals from its judgments," by further providing for minority representation in the election of judges of the Superior Court.

Referred to the Committee on Judiciary General.

By Messrs. TAYLOR and ROYER.

HOUSE BILL No. 1311.

An Act to further amend section six hundred two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by exempting persons in the naval and military service of the United States from the payment of driver's license fees.

Referred to the Committee on Motor Vehicles.

By Mr. HOLLAND. HOUSE BILL No. 1312.

An Act to further amend section five of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," changing the effective period of licenses.

Referred to the Committee on State Government.

By Mr. ROSENFELD. HOUSE BILL No. 1313.

An Act to further amend subsection A of section one thousand two hundred eight and section one thousand two hundred nine of the Act approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations, providing for the organization of corporations with fiduciary powers, and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers, defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys and other employes of all such corporations or private bankers or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation, conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers, imposing penalties and repealing certain acts and parts of acts," by adding further provisions authorizing investments by any savings bank not under special charter and any special charter savings bank in certificates of investment in The Savings Bank Life Insurance Fund of the Commonwealth, and in certificates of

contribution to the Surplus Fund of its own insurance department.

Referred to the Committee on Banking.

By Messrs. CHARLES H. BRUNNER and MARSHALL M. COHEN. HOUSE BILL No. 1314.

An Act to amend the act approved the twenty-fourth of June, one thousand nine hundred thirty-nine (P. L. 872) entitled, "An act to consolidate, amend and revise the penal laws of the Commonwealth;" changing and revising sections of said act relating to obstructing an officer in the execution of process, fornication and bastardy, lotteries, firearms, receiving stolen property, trespass on posted property, cheating by fraudulent pretenses, burglary, attempt to commit arson, principals in the second degree and accessories, aiders and abettors, providing penalties for refusal to pay transportation fares; and repealing certain sections relating to larceny and certain existing acts.

Referred to the Committee on Judiciary Special.

By Messrs. THOMAS H. LEE and EDWIN A. LEE. HOUSE BILL No. 1315.

An Act to amend the title and the act, approved the seventh day of May, one thousand nine hundred thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," by adding new sections; making certain changes in the designation of certain streets taken over as State highways, and adding thereto certain additional streets; providing for the taking, opening, relocation, widening, or change of grade of such State highways at the expense of the Commonwealth and the city, or either of them; designating the city as agent for the Commonwealth in the settlement of damages; authorizing agreements for the taking, opening, relocation, widening, change of grade, construction, reconstruction, repair, and maintenance of such State highways; appropriating money in the Motor License Fund for the purposes of the act as amended.

Referred to the Committee on Highways.

By Mr. ROSENFELD. HOUSE BILL No. 1316.

An Act authorizing mutual savings banks without capital stock created under any general or special act of this Commonwealth to establish life insurance departments, subject to certain conditions; authorizing life insurance departments of such mutual savings banks to issue policies of life insurance and annuity contracts, subject to certain restrictions; exempting life insurance departments of such mutual savings banks and their agents from laws relating to insurance and annuity agents, brokers, adjusters, and the licensing, regulation, and control thereof; providing for the investment and deposit of funds of life insurance departments of such mutual savings banks; prohibiting the employment of solicitors of life insurance and annuity contracts by the insurance department of such mutual savings banks; creating a body corporate in the Banking Department of this Commonwealth, to be known as "The Savings Bank Life Insurance Fund of the Commonwealth of Pennsylvania," for the purpose of guaranteeing and supervising the issuance of life insurance policies and annuity contracts issued by life insurance departments of such mutual savings banks, and providing for the examination thereof by the Secretary of Banking; limiting the time within which and the place where suits shall be brought on life insurance policies or annuity contracts issued by life insurance departments of such mutual savings banks; providing that life insurance policies and annuity contracts issued by the life insurance policies and annuity contracts issued by the life insurance department of such mutual savings banks shall be subject to and construed solely in accordance with the laws of this Commonwealth; providing for the licensing, qualification, regulation, examination, suspension, liquidation, possession, and dissolution of insurance departments of such mutual savings banks by the Secretary of Banking, and the Insurance Commissioner, as the case may be; providing for the exemption from local taxation of certain rights and property of life insurance departments of such mutual savings banks, and repealing inconsistent laws.

Referred to the Committee on Insurance.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 45. (HOUSE BILL No. 1317.)

An Act to further amend section four hundred and twenty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto by providing an increase in contributions by county commissioners toward the burial of deceased service men.

Referred to the Committee on Counties.

SENATE BILL No. 528. (HOUSE BILL No. 1318.)

An Act making a deficiency appropriation to aid certain school districts.

Referred to the Committee on Appropriations.

SENATE BILL No. 269. (HOUSE BILL No. 1319.)

An Act authorizing the redemption of real property purchased by political subdivisions at tax sales upon the payment of the amount charged against the same and costs by installment payments and prescribing the procedure therefor.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 326. (HOUSE BILL No. 1320.)

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense to be used for training or retraining workers and prospective workers for industries essential to national defense waiving all statutory requirements as to advertising for said bids.

Referred to the Committee on State Government.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented

an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 16, 1941.

Whereas, Muhlenberg College will hold celebrations during the year 1942 commemorating the two hundredth anniversary of the arrival in the American colonies of Henry Melchior Muhlenberg; and

Whereas, the said Henry Melchior Muhlenberg was the father of General John Peter Gabriel Muhlenberg, a friend of George Washington and a member of his staff; and

Whereas, the said General John Peter Gabriel Muhlenberg was born at Trappe, Pennsylvania, October 1, 1746; and

Whereas, in 1775 the said General John Peter Gabriel Muhlenberg threw off his clerical gown while delivering a sermon at Woodstock, Virginia, disclosing himself dressed in the uniform of an officer of the Continental Army and challenged his congregation with the remark: "There is a time for all things—a time to preach and a time to pray; but there is also a time to fight, and that time has now come," and took leave of his congregation and led his soldiers in the war for our Country's freedom; and

Whereas, the said General John Peter Gabriel Muhlenberg was chosen the Vice President of Pennsylvania in 1785 with Benjamin Franklin as President; and

Whereas, he was elected to the First Congress of the United States and reelected to the second and third, serving from March 4, 1789 to March 3, 1795; and

Whereas, in 1801 he was elected to the United States Senate but resigned before the Congress met to accept President Jefferson's appointment as Supervisor of Revenue for the District of Pennsylvania; and

Whereas, there has been introduced in the Senate of the United States by The Honorable James J. Davis, for himself and The Honorable Joseph F. Guffey, a Joint Resolution resolving that the Government and the people of the United States unite with Muhlenberg College in a fitting and appropriate observance of the two hundredth anniversary of the arrival in the American colonies of Henry Melchior Muhlenberg; and

Whereas, there has been introduced in the House of Representatives of the United States by the Honorable Charles L. Gerlach a Joint Resolution resolving that the Government and the people of the United States unite with Muhlenberg College in a fitting and appropriate observance of the two hundredth anniversary of the arrival in the American colonies of Henry Melchior Muhlenberg; now therefore be it

Resolved (if the House concur), that The General Assembly memorialize the Congress of the United States to adopt with all possible dispatch S. J. Resolution 49 and H. J. Resolution 128 in the form introduced; and be it further

Resolved, that one copy of this Resolution be forwarded to each of the following:

The President of the United States, Franklin D. Roosevelt.

Senator Alben W. Barkley, Chairman of the Joint Committee on the Library.

Senator James J. Davis.

Senator Joseph F. Guffey.

Honorable Charles L. Gerlach.

All members of the House delegation from Pennsylvania.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Paul A. Brunner for Mr. WOLF for today's session.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 625, entitled:

An Act to amend clauses (a) and (b) of section two hundred one and section four hundred fifteen of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property, making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, further regulating the licensing of importers; and prohibiting the board from importing liquor from any source other than from licensed manufacturers having a manufacturing establishment in this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1174, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing certain requirements with respect to contracts of school districts involving more than certain amounts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1175, entitled:

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 909, entitled:

An Act to further amend section three hundred three of and to add section three hundred seven to the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees, and imposing penalties," by providing for the appointment of assistant managers in Pennsylvania Liquor Stores; and by establishing minimum salaries for certain employes of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 780, entitled:

An Act to further amend clause (f) of section two hundred one of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," further regulating the fixing of salaries of persons employed under the provisions of said act, and increasing such salaries in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1014, entitled:

An Act to further amend clause eight of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the minimum salary of county superintendents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1156, entitled:

An Act to add section one thousand six hundred and seven and one-tenth to article sixteen of the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teaching in the public schools of principles of democratic government and patriotism and imposing certain duties on the Superintendent of Public Instruction.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 834, entitled:

An Act requiring persons selling "merchandise" as herein defined, to place weighing and measuring devices in full view of the purchasers; imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 582, entitled:

An Act to further amend section one thousand one hundred twenty-five and to amend section one thousand one hundred twenty-seven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," specifying the reasons for making deductions from salary of, and suspending and dismissing policemen, and the procedure in connection therewith, including limitations on the powers of the borough council and burgess; creating a board of review to be appointed by the borough council, and defining the powers and duties of said board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1205, entitled:

An Act to amend subsections (b) and (c) of section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties,"

to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1058, entitled:

An Act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of salaried employes in borough fire departments (except volunteer departments); providing for the appointment of a Civil Service Board; defining its powers and duties; and imposing powers and duties on borough councils with regard thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1088, entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1173, entitled:

An Act to further amend the fourth paragraph of section five hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," allowing further deductions from gross indebtedness in order to determine indebtedness of any school district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1198, entitled:

An Act to add subdivision (e) to article two and to amend section eight hundred five of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more by referendum, and prescribing the procedure therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1145, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 598, entitled:

An Act requiring the council of cities of the Section Class A to fix the salaries of the officers and members of the police department; and establishing minimum salaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 613, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1111, (Senate Bill No. 329), entitled:

An Act to amend clause (a) of section twenty of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," fixing the time of day that the open season shall begin for charr, commonly called brook trout and any species of trout except lake or salmon trout.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 837, entitled:

An Act to further amend section one thousand six hundred and seven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," permitting the teaching in high schools and vocational schools of the theories of proper and safe operation of motor vehicles.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 908, entitled:

An Act to amend the next to the last paragraph of section four and to further amend section sixteen of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining

agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations; and providing penalties," by defining the jurisdiction of the Pennsylvania Milk Control Commission over certain associations, and regulating the sale and marketing of milk thereby.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 777, entitled:

An Act to amend section two thousand five hundred five A of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further regulating and fixing of maximum and minimum salaries by the Department of Public Assistance and the employment Board, and providing for increases of salaries in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1021, entitled:

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 99, entitled:

An Act to amend section two of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities," by exempting clubs from such limitation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 752, entitled:

An Act authorizing cities of the second class A, with the consent of the owners therefrom to improve and beautify property devoted to park purposes and adjoining State-owned hospitals within such cities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1093, entitled:

An Act authorizing suits brought to recover damages in case of accidents in this Commonwealth in any court of record to be certified to the Workmen's Compensation Board in the event that the suit has been filed by mistake in any court of record, and defining the legal effect of such certifications.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 875, (Senate Bill No. 253), entitled:

An Act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions; providing for an election on such question; and regulating hours of service, hours of rest and annual vacations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. MIHM. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities Second Class.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 649, entitled:

An Act to further amend subsection (c) of section seven of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business' by providing for the granting of a real estate brokers' license to certain persons without examination

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SCANLON. Mr. Speaker, I move that this bill

be recommitted to the Committee on Professional Licensure for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1207 (Senate Bill No. 285), entitled:

An Act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class and on unpaid delinquent poll poor district institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period preserving certain tax liens and providing for the extension thereof

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1228, entitled:

An Act to amend sections three and four of the act approved the fifth day of June one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark brand or name" exempting the sale of books to libraries from the provisions of said act

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 499, entitled:

An Act to amend section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by preventing the reduction in pay or position of any police officer or fireman by reason of any superannuation classification

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 826, entitled:

An Act to amend section one thousand four hundred one of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating the establishment and maintenance of sidewalks

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. TARR: Mr. Speaker, this bill was to be read twice and then returned to the Committee. However in fairness to the Members of the Committee who allowed the bill to come out, I am going to move that the bill be recommitted to the Committee on Townships, much as I do not want it to go back.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 53, entitled:

An Act providing for the acquisition of the Admiral Peary Memorial Park and for its management and development by the Pennsylvania Historical Commission and making an appropriation

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. O'CONNOR. Mr. Speaker, inasmuch as this bill carries an appropriation, I move that it be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 796, entitled:

An Act authorizing the payment of taxes in cities of the first class by partial or installment payments

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 60, entitled:

An act validating compromise agreements and private sales made by the county commissioners of real estate purchased by them at county treasurers' sales whether or not such agreements and sales were made in compliance with the acts of assembly relating thereto

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1070, entitled:

An Act prohibiting owners of restaurants pool rooms bowling alleys confectionery stores barber shops grocery stores or hotels from encouraging or permitting gambling and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MELCHIORRE. Mr. Speaker, I move that this bill be recommitted to the Committee on Law and Order for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1187, entitled:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania Quarantine Station property and ceding to the United States jurisdiction over said land

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1151, entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 575, (Senate Bill No. 201), entitled:

An Act to amend a certain appropriation item contained in section two of Act No. 69-A approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by deferring for a short period of time certain payments required to meet the Sinking Fund requirements of Veterans' Compensation Bonds.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 730, entitled:

An Act further regulating the trials of criminal cases and imposing certain duties on trial judges in the trial of such cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 869, entitled:

An Act to amend the act approved the fifteenth day of July one thousand nine hundred thirty-six (P. L. First Extraordinary Session 47) entitled "An act to enable persons associations partnerships and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confession of judgments regulating the assignment and release of such mortgages and designating the operation and effect of the lien of such mortgages" by extending enlarging and removing the limitations from the class of those who may become chattel mortgagees by making further provision respecting fees of recorders of deeds in connection with chattel mortgages extension of the lien of said mortgages and defaults of said mortgages and by defining violations and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 480, entitled:

An Act to amend sections eight hundred thirty-four and eight hundred thirty-six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by making the crimes fraudulent conversion of property and cheating by fraudulent pretenses misdemeanors and modifying penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1152, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 482, Printer's No. 297, was passed over at the request of the SPEAKER.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1039, as follows:

An Act to further amend section one of the act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (P. L. 129) entitled "An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same" by further regulating retirement allowances and providing for the return of contributions in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (P. L. 129) entitled "An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same" as last amended by the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2795) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the several cities of this Commonwealth incorporated by general or special laws shall establish by ordinance a police retirement fund to be maintained by an equal and proportionate monthly charge against each member of the police force which shall not exceed annually three and one-half per centum of the pay of such member and by annual appropriations made by the city which fund shall be under the direction of councils or committees to the direction of such officers of the city as may be designated by councils and applied under such regulations as councils may by ordinance prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in the service but such retirement allowances as shall be made to those who are retired by reason of the disabilities or age shall be in conformity with a uniform scale Provided however That in the event of the death of any member the legal heirs or representatives of such member shall be entitled at least to the total amount of the contributions made by such member to the fund less retirement payments if any made during the lifetime of such member to such member Provided further however That if any member be dismissed from the service or resign therefrom before receiving any retirement payments the total amount contributed by such member to the fund shall be returned to him

The annual appropriation made by the city each year shall be sufficient when added to the contributions made by members of the police force during such year and income from investments to pay in full the retirement allowances payable during such year

Such ordinance may prescribe a minimum period of continuous service not less than twenty years and a minimum age of fifty years after which members of the force may be retired from active duty and such members as are retired shall be subject to service from time to time as a police reserve until unfitted for such service when they may be finally discharged by reason of age or disability

Payments made under the provisions of this section shall not be a charge on any other fund in the treasury of the city or under its control save the police retirement fund herein provided for The basis of the apportionment of the retirement allowance shall be determined by the rate of the monthly pay of the member at the date of death honorable discharge or retirement and shall not in any case exceed in any year one-half the annual pay of such member computed at such monthly rate

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Malloy,	Rose, S.,
Auker,	Gallagher,	Marks,	Rose, W. E.,
Baker,	Gates,	Maxwell,	Rosenfeld,
Balthaser,	Gerard,	McClanaghan,	Rush,
Bentley,	Gillan,	McClester,	Sarge,
Bentzel,	Gillette,	McDermott,	Sarraf,
Boles,	Goodwin,	McDowell,	Scanlon,
Boney,	Greenwood,	McFall,	Schwab,
Boorse,	Gross,	McGrath,	Serrill,
Bower,	Gryskewicz,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McLanahan,	Shaw,
Breth,	Haberlen,	McLane,	Shepard,
Bretherick,	Haines,	McMillen,	Snyder,
Brown,	Hamilton,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hare,	Melchiorre,	Sorg,
Brunner, P. A.,	Harkins,	Mihm,	Stambaugh,
Burns,	Harmuth,	Modell,	Stank,
Burris,	Harris,	Monks,	Stine,
Cadwalader,	Heatherington,	Mooney,	Stockham,
Chudoff,	Helm,	Moran,	Tarr,
Cochran,	Hering,	Moul,	Tate,
Cohen, M. M.,	Herman,	Muir,	Taylor,
Cohen, R. E.,	Hersch,	Munley,	Thompson, E. F.,
Cook,	Hewitt,	Nagel,	Thompson, R. L.,
Cooper,	Hirsch,	Nunemacher,	Trout,
Cordier,	Holland,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Connor,	Verona,
Croop,	Imbrie,	O'Dare,	Vincent,
Cullen,	Jefferson,	O'Mullen,	Vogt,
Dalrymple,	Jones, G. E.,	O'Neill,	Voldow,
Dennison,	Jones, P. N.,	Owens,	Wagner,
DiGenova,	Keenan,	Petrosky,	Watkins,
Dolon,	Kenehan,	Pettit,	Weiss,
D'Ortona,	Kline,	Polaski,	Welsh, E. B.,
Duffy,	Knoble,	Polen,	Welsh, M. J.,
Early,	Kolankiewicz,	Powers,	Williams,
Eckels,	Komorofski,	Prosen,	Winner,
Elder,	Krise,	Rank,	Wolf,
Elliott,	Lee, T. H.,	Rausch,	Wood, L. H.,
Ely,	Leisey,	Readinger,	Wood, N.,
Finestone,	Leonard,	Reagan,	Woodring,
Finnerty,	Lesko,	Reese, D. P.,	Woodside,
Fiss,	Levy,	Reese, R. E.,	Wright,
Fleming,	Leydic,	Regan,	Yeakel,
Fletcher,	Lichtenwalter,	Reynolds,	Yester,
Flynn,	Longo,	Rhea,	Young,
Foor,	Lovett,	Riley,	Kilroy, Speaker
	Lyons,	Rooney,	

NAYS—3

McKinney,	Royer,	Weingartner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 854, Printer's No. 320, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 751, Printer's No. 264, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 510, as follows:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws," by changing the method whereby future referendums be initiated and held.

On the question,

Will the House agree to the bill on third reading?

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 5), page 3, line 12, by inserting a light-face bracket before the word "general" and after the word "municipal".

Amend Sec. 1 (Sec. 5), page 3, line 12, by inserting after the word "municipal" the following: "primary".

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 227, Printer's No. 178, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 993, Printer's No. 256, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 971, as follows:

An Act to further amend sections fifteen and fifteen and three-tenths and to repeal sections fifteen and one-tenth and fifteen and two-tenths of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by providing for the renewal extension and continuation of liens for taxes and water lighting power and sewer rates until such taxes and rates are fully paid and satisfied and authorizing the filing and revival of liens heretofore lost and in certain cases reviving validating preserving and extending liens

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 512) is hereby further amended to read as follows

Section 15 [Such claims for taxes water rates lighting rates power rates and sewer rates if hereafter filed by any political subdivision other than cities of the first class cities of the second class or school districts of the first class within the period aforesaid shall remain a lien upon said properties for a period of five years from the date they shall be actually entered as a lien unless fully paid and satisfied or compromised and satisfied as provided by law or unless the said properties are sold as provided by this act within said period and such liens shall not be revived extended or continued beyond such period except in cases hereinafter provided for All such claims heretofore filed by any political subdivision within the period hereinbefore prescribed and all municipal claims other than for taxes or for said rates] Such tax municipal or other claim if filed within the period [hereinbefore provided for such claims] aforesaid shall remain a lien upon said properties until fully paid and satisfied Provided however That either a suggestion of nonpayment and an averment of default in the form hereinafter provided be filed either before or after judgment on the scire facias or else a writ of scire facias in the form herein provided be issued to revive the same within each period of five years following (a) the date on which said claim was filed (b) the date on which a writ of scire facias was issued thereon (c) the date on which any judgment was entered thereon (d) the date on which a previous suggestion on nonpayment and default was filed thereon or (e) the date on which a judgment of revival was obtained thereon

The suggestion and averment shall be in the following form under the caption of the claim

And now .....the claimant by ..... its solicitor or controller suggests of record that the above claim is still due and owing to the claimant and avers that the owner is still in default for nonpayment thereof The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the claim and also to index it upon the judgment index and on the locality index of the court for the purpose of continuing the lien of the claim

Such suggestion and averment shall be signed by or have stamped thereon a facsimile signature of the solicitor or chief executive officer of the claimant except in counties having a controller in which case as to county taxes it shall be signed by or have stamped thereon a facsimile signature of the controller The prothonotary shall docket and index the suggestion and averments directed therein and for such services shall be entitled to a fee of one dollar to be taxed and collected as other costs in the claim The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon or of any judgment thereon or of the filing of any prior suggestion and averment of default shall have the same force and effect for the purpose of continuing and preserving the lien of the claim as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period Provided That no writ of levari facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale except after a judgment shall have been duly obtained upon the claim as provided in this section and such judgment must have been obtained within five years of the issuance of the levari facias Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default

the claimant may at any time within five years therefrom issue a writ of scire facias thereon reciting all suggestion and averment of default filed since the filing of the claim and shall proceed thereon in the manner herein provided subject to the right of the owner to raise any defense arising since the last judgment

[Except as herein otherwise provided no lien for taxes or for water rents or rates lighting rates power rates or sewer rates which shall hereafter be entered as a lien by any political subdivision other than a city of the first class city of the second class or school district of the first class shall be extended or continued beyond the period of five years from the date the same shall hereafter be entered as a lien and all property subject to any such lien shall be sold within the period of five years from the date such lien shall hereafter be entered]

If a claim be not filed within the time aforesaid or if it be not prosecuted in the manner and at the time aforesaid its lien on real estate shall be wholly lost

Section 2 Section fifteen and three-tenths of the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 512) amending the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) is hereby amended to read as follows

Section [15.3] 15.1 Where the lien of any taxes or water rents or rates lighting rates power rates or sewer rates has heretofore been lost by reason of the failure to file the claim therefor within the time prescribed by this act or by reason of the failure to revive such lien within five years from the date of entry or last revival the claim for such taxes and rates may be entered or such liens may be revived in the manner provided by this act [within six months after the effective date of this act] at any time prior to the first day of January one thousand nine hundred and forty-two and the liens of any claims so filed and of any liens so revived shall be valid liens and are hereby ratified and confirmed and as such shall be subject to the provisions of this amendment which relate to liens filed after the effective date of this act Provided however That the filing of such claims or the revival of such liens under the provisions of this clause shall not establish revive or reestablish any lien against real estate which was transferred to any bona fide purchaser during the time before such claims were filed or liens revived or when such liens were lost

Section 3 Sections fifteen and one-tenth and fifteen and two-tenths of the said act are hereby repealed

Section 4 All acts and parts of acts inconsistent with the provisions of this act general local and special are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Gates,	Maxwell,	Rose, W. E.,
Auker,	Gerard,	McClanaghan,	Rosenfeld,
Baker,	Gillan,	McClester,	Royer,
Balthaser,	Gillette,	McDermott,	Rush,
Bentley,	Goodwin,	McDowell,	Sarge,
Bentzel,	Greenwood,	McFall,	Sarraf,
Boles,	Gross,	McGrath,	Scanlon,
Boney,	Gryskewicz,	McIntosh,	Schwab,
Boorse,	Habbyshaw,	McKinney,	Serrill,
Bower,	Haberlen,	McLanahan,	Shaffer,
Bradley,	Haines,	McLane,	Shaw,
Breth,	Hamilton,	McMillen,	Shepard,
Pretherick,	Hare,	McSurdy,	Snyder,
Brown,	Harkins,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Harmath,	Mihm,	Sorg,
Brunner, P. A.,	Harris,	Modell,	Stambaugh,
Burns,	Heatherington,	Monks,	Stank,
Burris,	Helm,	Mooney,	Stine,
Cadwalader,	Hering,	Moran,	Stockham,
Chudoff,	Herman,	Moul,	Tarr,
Cochran,	Hersch,	Muir,	Tate,
Cohen, M. M.,	Hewitt,	Munley,	Taylor,
Cohen, R. E.	Hirsch,	Nagel,	Thompson, E. F.,
Cook,	Holland,	Nunemacher,	Thompson, R. L.,
Cooper,	Huntley,	O'Brien,	Trout,
Cordier,	Imbrie,	O'Connor,	Van Allsburg,
Corrigan,	Jefferson,	O'Dare,	Verona,
Croop,	Jones, G. E.,	O'Mullen,	Vincent,
Cullen,	Jones, P. N.,	O'Neill,	Vogt,
Dalrymple,	Keenan,	Owens,	Voldow,
Dennison,	Kenehan,	Petrosky,	Wagner,
DiGenova,	Kline,	Pettit,	Watkins,
Dolon,	Knoble,	Polaski,	Weingartner,
D'Ortona,	Kolankiewicz,	Polen,	Weiss,
Duffy,	Komorofski,	Powers,	Welsh, E. B.,
Early,	Krise,	Prosen,	Welsh, M. J.,
Eckels,	Lee, T. H.,	Rank,	Williams,
Elder,	Leisey,	Rausch,	Winner,
Elliott,	Leonard,	Readinger,	Wolf,
Ely,	Lesko,	Reagan,	Wood, L. H.,
Finestone,	Levy,	Reese, D. P.,	Wood, N.,
Finnerty,	Leydic,	Reese, R. E.,	Woodring,
Fiss,	Lichtenwalter,	Regan,	Woodside,
Fleming,	Longo,	Reynolds,	Wright,
Fletcher,	Lovett,	Rhea,	Yeakel,
Flynn,	Lyons,	Riley,	Yester,
Foor,	Malloy,	Rooney,	Young,
French,	Marks,	Rose, S.,	Kilroy, Speaker
Gallagher,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 671, Printer's No. 321, was passed over at the request of the SPEAKER.

RESOLUTION

Messrs. MIHM and MATTHEW J. WELSH offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, April 17, 1941.

Whereas, Harrisburg Post No. 27, The American Legion, on April 15th, entertained the members of the House of Representatives at a dinner at the Legion Home on South Front Street, with the War Veteran members of the House and the members of its Committee on Military Affairs as guests of honor; and

Whereas, The feast and the entertainment were of the best and was dished forth as only veterans can, with the exact amount of snap and jovialty necessary to make it an affair long to be remembered; and

Whereas, The Members of this House who attended, each had a splendid time and were glad to be there, and those of our members who were unavoidably absent regret the good time they missed; therefore, be it

Resolved, That the House of Representatives, in appreciation of the hospitality and congeniality of the officers and members of the Harrisburg Post, hereby thanks them and the Post for a most enjoyable occasion and compliments them on their Legion Home and their true spirit of comradery; and be it further

Resolved, That a copy of this resolution be certified by the Chief Clerk and forward to Harrisburg Post No. 27, The American Legion.

ADJOURNMENT

Mr. ELY. Mr. Speaker, I move that this House do now adjourn until Monday, April 21, 1941, at 9 p. m.

The motion was agreed to, and (at 10:33 a. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., MONDAY, APRIL 21, 1941. No. 39.

SENATE

MONDAY, April 21, 1941.

The Senate met at 4:30 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

INTRODUCTION OF FORMER PRESIDENT OF THE SENATE

The PRESIDENT. A little over two years ago, the Chair was presented to the Senate—not the same personnel, as it has changed slightly—by a very good friend of mine, a gentleman I have known a good many years. While we do not agree politically, these differences political have never interfered with our personal friendship.

He presented me and now I want to present him to you, the former Lieutenant-Governor and President of the Senate, Mr. Thomas Kennedy.

Mr. KENNEDY. Mr. President and members of the Senate, I notice the Senate has not changed much since I left—usually from twenty-five minutes to twenty-four hours late in getting started.

I am not going to make any rulings today. It is a pleasure to be here and to meet the members of the Senate and my old friend the Lieutenant Governor, and to say that it is doubly a pleasure to be here as a visitor. I for a number of years presided, as you know, over this august body. I am glad to note and to hear reports that my distinguished successor is carrying on in the high traditions of this body.

Once again may I say it is a pleasure to meet with you and to thank you for all the courtesies that you have shown me in the past, and to assure you that I follow the work here with a great deal of interest. Good luck to all of you in your work that lies ahead. Thank you very much.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Let Thy blessing be upon us, O God, in this day of work for our Commonwealth in formulating legislation. Guide our minds and hearts aright that that which will result therefrom may be right and just and proper for "out of the heart are the issues of life." And we most clearly deal with the lives of our people and their mode of living by what we do here.

May we always look up unto Thee for our daily inspiration, rely upon Thee for our necessary strength and power in accomplishment and glean from the pages of Holy Writ the meaning of Thy divine purpose for all peoples.

So many things of international purport are happening now that Thy prophecy, Our Father, has become a living page rather than an obscure book, if we would read right the signs of the times.

Grant us Thy peace through an obedience to Thee and Thy word through a resurrected national consciousness of Thy ransoming love for us. For Thy Name's sake Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BARR and Mr. WALKER, the further reading was dispensed with and the Journal was approved.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair lays before the Senate a communication dated March 15, 1941, from the Secretary of the Society of the Twenty-eighth Division, addressed to the Chair, urging passage of House of Representatives Bill No. 639, which will be noted in the Journal.

The Chair also lays before the House a resolution adopted by the Northeast Philadelphia Federation of Adult Bible Classes, dated Monday, March 24, 1941, urging passage of Senate Bill No. 154, which will be noted in the Journal.

The Chair also lays before the Senate a communication addressed to the Chair under date of April 19, 1941, by the Philadelphia Maritime Exchange, which if there is no objection will be spread in full upon the Journal.

THE PHILADELPHIA MARITIME EXCHANGE

April 19, 1941

Honorable S. S. Lewis, Lieutenant Governor,
Commonwealth of Pennsylvania,
Harrisburg, Penna.

Dear Sir:

The Philadelphia Maritime Exchange, in the interest of the Port of Philadelphia, importers and exporters, requests your support of House Bill No. 1187, having for its purpose the ceding of State owned land at Marcus Hook, Pennsylvania to the United States Government.

This land is now occupied by the United States Public Health Service, and since 1913 under the direction of this governmental bureau has been used for the quarantine inspection of vessels in the foreign trade destined to our port. It was formerly the site of the State Quarantine Station abolished during the administration of Governor Sproul, and immediately turned over to the Federal Government on a dollar ($1.00) annual rental paid the State of Pennsylvania.

The present buildings on the property are obsolete and the Federal Government has funds for erecting modern buildings for their purpose, but will not undertake these improvements with the uncertainty existing under present lease arrangement, and if this legislation fails will locate Quarantine Station somewhere below Wilmington in the State of Delaware or New Jersey.

The importance of this legislation to overseas shipping via the Delaware River cannot too strongly be emphasized, particularly, in the light of the present emergency.

Philadelphia's port and the State of Pennsylvania and all its industries are playing an important role in this picture. Just how this Legislation fits into this picture may briefly be explained as follows:

Vessel steaming time from Marcus Hook to the Port of Philadelphia proper is about two hours. Government quarantine inspection of vessels is between sunrise and sunset. In other words, a vessel arriving at Marcus Hook, say, after dark, is obliged to anchor and await inspection the following morning: after which the vessel proceeds up-stream. docking in about two and one-half hours. This would mean an 8:30 a. m. working start for stevedores and other river front workers.

In event of failure of this legislation we present the other side of the picture and the serious handicap such result would place on the port area, the multiplicity of industries here as well as throughout Pennsylvania now so active in the production of so many essentials required for our own defense program as well as for aid to democracies abroad and moving in large quantities via Philadelphia.

It is the intention of the Federal Government, we are so advised, should this legislation fail of passage, to locate the Quarantine Station forty miles down the Delaware. Such a move would prove a serious blow to our present program chiefly for this reason.

As we have explained, the present station is only two to two and one-half hours steaming time from our port. In event it is established forty miles down stream it would mean the loss of more than a half day working time. Few vessels, if any, if obliged to anchor overnight for quarantine inspection this far down stream could do better than five hours steaming time to dock. Thus it would result in a noon hour start, the loss of a full half and perhaps a whole day in getting the vessel again on its way out to sea and destination.

In view of all this you will appreciate how vital is this measure and why our shipping interests urge your support.

Sincerely yours,

(Signed) CHARLES A. DEVLIN,

Chairman, Harbor, Pilotage and Stations Committee.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 21, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Miss Irene Kovacs, Pittsburgh, 808 Park Bldg., April 27, 1941.

William H. Oakley, Pittsburgh, 2400-535 Smithfield St., May 3, 1941.

NORTHAMPTON COUNTY

Mrs. Marian J. Abel, Hellertown, April 27, 1941.

PHILADELPHIA COUNTY

Thos. V. Houlihan, Phila., 5839 Germantown Avenue, April 27, 1941.

Michael L. O'Neill, Phila., 1429 South 55th Street, April 27, 1941.

Miss Olga I. Bowen, Phila., 1100 Provident Trust Bldg., May 3, 1941.

BEAVER COUNTY

John N. Pierce, Midland, May 3, 1941.

CENTRE COUNTY

Miss Margaret Garey, State College, May 4, 1941.

FAYETTE COUNTY

Mrs. Bess H. Hopwood, Uniontown, May 5, 1941.

WASHINGTON COUNTY

Saverio Capano, Donora, May 5, 1941.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Geo. D. Campbell, Bellevue.
Miss Frances J. Hall, Pittsburgh, 323 Fourth Avenue.
Orrin C. Harmon, Pittsburgh, 4761 Liberty Ave.
Miss Rosalind H. Kelly, Pittsburgh, Park Building, Fifth Avenue.
Miss Anna M. McKenzie, Pittsburgh, 3000 Liberty Ave.
C. E. Scholl, Pittsburgh, 1210 Investment Building.
Nicholas A. Stinger, Pittsburgh, 320 N. Elizabeth Street.
Miss Elizabeth B. Thompson, Bridgeville.
Miss Elsie Ward, Pittsburgh, 323 Fourth Avenue.

BEAVER COUNTY

Miss Mary Bur, Aliquippa.

BERKS COUNTY

Mrs. Elizabeth Williams, Womelsdorf.

CAMBRIA COUNTY

Miss Frances Z. Crotzer, Johnstown.

CENTRE COUNTY

Miss Celia V. Brungart, Miles Township, Rebersburg.

DELAWARE COUNTY

Frank J. Hoguet, Yeadon.

LYCOMING COUNTY

Elton B. Edkin, Hughesville.

McKEAN COUNTY

Mrs. Pauline F. Milgate, Port Allegany.

MERCER COUNTY

Miss Frances Moore, Grove City.

NORTHUMBERLAND COUNTY

William L. Kline, Shamokin.

PHILADELPHIA COUNTY

Mrs. Ursula J. Coleman, Phila., 1920 W. Indiana Avenue.
Spencer S. Gesing, Phila., NW Cor. Rising Sun Ave. and Roosevelt Blvd.
Mitchell J. Lichow, Phila., 4725 North 5th Street.
Thomas E. Peacock, Phila., 916 W. Dakota Street.
Miss Florence H. Shotwell, Phila., 2019 Chancellor Street.
James Terpolilli, Phila., 612 Market St. National Bank Bldg.
Joseph M. Wooley, Phila., 2428 North Broad St.

SCHUYLKILL COUNTY

Mrs. Clara R. Stack, Girardville.

WARREN COUNTY

Mrs. Elsa W. Juse, Sheffield Township, Sheffield.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARY PUBLIC

A motion was made by Mr. JAMES and Mr. EDMONDS.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,
DiSilvestro,	Lanius,	Stiefel,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

APPOINTMENT AS ALDERMAN FOR BLAIR COUNTY

William C. Stevens, 212 25th Avenue, Altoona, Blair County, for appointment as Alderman in and for the Eleventh Ward of the City of Altoona, Blair County, until the first Monday in January, 1942, vice Harry A. Yeager, deceased.

APPOINTMENT AS ALDERMAN OF CAMBRIA COUNTY

John A. McCormick, 6 Brizner Alley, Johnstown, Cambria County, for appointment as Alderman in and for the Thirteenth Ward of the City of Johnstown, Cambria County, until the first Monday in January, 1942, vice James A. Walters, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBERS OF REGISTRATION COMMISSION FOR PITTSBURGH

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the registration Commission in and for the City of Pittsburgh, until January, 1945, or until their successors shall be duly qualified:

Robert J. Gumbert (Republican), 1954 Beechwood Blvd., Pittsburgh, Allegheny County, vice W. Nobe Matthews, whose term expired.

Edward M. Kenna (Republican), 5743 Fifth Avenue, Pittsburgh, Allegheny County. (Reappointment).

W. Holmes Isler (Democrat), 305 Belonda Street, Pittsburgh, Allegheny County, vice Lawrence O. Clark, whose term expired.

ARTHUR H. JAMES.

APPOINMENT AS JUSTICE OF PEACE FOR POTTER COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Clair Statham, Harrison Valley, Potter County, for appointment as Justice of the Peace in and for the Township of Harrison, Potter County, until the first Monday in January, 1942, vice F. L. Harrison, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF THADDEUS STEVENS INDUSTRIAL SCHOOL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the

Board of Trustees of Thaddeus Stevens Industrial School, for terms of four years and until their successors are qualified:

Clifford C. Aument, Quarryville, Lancaster County, vice Dr. Charles W. Ursprung, whose term expired.

Louis B. Bond, Christiana, Lancaster County, vice W. S. Sullivan, whose term expired.

Claude W. Breneman, Elizabethtown, Lancaster County, vice Harry J. Stumpf, whose term expired.

Wm. A. Brock, 340 North Mulberry Street, Lancaster, Lancaster County, vice Rev. W. R. Knerr, whose term expired.

Miss Rebecca Griest, Lancaster, Lancaster County, vice Albert H. Fritz, whose term expired.

Calvin M. Kendig, Mountville, Lancaster County, vice H. Nelson Albright, whose term expired.

Park H. Lutz, R. F. D. No. 1, Denver, Lancaster County, to fill a vacancy.

Hon. Oliver S. Schaeffer, 1124 Wheatland Avenue, Lancaster, Lancaster County. (Reappointment).

Theodore Schwalm, 304 Atkins Avenue, Lancaster, Lancaster County, (Reappointment).

ARTHUR H. JAMES.

APPOINTMENT OF JUSTICE OF THE PEACE OF BERKS COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Russell W. Breininger, 3423 Ridgeway Street, Laureldale, Berks County, for appointment as Justice of the Peace in and for the Borough of Laureldale, Berks County, until the first Monday in January, 1942, vice Arthur S. Miller, deceased.

ARTHUR H. JAMES.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED RESOLUTION RECALLING SENATE BILL No. 187

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 16, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 187, Printer's No. 53, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL No. 187 LAID ON TABLE

Mr. MALLERY. Mr. President, I move that Senate Bill No. 187 be laid on the table.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 199, (Senate Bill No. 646), entitled:

An Act to amend the act approved the sixteenth day of May, one thousand nine hundred forty (Act No. 4), entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money," by further defining moneys transferred to the General Fund.

Which was committed to the Committee on Finance.

House Bill No. 236, (Senate Bill No. 647), entitled:

An Act protecting the rights of students in colleges, universities and other educational institutions to credits represented to be obtainable at the time of commencing work therefor; imposing penalties; and providing for equitable relief.

Which was committed to the Committee on Education.

House Bill No. 470, (Senate Bill No. 648), entitled:

An Act proposing an amendment to article three of the Constitution of the Commonwealth of Pennsylvania by adding thereto section thirty-five.

Which was committed to the Committee on Constitutional Changes.

House Bill No. 971, (Senate Bill No. 649), entitled:

An Act to further amend sections fifteen and fifteen and three-tenths, and to repeal sections fifteen and one-tenth and fifteen and two-tenths, of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law," as amended, by providing for the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in certain cases, reviving, validating, preserving and extending liens.

Which was committed to the Committee on Municipal Government.

House Bill No. 1022, (Senate Bill No. 650), entitled:

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), "Dog Law of 1921," permitting certain dogs to be brought into the Commonwealth for hunting purposes, by holders of nonresident hunting licenses, without securing a Pennsylvania dog license.

Which was committed to the Committee on Agriculture.

House Bill No. 1039, (Senate Bill No. 651), entitled:

An Act to further amend section one of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (P. L. 129), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," by further regulating retirement allowances.

Which was committed to the Committee on Municipal Government.

House Bill No. 1098, (Senate Bill No. 652), entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three (P. L. 1449), entitled "Allegheny County Juvenile Court Law," to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district

or by the city in which such child is residing at the time of assumption of jurisdiction by the court.

Which was committed to the Committee on Judiciary General.

GOVERNOR TO ISSUE PROCLAMATION DESIGNATING MAY 17th, 1941, "CONNIE MACK DAY"

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, April 9, 1941.

Whereas, The future of this great Nation depends upon its youth and their capacity to uphold the standards established by their forefathers to safeguard the American way of life; and

Whereas, Clean living and healthful sports are conducive to the development of both virility and morality, and the first essential of capacity to carry on is youth's physical equipment; and

Whereas, One who has lived in our midst for well nigh four score years has by his example and industry made it possible to develop in the ranks of clean sportsmanship examplers of the value of physical development and clean living as standards for our youth and

Whereas, The General Assembly desires to show its appreciation to the citizen who has dedicated his life to the development of youth and maintaining their ideals on high standards; therefore be it

Resolved (if the House of Representatives concur), That the Legislature acknowledges the contribution made by our cultural development by endorsing the celebration of May 17th, 1941, as Connie Mack Day; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating for observance this year the 17th of May as Connie Mack Day.

Ordered, That the Governor be informed accordingly.

REPORTS FROM COMMITTEES

Mr. FARRELL, from the Committee on Education, reported as committed, Senate Bill No. 474, entitled:

A Further Supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect.

Mr. BECKER, from the Committee on Education, reported as committed, Senate Bill No. 602, entitled:

An Act to further amend section one thousand four hundred and thirty-nine of the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for education of blind children by the Department of Public Instruction, and for the payment therefor out of appropriation made for such purposes.

Mr. CROWE, from the Committee on Education, reported as committed, Senate Bill No. 53, entitled:

An Act authorizing counties, cities, boroughs, towns, townships and school districts to operate programs of public recreation and playgrounds, either alone or in cooperation with each other, or through recreation boards created by one or more of them.

Mr. LETZLER, from the Committee on Education, reported as committed, Senate Bill No. 302, entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions.

He also, from the Committee on Education, reported as committed, Senate Bill No. 443, entitled:

An Act to amend section one thousand one hundred and four and to further amend sections one thousand one hundred and five, one thousand one hundred and twenty-one and one thousand one hundred and twenty-seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of county and assistant county superintendents.

BILLS INTRODUCED

Mr. TALLMAN read in his place and presented to the Chair Senate Bill No. 653, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employes of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service, defining certain crimes and misdemeanors, imposing penalties, making an appropriation and repealing certain acts and parts thereof.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 654, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Gov-

ernor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department.

Which was committed to the Committee on State Government.

TIME OF NEXT MEETING

Mr. WATKINS offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 21, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, April 28, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourn this week, it reconvene on Monday, April 28, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

HOUSE MESSAGE

AMERICANISM DAY, MAY 1, 1941

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Rules.

In the House of Representatives, March 24, 1941.

It has long been a custom in the United States and in other countries throughout the world to observe the first day of May as May Day, and to mark such observances by various kinds of celebrations, which sometimes have taken the form of demonstrations against our established democratic form of government.

Almost a decade ago the American Legion organization in Fayette County inaugurated a new and more appropriate observance of the first day of May, by staging a parade and celebration in the name of Americanism.

The first day of May has since been annually observed and celebrated as Americanism Day by patriotic societies, veterans' organizations and other groups, both in Fayette County and throughout the Commonwealth, and it has been the custom of the Governor of the Commonwealth to issue his proclamation signifying the observance of Americanism Day.

The present world crisis constitutes a serious threat to those American principles of life and government, which were established with such great sacrifice and which have since been maintained and protected so valiantly, thus making it particularly significant and appropriate the observance of May first as Americanism Day in the year of 1941, now therefore be it

Resolved, By the Members of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that a committee of five members be appointed by the Speaker to arrange appropriate ceremonies at the hour of 12 o'clock noon on [August] April 30, 1941, in anticipation of the observance of May first as Americanism Day, and be it further

Resolved, That the Governor, the Members of the Senate of the Commonwealth of Pennsylvania, the officers of the American Legion Post No. 51 and the Veterans' of Foreign War Post No. 47 of Uniontown, Fayette County, and the staff officers of the various other veterans' and patriotic organizations throughout the Commonwealth be invited to attend such ceremonies, and be it further

Resolved, That the Governor of the Commonwealth is hereby urged to issue his proclamation signifying May 1, 1941, as Americanism Day, and calling upon all patriotic, veteran, fraternal and civic organizations to hold celebrations of this day in such a manner as will bring to the people of the Commonwealth the full realization of the benefits, privileges and blessings that come to them through the continuance of our American form of government, and be it further

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania further urges all persons in the Commonwealth of Pennsylvania to join in a real American celebration of May 1, 1941, as Americanism Day.

RECESS

The PRESIDENT. It is a poor presiding officer who can not usurp a little power to himself. Without asking consent of the Senate the Chair hereby declares a recess, during which will be read an invitation from the Pennsylvania Legislative Correspondents' Association.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 30, entitled:

An Act providing for the establishment, construction, maintenance and use of a mountain ridge road or parkway on State forest, game and fish lands in the Pocono Mountains, through or bordering the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike, to be known as the "Rim Parkway"; conferring powers and imposing duties on the Department of Highways; providing for the acquisition and taking of additional land; and the use of Federal Funds; authorizing the collection of tolls and rentals: and appropriating moneys out of the Motor License Fund.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, after reading this bill I find it will be impossible to construct this proposed highway. Although I am in favor of new highways, of course, I find this bill calls for making the highway wide enough on its right-of-way to take the largest military airplane now in existence or contemplated.

As a matter of fact, Mr. President, the army is now testing a new Douglas fighter plane, a super-transport, that has a wing spread of over 240 feet. If we are going to hold literally to the wording of this bill we can not possibly build a highway right-of-way 240 feet wide. We do not know what type airplanes may be built in the future and, Mr. President, after all, the primary purpose of a road is for land transportation and not for air transportation.

There are other things in the bill, of course, but that particular item I think is very important and it is necessary that the Senators realize what they are voting for. I intend to vote "no" on this bill.

Mr. CROWE. Mr. President, I would like to make a statement on the subject matter of this bill.

The PRESIDENT. The gentleman from Monroe may proceed.

Mr. CROWE. The Rim Parkway, a skyline drive along the crest of the Blue Ridge mountains and around the Rim of the Pocono Plateau, bordering or through or accessible to the counties of Northampton, Monroe, Carbon, Luzerne, Lackawanna, Wayne and Pike as proposed in Senate Bill No. 30, calls for a survey of a skyway approximately 60 miles long; starting at the famous Delaware Water Gap and ending near Bushkill. The survey is to be made by the Pennsylvania Department of Highways, and the Parkway is to be built with the assistance of Federal Funds. In drawing the bill, the legislation connected with the Skyline Drive in Virginia, the Pennsylvania Turnpike or Super Highway and the Mount Washington Highway was followed.

The Rim Parkway will run through lands already owned by the Commonwealth and held by the Department of Forests and Waters, the Game and Fish Commissions and the remainder of the route will be through unused mountain lands. Many property owners along the proposed route have indicated in writing that they would donate the right of way. Thus the illfeeling and many damage suits that followed the building of the Pennsylvania Turnpike will be avoided. Already there are state owned forest lands aggregating 45,000 acres in this region, and the route will pass within a few miles of a nationally owned tract of 35,000 acres. When completed, the total acreaage of the Parkway and its system of connected public lands will embrace more than 82,000 acres available for public recreation, hunting, fishing, hiking, riding and camping.

A number of years ago in the last Pinchot administration a survey for a highway similar in many respects to this was made by the Department of Forests and Waters in connection with a CWA project. The data thus obtained as well as the survey itself are still in the files of that Department, and should do a great deal toward reducing the cost of the preliminary work necessary before the Parkway can be constructed.

A man-built scenic attraction such as the Rim Parkway is the now famous Skyline Drive of Virginia. This annually draws around 400,000 cars and over a million visitors to the State of Virginia. Formerly you thought of Virginia because of its historic shrines, its famous caverns and its battlefields, but now as an attraction to the visitors is the Skyline Drive, that takes first place. This in spite of the fact that the Drive is within a radius of 200 miles of a total population of 6,000,000. Business organizations have estimated that the year the Skyline Drive opened, it resulted in bringing $8,000,000 of additional business to the State of Virginia. Up to September last year 1,487,330 cars visited the Drive carrying 5,062,607 passengers, all of whom spent money and helped business in this neighborhood.

Let us now consider what the Rim Parkway offers in comparison with the Skyline Drive. First, the Rim Parkway will be nearby to a population of 30,000,000 people. It will be less than 100 miles from New York City, Philadelphia, Newark, Trenton, Jersey City, Scranton, Wilkes-Barre, Binghampton, Allentown, Easton, Reading and other cities. Unlike the Virginia Highway which winds around the sides of the mountains, the Rim Parkway will follow a natural route along the crest or rim of the Poconos. The elevation will be from 1,510 feet to 2,600 feet, and the visitor will be looking down on the world from both sides. The Skyline Drive is a narrow road mainly cut out from the side of the mauntains and dangerous to the nervous visitor. The Rim Parkway will be a fairly level road with a Parkway on each side, so wide in many instances that military planes can be landed without trouble. Concessions will be under state supervision and located only at designated points. There will be ramps for exits and entrances, so that visitors can get on or off the Parkway at certain intervals. These features are not possible on the Skyline Drive.

From an economic standpoint, as the Rim Parkway is a toll road, it should pay for itself from income in less than ten years. Conservative experts have estimated that more than 2,000,000 motor vehicles will visit a parkway such as this yearly. The income derived from gasoline taxes alone will be a tremendous means of revenue for the state. In addition, the visitors brought to the state by this attraction will mean millions to merchants, hotels, restaurants and garages and it will mean a new financial lease of life for northeastern Pennsylvania, particularly the anthracite coal regions so long depressed from a business standpoint. Relief and unemployment in the coal regions still runs in figures of tens of thousands. The building of this highway will put to work more than 5,000 men, as a great deal of unskilled labor will be required for underbrushing, road grading and other work. Much of the construction work would be within an hour's drive of the coal regions in Carbon, Luzerne and Lackawanna Counties. The National Resources Board in Washington is already planning projects that will be available for immediate completion when the present defense program is ended. If the war should suddenly terminate and a peace be established that would obviate the necessity of our defense program, we would have to cope with an enormous unemployment problem. If we have the Rim Parkway started, it would be a place for taking care of unskilled labor from the coal regions. Even now there is talk of extending the Skyline Drive of Virginia along the Blue Ridge to the Canadian line. Mr. Harold Ickes has publicly stated that he was in sympathy with such a plan. Why not be one step ahead in Pennsylvania and build our part of the link in advance?

Much is said for and against defense measures. In fact, the word "defense" is often taken in vain in even legislative circles. However, the route of the Rim Parkway will be a natural barrier between the Atlantic Ocean and industrial northeast and even central Pennsylvania. It will be protection to the great anthracite coal region. With its broad parkways, planes can be landed and mobile as well as mechanized units maneuvered into strategic positions for defense. The European war has emphasized the fact that oil tanks and refineries are first bombed, with the result that industry has to turn to coal more than ever. Next the coal mines are attacked, and as in the case of the Welsh mines, made practically useless because of being unprotected or rather means being unavailable for the placement of antiaircraft guns.

The Rim Parkway will be landscaped with natural mountain growth such as laurel, rhododendron, azalea, dogwood, spruce, pine, hemlock and numerous other native plants. It will be for pleasure vehicles only, will be free of billboards and advertising. Service stations and wayside stands are limited and controlled as to architecture and landscaping. It is planned to keep from the Parkway any condition that would mar the beauty of the natural scenery along its entire route. The natural wildness of the forests

is to be maintained. Many suggestions included in the bill were made by Mr. Allen Jennings, Superintendent of Parks and Parkways of New York City.

Look at the publicity angle. In my hand I have a copy of the New York Times of the past Sunday. There is an article on the front page entitled "Shenandoah Sets Spring Stage," and also one called "To Old Philadelphia" but you will notice that a picture of the Skyline Drive gets "top billing" as the actors would say. In this connection let me say that New Yorkers are already taking a great interest in the Rim Parkway. I have a letter in my files from one of the editors of the same New York Times telling me that he is bringing a staff of photographers to the Poconos for the sole purpose of taking pictures along the proposed route of the Rim Parkway. Pennsylvania papers had better get going or they will be scooped.

In the month of October, 1938, Governor Arthur H. James said in the Court-House, at Stroudsburg, and I quote, "I have just returned from a brief vacation on the Skyline Drive in Virginia, Pennsylvania should have a drive like that up here". I unquote. Again in the Governor's address at the joint session of the Legislature on January 7th, 1941, he urged the extension of the skyline drive along the crest of the Pennsylvania mountains to the Delaware Water Gap. And Senate Bill 30 is the answer to this.

Now, my colleagues of the Senate, let us vote for something that will put Pennsylvania on the map, that is economically sound and will pay for itself in a few years, that will increase the value of its real estate holdings. The Harvard School of Business through its research has found that land values in the region of parkways throughout the United States increase 300 or 400 per cent in value. A Parkway that will be the greatest scenic and most successful business attraction in the United States. We cannot build a Grand Canyon in Pennsylvania, but we have the Delaware Water Gap rated as an "Eighth Wonder" of the world for a start, so let's build a man-made scenic route that will rival or exceed any other in the United States—namely the Rim Parkway.

Mr. WOODWARD. Mr. President, may I ask the gentleman from Monroe a question?

The PRESIDENT. Will the gentleman from Monroe permit himself to be interrogated?

Mr. CROWE. I will, Mr. President.

Mr. WOODWARD. Mr. President, perhaps the gentleman from Monroe may have noticed advertisements of the State of Vermont advertising "unspoiled Vermont". I am willing to vote for this bill, Mr. President, if it is endorsed by the Game and Fish Commission. My interrogation, Mr. President, is: have they spoken on it? If the Game and Fish Commission is in favor of the bill I am for it.

Mr. CROWE. They have no objection to it, Mr. President.

Mr. WOODWARD. Have they been consulted, Mr. President?

Mr. CROWE. They have, Mr. President.

Mr. WOODWARD. And they have no objection?

Mr. CROWE. No, Mr. President.

Mr. DENT. Mr. President, I did not want to go into the details contained in this bill. However, since there has been an elaborate speech made urging passage of the bill I would like to call attention to a few of the features that may be of interest to the Senators.

In the first place, Mr. President, it calls for the condemnation and acquisition by the state of rights-of-way for the road itself and in addition thereto for the acquisition of five hundred feet on each side of the road, which might make a possible fifteen hundred feet of right-of-way through the mountains or through private lands that may be owned by individuals along the right-of-way.

If any person has had any occasion to go into court on land damage cases in connection with road construction he will realize what a stupendous proposition this is going to be. There will be millions of dollars spent on rights-of-way alone, without counting the cost of construction.

Another thing, Mr. President, is that the bill calls for getting what money they can from the federal government for parkways and so forth.

Being a member of the Democratic Party, Mr. President, I am not much for condemning the Federal Government as to the use to which the government has put the money already expended by it, but it has been the history of the Republican Party to call for a balanced budget and condemnation of the Democrats for wildly spending money, and if the Democratic Party were to go out and spend a few million dollars for this road, all they would get would be condemnation and criticism.

A third feature of the proposed bill is there will be no parked cars visible from the main driveway. You are going to make hidden parking places off the road entirely. Some people when they park like to be hidden but I am too old for that.

Another feature, Mr. President, is that they are going to set up a proposition where anybody who wants to open a gasoline station or a restaurant any place along the road must pay a fee of not less than one hundred dollars, and the Lord only knows how high they will charge for the rentals.

I think this bill definitely is a bad piece of legislation. If a road is needed up through there it should be a free road, so that all persons who want to take advantage of seeing the beauties in eastern Pennsylvania may be able to go up and see them. It should not be a toll road. One toll road in Pennsylvania is one too many. I can remember when my father used to fight against toll roads and toll bridges and here we are setting up again the old system of toll roads. The motorists pay enough money and the roads ought to be built out of their money.

BILLS OVER IN ORDER

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 30, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 292, (House Bill No. 382) on third reading, entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for said purpose.

go over in its order, as the gentleman from Fayette is interested in this bill and he is not here today.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 338, as follows:

An Act to further amend sections four and five of the act approved the sixth day of April one thousand nine hundred thirty-five (P. L. 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" by further regulating discounts for prompt payment of taxes and penalties and interest imposed on said taxes and by changing the date of certain tax payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the sixth day of April one thousand nine hundred thirty-five (Pamphlet Laws 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the asssessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city scoool county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" as amended by the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2791) is hereby further amended to read as follows

Section 4 Upon all such taxes the taxables shall be allowed a discount of two and one-half per centum (2½%) if paid on or before the thirty-first day of January and a discount of two per centum (2%) if paid on or before the last day of February Said taxes shall be payable at face during the month of March and if not paid on or before the thirty-first day of March the said taxes shall be deemed delinquent and shall be subject to a payment of interest on the face amount of said delinquent taxes at the rate of one-half of one per centum per month for each and every month thereafter that the said taxes shall be delinquent after the thirty-first day of March of each year

Section 2 Section five of said act as last amended by the act approved the eleventh day of April one thousand nine hundred and thirty-nine (P. L. 20) is hereby further amended to read as follows

Section 5 It shall be the duty of the collector of taxes in the issuing of tax statements to include all city school county and poor taxes against the same properties or persons upon one statement for each year and said tax statement shall be mailed to the taxpayer by the tax collector not later than the fifteenth day of January of each calendar year Taxables shall have option to elect to pay the total amount of their city county school and poor taxes in four equal quarterly payments as follows viz

The first quarterly payment during the months of January February and March the second quarterly payment during the months of April May and June the third quarterly payment during the months of July August and September and the fourth quarterly payment during the months of October November and December The first quarterly payment shall become delinquent if not paid on or before the thirty-first day of March the second quarterly payment shall become delinquent if not paid on or before the thirtieth day of June the third quarterly payment shall become delinquent if not paid on or before the thirtieth day of September the fourth quarterly payment shall become delinquent if not paid on or before the thirty-first day of December

The discounts as provided under section four shall be allowed to the taxable on his first quarterly payment only provided the same shall be paid on or before the thirty-first day of January and the last day of February respectively Upon default in the payment of any quarterly installment only the amount of such installment shall be considered delinquent and shall thereupon become due and owing by the taxable and said unpaid installment shall bear the interest charges as is hereinbefore provided for delinquent taxes but such interest shall be computed only on the amount of the installment which is in default Interest on delinquent payments shall only be paid from the date of delinquencies

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. EDMONDS. Mr. President, before action on this bill I desire to interrogate the gentleman from Lackawanna.

The PRESIDENT. Will the gentleman from Lackawanna permit himself to be interrogated?

Mr. COLEMAN. I will, Mr. President.

Mr. EDMONDS. Mr. President, will the gentleman from Lackawanna tell us what is the object of this bill.

Mr. COLEMAN. Mr. President, the object of this bill is to change the issuance of single tax statements in the City of Scranton—and only Scranton—from April 1st to January 15th, to permit the taxing authorities to have money the first three months of the year rather than wait until the taxes come in the latter part of April, forcing them to borrow, in the case of the school district, $700,000, and in the case of the City of Scranton $800,000 and to pay to a loan company or a bonding company one and three quarters per cent interest.

This bill, Mr. President, gives added inducement to the taxables with an added discount of two and one half per cent if they pay their taxes three months ahead of the present taxing date.

Mr. EDMONDS. The effect of the bill is this, Mr. President, if I may interrogate the gentleman from Lackawanna further, that it will give the City of Scranton a unique fiscal set-up as compared with the rest of the state; is that not true?

Mr. COLEMAN. Mr. President, this does not change the fiscal picture in the City of Scranton.

Mr. EDMONDS. What it does is to change the law so that taxes shall become delinquent after March 31st and that does not apply anywhere else in the State. does it?

Mr. COLEMAN. Mr. President, the issuance of a single tax statement which was sponsored by me in the 1935 session, does not apply to any other political sub-division of the Commonwealth, as I understand it.

Mr. EDMONDS. Mr. President, what is the object of making the fiscal set-up of the City of Scranton unique among the municipalities of the Commonwealth? Why should there be these changes that will change the uniformity of the State?

Mr. COLEMAN. Mr. President, this adds to the uniformity of the City of Scranton and prevents the taxing authorities from borrowing money. In other words, instead of giving one and three quarters per cent to a bonding company for borrowing money they give that back to the tax payers through an increased discount.

Mr. EDMONDS. Isn't this very much the same kind of thing as was done in 1935 when the Commonwealth collected three sets of capitol stock taxes in two year's time?

Mr. COLEMAN. That question has been raised, Mr. President, and I am delighted to answer that because I think there is a great deal of misunderstanding about this bill and I would like to answer the gentleman from Montgomery at some length, if he will permit.

Mr. EDMONDS. Surely, Mr. President.

Mr. COLEMAN. Mr. President, I introduced this bill in the 1935 session of the General Assembly and somebody had the erroneous impression that in its introduction there was behind it the purpose of electing a Democratic School Board. Now, Mr. President, the election is history and the school board is under Republican control.

This bill, Mr. President, comes from a Republican mayor, a Republican school board and a Republican city council. I have had no opposition from anybody in the City of Scranton to this particular bill.

Mr. EDMONDS. May I ask the gentleman from Lackawanna further, because he has replied with such great frankness to my interrogatories, does he not think it is wrong that any one particular community should get out of line with the fiscal program of the rest of the state, and be allowed to fix dates, under this bill, even though that city or community may all be in favor of it?

Mr. COLEMAN. Mr. President, I think the best answer to that is that the erudite and distinguished gentleman from Montgomery, who is in the vanguard of the home rule movement in the Commonwealth of Pennsylvania, is a trifle inconsistent in his consideration of this bill, because it is purely a matter of Home Rule affecting only the City of Scranton and I am surprised.

Mr. EDMONDS. Mr. President, in the home rule bill which is in committee, of which the gentleman from Lackawanna is a member, there is a distinct provision that withdraws from a community the right to make any laws on the subject of assessment or collection of taxes. In other words, it is so important for the state, that the good credit of all of its units should be maintained, that the state laws on this subject be kept uniform, that has been withdrawn from the home rule consideration to which the gentleman from Lackawanna refers. That to my mind is a more statesmanlike manner of dealing with the subject.

Mr. COLEMAN. Will the gentleman from Montgomery agree with me this is a home rule proposition and that the essence of this bill is a principle of home rule.

Mr. EDMONDS. Mr. President, that seems to me as absurd as to say under the principle of home rule you may say to one community you shall not have any high school. In other words, there are certain standards which the state must fix and enforce and it does that by general legislation and does not allow localities, even under the principle of home rule, to vary from those standards which are fundamental in state life.

It seems to me, Mr. President, this matter of fixing a fiscal year or a fiscal date when taxes become delinquent is one of those standards we would like to have maintained.

Mr. COLEMAN. Mr. President, I could answer the gentleman from Montgomery by wandering far afield and taking in many problems on the proposition of home rule, but here is a bill the people of the City of Scranton are vitally interested in, not only the taxing authorities but the taxables in my particular community.

This bill affects only the City of Scranton. I have been in Harrisburg for the last six years voting in favor of bills that affect political sub-divisions and I think every political sub-division of the Commonwealth has problems peculiarly their own.

The day after this bill was committed we passed a bill sponsored by the gentleman from Cumberland having to do with the sale of some parcels of property in Cumberland County. I do not think anybody on the Democratic side of this body—and I have some serious doubts whether there were many, more than three or four on the Republican side—knew whether or not that was a proper thing to do, but we have an abiding faith in the honesty of the membership on the opposite side, and I hope there is reciprocity on that particular proposition, and on the assumption the gentleman from Cumberland was doing something which was proper we voted in favor of his bill. Mr. President, that was a problem peculiarly his own. I know it is improper to discuss matters that are discussed in committee but when this bill was reported out the two bills considered immediately prior to the reporting out of this bill were both Philadelphia bills, having to do with the City of Philadelphia, and in that committee we accepted the judgment of the Philadelphia members.

Mr. President, I am the only representative, the only Senator in this body from the City of Scranton. I think I have a right to expect from the membership of the Senate on both sides some bit of courtesy. I would like to say, Mr. President, while I am on my feet, I would like to see a return to the traditional Senatorial courtesy, I would like to see a return to some mutual confidence and respect in this august body, and I am asking the membership on both sides of the Senate to vote "aye" on a bill affecting only my district, affecting only the City of Scranton, if for no other reason than to show their appreciation of the many bills I have voted for affecting third class cities, affecting Philadelphia and Pittsburgh, the judgment on which we accepted of those men who were representing those particular communities, and that is why I am making my plea to the membership on both sides of this body to vote "aye" on this particular bill.

Mr. MALLERY. Mr. President, I intend to vote for this bill for the reason stated by the sponsor of the bill, that it is an endeavor to bring money into the City of Scranton and do away or obviate the necessity of borrowing money. That proposition has been considered for quite some time. I might state to my colleague from Montgomery that proposition has been considered seriously by the Local Government Commission since the inception of the Commission.

However, Mr. President, that involves a change of the fiscal year and that is a matter that creates a great deal of difficulty. I do not see anything wrong with advancing the time when taxes can be paid. We all know all over the state most municipalities have to borrow money and have to go to the banks to tide the municipalities over until the tax money comes in.

There is another bill on the Calendar, I believe, Mr. President, that would expedite the payment of the four mills personal property tax, which is payable to the county.

I think it is a good bill and one which the entire Senate should support. Just because it does not apply to all other municipalities in the state is no reason why the bill should be defeated.

And the question recurring,

On the question,

Shall the bill pass finally?

(After the calling of the roll the following occurred):

Mr. EDMONDS. Mr. President, I believe there were four votes in the negative. I remember that very distinctly. I ask that the role be verified.

The PRESIDENT. The affirmative vote was verified and stands as follows:

The Clerk read the affirmative votes:

Barr,	DiSilvestro,	Lanius,	Snowden,
Bartlett,	Ealy,	Letzler,	Stevenson,
Becker,	Farrell,	Mallery,	Stiefel,
Carr,	Frey,	McCreesh,	Tallman,
Chapman,	Geltz,	McGinnis,	Taylor,
Coleman,	Haluska,	McQuiddy,	Thomas,
Cox,	Heyburn,	Miller,	Tyler,
Crider,	Homsher,	Reed,	Wade,
Crowe,	James,	Ruth,	Walker,
Deitrick,	Jaspan,	Scarlett,	Watkins,
Dent,	Kephart,	Shapiro,	Woodward,
			Ziesenheim,

The PRESIDENT. Are there any corrections?

Mr. HOMSHER. Mr. President, I voted "no."

The PRESIDENT. It will be so recorded.

The affirmative roll stands as corrected.

The negative vote was verified and is as follows:

Edmonds,	Homsher,	Wilson, H. I.,	Wilson, T. B.,

The PRESIDENT. Are there any corrections? The Chair hears none.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Stevenson,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Chapman,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Tyler,
Cox,	Heyburn,	Reed,	Wade,
Crider,	James,	Ruth,	Walker,
Crowe,	Jaspan,	Scarlett,	Watkins,
Deitrick,	Kephart,	Shapiro,	Woodward,
Dent,	Lanius,	Snowden,	Ziesenheim,

NAYS—4

Edmonds,	Homsher,	Wilson, H. I.,	Wilson, T. B.,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 420, entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I ask unanimous consent to offer the following strike out amendments:

Amend Sec. 1 (Sec. 8), page 1, line 11, by striking out the word "average"; amend Sec. 1 Sec. 8), page 1, lines 11 to 13, by striking out the following: "for" in line 11, all of line 12, and the words "incurred or increased" in line 13; amend Sec. 1 (Sec 8), page 2, line 2, by striking out the words "average annual"; amend Sec. 1 (Sec. 8), page 2, lines 3 and 4, by striking out the words "for the ten years immediately preceding the time any debt is incurred or increased"; amend Sec. 1 (Sec. 8), page 2, line 6, by striking out the words "average annual"; amend Sec. 1 (Sec. 8), page 2, lines 12 and 13, by striking out the words "average annual"; amend Sec. 1 (Sec. 8), page 2, lines 13 and 14, by striking out the words "for the ten immediately preceding years".

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. SHAPIRO. Mr. President, in order that the record may be clear I should like to interrogate the gentleman from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the gentleman from Philadelphia, Dr. Woodward, permit himself to be interrogated.

Mr. WOODWARD. I will, Mr. President.

Mr. SHAPIRO. As originally on our desks, Mr. President, this bill provided for exclusion of personal property in the computation in the amount of lawful bonded indebtedness of the City of Philadelphia?

Mr. WOODWARD. Borrowing, Mr. President.

Mr. SHAPIRO. And in order to compensate for the loss of borrowing capacity which must necessarily result from taking out one of the bases, the ten year average was included in the amendments; that is correct, isn't it?

Mr. WOODWARD. That is correct, Mr. President.

Mr. SHAPIRO. Then it follows, Mr. President, the purpose of the present amendment is to take out the ten year average and the law will therefore remain the same as it is now in computing the allowable bonded indebtedness.

Mr. WOODWARD. Of the past year, Mr. President.

Mr. SHAPIRO. I thought we might as well have the record straight on that.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 422, as follows:

A Joint Resolution proposing an amendment to section four article nine of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitu-

tion of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section four article nine of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 4 No debt shall be created by or on behalf of the state or any public agency or instrumentality thereof except to supply casual deficiencies of revenue repeal invasion suppress insurrection defend the state in war pay existing debt or for the construction of public buildings or works or for extraordinary expenses incident to flood epidemic of disease or other widespread casualty

Debts shall not be created for the construction of public buildings or works unless prior to the creation of the debt the General Assembly shall have enacted legislation providing revenue estimated to be sufficient to pay all interest charges on and the principal of the obligations issued by the Commonwealth or its agency or instrumentality in evidence of such debt and irrevocably pledging the revenue produced by such legislation to these purposes and debt shall not be created for such purposes unless the question whether it shall be created shall have been submitted to the electors at a general municipal primary or special election and a majority of the electors voting on such question shall approve the creation of the debt

Debt shall not be created for extraordinary expenses incident to flood epidemic of disease or other casualty except by the vote of not less than three-fourths of all the members of each house of the General Assembly

Debt created to supply deficiencies in revenue shall never exceed in the aggregate at any one time ten millions of dollars

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	Mallery,	Tyler,
Becker,	Farrell,	Miller,	Wade,
Carr,	Geltz,	Scarlett,	Walker,
Chapman,	Heyburn,	Snowden,	Watkins,
Crider,	Homsher,	Stevenson,	Wilson, H. I.,
Crowe,	James,	Tallman,	Wilson, T. B.,
Deitrick,	Kephart,	Taylor,	Woodward,
Ealy,	Letzler,	Thomas,	Ziesenheim,

NAYS—16

Barr,	DiSilvestro,	Lanius,	Reed,
Coleman,	Frey,	McCreesh,	Ruth,
Cox,	Haluska,	McGinnis	Shapiro,
Dent,	Jaspan,	McQuiddy,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 447, as follows:

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases and repealing and lapsing certain appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million dollars ($1,000,000) or so much thereof as may be necessary is hereby appropriated out of the General Fund to the Department of Labor and Industry for the payment of amounts payable from time to time during the two fiscal years beginning June first one thousand nine hundred forty-one by the Commonwealth as its share of the compensation payable to claimants for certain occupational diseases in accordance with agreements entered into or awards handed down under the provisions of the Occupational Disease Compensation Act approved the second day of July one thousand nine hundred thirty-seven (P. L. 2714) or the Pennsylvania Occupational Disease Act approved the twenty-first day of June one thousand nine hundred thirty nine(P. L. 566) as the case may be and for the payment of any such amounts whatsoever due and payable prior to May thirty-first one thousand nine hundred forty-one The aforesaid appropriation shall be in lieu of any funds whatsoever previously appropriated for either of the above purposes by either of the aforesaid acts Such appropriations are hereby repealed and lapsed into the General Fund and the State Treasurer upon requisition of the Governor is hereby directed to make such transfers as may be necessary for this purpose

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,
DiSilvestro,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 452, as follows:

An Act making an appropriation to the Trustees of the Pennsylvania State College for use in research work dealing with flax and other farm produce

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred thousand dollars ($200.000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the Pennsylvania State College for and during the two fiscal years beginning June first one thousand nine hundred forty-one for the use by the Trustees of the Pennsylvania State College in conducting studies and researches to discover and develop new by-products of flax and other farm produce for use in industry and to develop new scientific chemical and other uses than food and feeding and new markets for flax and other farm produce and for the purpose of employing engineers chemists technicians experts and other necessary employes and for the purchase of machinery equipment apparatus and supplies necessary in connection with such studies and researches

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, a few weeks ago we had a bill similar in nature to this bill, appropriating I think $75,000 to Pennsylvania State College for the purpose of developing new uses for oil, and at another time we had a bill for the anthracite industry.

I called attention to the members of the Senate at that time, Mr. President, that we were opening up a field that might some day be one of the largest tax items in the state. There is nothing to stop any particular industry from coming in and asking for an appropriation in order to make an extensive study of the products they may produce in order that we, the taxpayers of this state, pay for research work that rightfully belongs to the industry.

Now, Mr. President, on the Calendar today we have a bill which calls for an additional appropriation of $200,000 to Pennsylvania State College to develop more uses for flax. If it were not such a serious problem I might say someone was trying to make hay while the sun shines.

Mr. STIEFEL. Mr. President, I feel research is of great importance. We are being taught lessons during the present clash in Europe that research pays in the long run and what may seem insignificant today may later develop into a very fine field of a accomplishment.

For that reason, Mr. President, I am going to vote "aye" on this bill.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Farrell,	McCreesh,	Taylor,
Becker,	Geltz,	McGinnis,	Thomas,
Carr,	Haluska,	McQuiddy,	Tyler,
Chapman,	Heyburn,	Miller,	Wade,
Cox,	Homsher,	Ruth,	Walker,
Crider,	James,	Scarlett,	Watkins,
Crowe,	Jaspan,	Snowden,	Wilson, H. I.,
Deitrick,	Kephart,	Stevenson,	Wilson, T. B.,
DiSilvestro,	Lanius,	Stiefel,	Woodward,
Ealy,	Letzler,	Tallman,	Ziesenheim,
Edmonds,	Mallery,		

NAYS—6

Barr,	Dent,	Reed,	Shapiro,
Coleman,	Frey,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 515, as follows:

An Act to amend article nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by requiring an additional affidavit by candidates for nomination for any office

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising, and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended by adding at the end thereof a new section to be known as section nine hundred eighty-five and to read as follows

Section 985 All nomination petitions or nomination certificates filed by or for candidates for nomination under the provisions of sections six hundred twenty-nine six hundred thirty nine hundred ten nine hundred fifty-one nine hundred seventy-nine and nine hundred eighty of this act shall be accompanied by the affidavit of the candidate for nomination named therein stating that if he is nominated and elected to the office for which he is a candidate he will support obey and defend the Constitution of the United States and of this Commonwealth and when not accompanied by such affidavit no such petition or certificate shall be received and filed by the Secretary of the Commonwealth or the County Board of Elections as the case may be

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Several weeks ago, Mr. President, I spoke of silly bills. This is another of those silly measures. I see no good in having such a bill in this chamber, especially a bill that tells you now that any candidate before seeking nomination must file an affidavit stating he will defend the Constitution, if elected. I know right well when we are elected to the Senate we must sign an affidavit before we take office, we must take an oath, which embodies the same thought, but I am wondering, Mr. President, how many of the minor office holders would have knowledge of such an act. There would be thousands upon thousands of minor officeholders not having any knowledge of such an act and their applications for nominations would be entirely rejected according to the terms of this bill.

Mr. President, I see no place for such a silly measure as appears on this Calendar today.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	Miller,	Tyler,
Carr,	Geltz,	Reed,	Wade,
Chapman,	Heyburn,	Scarlett,	Walker,
Cox,	Homsher,	Snowden,	Watkins,
Crider,	James,	Stevenson,	Wilson, H. I.,
Crowe,	Kephart,	Tallman,	Wilson, T. B.,

Deitrick,	Letzler,	Taylor,	Ziesenheim,
Ealy,			

NAYS—14

Barr,	Frey,	McCreesh,	Ruth,
Coleman,	Haluska,	McGinnis,	Shapiro,
Dent,	Jaspan,	McQuiddy,	Stiefel,
DiSilvestro,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 518, as follows:

An Act to further amend the first paragraph of subsection (a) of section one thousand two hundred five of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" prescribing additional causes for termination of a contract of a professional employe

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The first paragraph of subsection (a) of section one thousand two hundred five of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section two of the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 482) is hereby further amended to read as follows

Section 1205

* * *

(a) The only valid causes for termination of a contract entered into with a professional employe in accordance with the provisions of this section shall be immorality incompetency intemperance cruelty persistent negligence mental derangement persistent and wilful violation of the school laws of this Commonwealth on the part of the professional employe un-American or subversive teaching or activity or membership in or support of any party engaged in un-American or subversive activity or membership in or support of any political party prohibited by law from a place on the official ballot at any election

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. DiSILVESTRO. Mr. President, I should like to interrogate the proponent of this piece of legislation.

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MILLER. I will, Mr. President.

Mr. DiSILVESTRO. Mr. President, I would like to know from the proponent of this bill what it actually does.

Mr. MILLER. Mr. President, this bill simply adds to the already existing law on teacher's tenure the cause for removal for teaching un-Americanism or subversive teachings or activities or membership or support of any party engaged in un-American or subversive activities.

Mr. DiSILVESTRO. Mr. President, may I further interrogate the gentleman from Luzerne.

The PRESIDENT. Will the gentleman from Luzerne permit himself to be further interrogated?

Mr. MILLER. Yes, Mr. President.

Mr. DiSILVESTRO. Mr. President, doesn't every school board in the state have that right of stopping subversive activities, without adding this bill which we have here before us.

Mr. MILLER. I would say, Mr. President, under the existing law that is not the case.

Mr. DiSILVESTRO. Thank you. I might say, Mr. President, I am voting for this bill but I feel if we are going to keep teachers under a stringent legislation, we should also keep other professional people and people in public office under like supervision.

I remember two or three years ago, Mr. President, a famous committee on subversive activities in Washington received evidence against a public official in the City of Philadelphia, real evidence of propaganda in this state, and they just cast that evidence aside and I say to my colleagues of this Senate they did that without giving it any heed.

Mr. President, I think if we are going to keep after teachers and watch them, if we are going to watch a history teacher if she gives her opinion about a certain battle, we can also do the same thing with public officials, doctors, lawyers or anybody else. This is class legislation, what we have here.

Two or three years ago our friend, Dies, said the man who presented the evidence was a Communist. It was very simple to stick the label of communism on that gentleman. I feel public officials should be watched more than anyone else today. They parade around from east to west and from north to south in this state with the glamour of their public position and fool many people who are their followers.

I am voting for this bill, my dear colleague and members of this Senate but let us keep our eyes open and go after these men and let us go after these men and women who think they can use political influence to impede investigations, when those investigations are warranted and they are proven by the facts presented.

This is one time, Mr. President, that we in America, the greatest country in the world, should see that everybody is punished when he issues propaganda such as I have said, has been perpetrating in this State. People who are innocent and do not understand follow these men who parade around as judges and just because they have the glamour of their judgeship they go around and fool our good people in this state, I really have the greatest faith in our citizens.

Mr. President, I am voting for this bill but, my friend Bob Miller, you keep your eyes open and present legislation that will stop these men from continuing the business they have been conducting, and it is a business for them.

Mr. DENT. As I looked this bill over, Mr. President, a question came to my mind on a certain phase of it, and I talked to the sponsor on the matter of dismissing a teacher that might be a member of a political party that is prohibited by law. Now, Mr. President, there is

no particular party in Pennsylvania prohibited by law yet, other than a party that may have been preempted, and at the following election, they receive less than two per cent of the votes. The gentleman who sponsored this bill has assured me it is not the intention to dismiss teachers who may belong to some independent party or may belong to some illegal party. As I understand the law there are no illegal parties in the State of Pennsylvania, so therefore the bill cannot be very clear on that particular point, but the gentleman from Luzerne assures me this bill is not aimed at independents and persons who may protest against the activities of both the Democratic and the Republican parties and start a party of their own.

May I interrogate the gentleman from Luzerne?

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MILLER. Gladly, Mr. President.

Mr. DENT. Mr. President, this bill is not aimed at that, as I understand it. Is that so?

Mr. MILLER. That is correct, Mr. President.

Mr. DENT. That is a point I wanted to make clear, Mr. President, I think the bill itself is not clear now in its language.

Mr. McGINNIS. Mr. President, I have no doubt of the good intentions of the sponsor of this bill but I think it is throwing something into our legislation, control of schools, that is unnecessary. This is one of these bills that is prompted by patriotism and I am afraid sometimes in some of these bills, our patriotism runs away with us.

What is subversive teaching, Mr. President? What is the definition of subversive? I know that if I was on a school board and wanted to get a teacher and she told about some battle that we had lost—and I think we ought to tell the bad things about government as well as the good things—we ought to make them tell our children the facts of history even if it hurts sometimes, so I am fearful that this bill, if enacted into law, will not bring about good results. I feel it will be used to get after some teachers they do not like, because the teachers give the facts, teach the facts; sometimes the facts hurt us but they ought to be brought out, even in school.

I am sure, Mr. President, that many a teacher, if this bill goes through, will be charged with teaching un-American doctrines or having subversive tendencies simply because she taught the facts.

Mr. SHAPIRO. Mr. President, I agree entirely with what has been said by the gentleman from Allegheny. If I had been here last week I would have attempted by amendment to cover what I think is intended to be a very excellent bill.

I am going to vote for this bill, Mr. President, because I am hoping I can convince some people in the House who will have charge of the bill that it ought to be amended, because I do not know that there is sufficient definition of what might be meant by un-Americanism and I think the question of what is subversive ought to be clarified. I would like to see such a bill be passed. Because of the absence of such a provision in our laws, we were subjected to the behavior of one particular woman for over four years whom we all knew to be a subversive teacher, but we could not do anything about it.

However, Mr. President, it strikes me the use of the phraseology in this bill is not sufficiently clear, particularly when you talk about a party being prohibited by law from a place on the ballot. At every election there are certain parties who attempt to apply for and are refused a place on the ballot, for many reasons; some are refused a place on the ballot because they have not received the number of votes necessary to keep them on the ballot and yet members of those parties under this bill might be dismissed and it is not the intention to cover them.

However, Mr. President, I am going to vote for this bill, but I would like the record to show I do not agree with the wording nor do I think the wording carries out the intent of the sponsor.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Reed,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	Homsher,	Scarlett,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deitrick,	Jaspan,	Snowden,	Wilson, T. B.,
Dent,	Kephart,	Stevenson,	Ziesenheim,
DiSilvestro,	Lanius,		

NAYS—1

McGinnis,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS RECOMMITTED

Mr. HOMSHER. Mr. President, I move that Senate Bill No. 559, on third reading, entitled:

An Act creating a joint legislative commission to be known as the Educational Survey Commission; prescribing its powers and duties; conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; imposing duties on departments and agencies of the State government and on colleges and universities; and making an appropriation.

be recommitted to the Committee on Appropriations.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Mr. FARRELL. Mr. President, I move that Senate Bill No. 561, on third reading, entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties

of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by redefining amplifying and changing the powers and duties of the commission its employes and commissioners further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon the inspection of the records of the commission providing for appeals by the commission to appellate courts repealing and changing certain provisions of said act relating to removal notices and for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penaltics.

be recommtited to the Committee on Elections for the purpose of a public hearing on Monday night, April 28. 1941. in the committee room.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 125, entitled:

An Act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough, town, township, school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period, and preserving certain tax liens and providing for the extension thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 212, entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I desire to offer the following amendments.

The amendment was read by the Clerk as follows:

Amend Section 1, page 4, line 17 by striking out with bold face brackets at the beginning of said line the word "[of]" and inserting in lieu thereof the word "or"; amend Section 1, page 4, line 23 by striking out with bold face brackets after the word "or" the word "[instrumetns]" and inserting in lieu thereof the word "instruments".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second, third, fourth and fifth sections were read and agreed to.

The sixth section was read.

Mr. MALLERY. Mr. President, I desire to offer the following amendment.

The Clerk read the amendment as follows:

Amend Section 6, page 9, line 18 by striking out with bold face brackets after the word "interest" the word "[event]" and inserting in lieu thereof the word "even".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh, eight, ninth, tenth, eleventh and twelfth sections were read and agreed to.

The thirteenth section was read.

Mr. MALLERY. Mr. President, I desire to offer the following amendment.

The Clerk read the amendment as follows:

Amend Section 13, page 16, line 24 by striking out with bold face brackets before the word "who" the word "[of]" and inserting in lieu thereof the word "or".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth sections were read and agreed to.

The twenty-first section was read.

Mr. MALLERY. Mr. President, I desire to offer the following amendment.

The Clerk read the amendment as follows:

Amend Section 21, page 20, line 7 by striking out with bold face brackets after the word Section the figure "[21]" and inserting in lieu thereof the figure "22".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 262, entitled:

A Supplement to the act approved the twelfth day of June, one thousand nine hundred and thirty-nine (P. L. 335), entitled "An act creating a temporary commission to examine, report upon, and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation of the expenses of such commission," by extending the term of such commission until the next regular session of the General Assembly; and making an appropriation.

And said bill having been read at length the second time and agreed to,

On the question,

Will the Senate agree to have the bill transmitted for a third reading?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Kephart.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. KEPHART. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Philadelphia tell us what this committee has done up until now? It was appointed in 1939, I think.

Mr. KEPHART. It was, Mr. President.

Mr. SHAPIRO. Mr. President, what has this committee done up until this time that we should give them another appropriation.

Mr. KEPHART. Mr. President, they have held at least five meetings and have made investigations into conditions of the urban colored population, along certain lines. If the gentleman from Philadelphia desires further information I can get my material from my desk.

Mr. SHAPIRO. Did they receive an appropriation, Mr. President.

Mr. KEPHART. They received an appropriation of $10,000.

Mr. SHAPIRO. And this bill proposes to give them an additional appropriation of $10,000?

Mr. KEPHART. $15,000, Mr. President.

Mr. SHAPIRO. Does the gentleman from Philadelphia think $2,000 a meeting is too much for a committee of this kind? They have had five meetings and they had an appropriation of $10,000 and now they want $15,000 more. Is $3,000 a meeting sufficient?

Mr. KEPHART. They asked for $35,000. They had a budget, Mr. President.

Mr. SHAPIRO. Mr. President, I hope there is some thought on the part of the sponsor that this bill should go back to committee for further study. I am just as anxious that my party get the colored vote as the Republican party, but I do not think they are paying enough for it. This is, in my opinion, a lot of nonsense, to give $10,000 for five meetings and have no report yet made to this Legislature, and now they are asking for $15,000 more.

Mr. President, I suggest that this bill go back to committee and if we lose votes on account of that I am satisfied to lose them.

Mr. KEPHART. Mr. President, has the bill yet been read the second time?

The PRESIDENT. It has not.

Mr. KEPHART. After the bill has been read the second time I desire to make a motion to have it recommitted.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Mr. KEPHART. Mr. President, in spite of the remarks of the gentleman from Philadelphia, Mr. Shapiro, I intend to move that Senate Bill No. 262 be recommitted to the Committee on Appropriations. I believe if the gentleman from Philadelphia would investigate the matter he would find this commission has attempted to do a good job but it needs an additional period to complete that job. Two years is not a very long period in which to investigate conditions of the urban colored population.

BILL RECOMMITTED

Mr. KEPHART. Mr. President, I move that Senate Bill No. 262, the bill just read, be recommitted to the Committee on Appropriations.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 284, on second reading, entitled:

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7 and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY. Mr. President, I ask unanimous consent that Senate Bill No. 286, on second reading, entitled:

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," prescribing the manner in which money shall be drawn from the city treasury.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 295, entitled:

An Act to amend sections seven and eight of the act approved the twelfth day of June, one thousand eight hundred and seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," requiring the publication of advance sheets of such reports, requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein; and further regulating the basis upon which bids shall be submitted and the provisions of the contract for publication of such reports and advance sheets.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 310, entitled:

An Act to amend article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it unlawful to take for the purpose of sale, sell or expose for sale any bitter-sweet growing in the wild, and providing a penalty.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HENRY I. WILSON. Mr. President, I move that Senate Bill No. 331, on second reading, entitled:

An Act to further amend section two of the act, approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," providing for the return and payment of said county (and in certain cases city and county) tax to the county treasurer on or before February fifteenth of each year.

be recommitted to the Committee on County Government for the purpose of amendment.

Mr. ZIESENHEIM. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 336, on second reading, entitled:

An Act to amend subsection A of section nine of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provisions of said act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 353, (House Bill No. 450), entitled:

An Act to further amend section 1902 of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" exempting certain contracts for public utility service from the provisions of said act regulating advertising and bidding for contracts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. KEPHART. Mr. President, I move that further consideration of Senate Bill No. 364, on second reading, entitled:

An Act requiring Receivers of Taxes in and for cities of the first class to furnish certificates of taxes, water rents and claims which are liens on real estate without charge to owners of said real estate or other parties having an interest therein, and limiting the liability of the Receiver for errors in said certificates, and retaining the liens of all unpaid taxes, water rents and claims against such property though the same are not set forth in said certificate, and repealing inconsistent legislation.

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 385, (House Bill No. 561), entitled:

An Act to amend section six hundred and eight of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of

acts," by making further provision concerning the voting of shares held by incorporated institutions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 418, entitled:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirteenth of this year as Commodore John Barry Day.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. McCREESH. Mr. President, I desire to offer the following amendment.

The Clerk read the amendment as follows: Amend Sec. 1, page 1, line 1, by striking out the words "this year" and inserting in lieu thereof: "annually."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. McCREESH. Mr. President, I desire to offer the following amendments.

Amend title, page 1, line 2 of title, by striking out the words "a proclamation" and inserting in lieu thereof: "annual proclamations." Amend title, page 1, line 3 of title, by striking out the word "this" and inserting in lieu thereof: "each."

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 448, entitled:

An Act to amend sections three hundred and eight and four hundred and one of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools, creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board, imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; clarifying the procedure for establishing such liability of the Commonwealth; and providing for the transfer and lapsing of certain moneys into the General Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcibed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 449, entitled:

An Act to further amend section five hundred three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by requiring cash payment of refunds due from the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcibed for a third reading.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 450, on second reading, entitled:

An Act to amend article five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entilted "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive

and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by authorizing the micro filming of records in the various administrative departments, boards or commissions.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 480, entitled:

An Act requiring the Department of Health to furnish free of charge all State and State-aided hospitals certain vaccines or serum used in the Pasteur treatment, and requiring such hospitals to furnish and inoculate all persons bitten by dogs in this Commonwealth with such vaccine or serum free of charge.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcibed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 481, entitled:

An Act to amend the act, approved the twenty-sixth day of May, 1933, (P. L. 1076), entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit associations, to be termed credit union; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," by further defining the organization and powers of credit unions.

And said bill having been read at length the second time.

Will the Senate agree to the bill on second reading?

Mr. KEPHART. Mr. President, I offer amendments.

(The following occurred during the reading of the amendments.)

The PRESIDENT. The amendments as handed to the Chair are not clear. Can the gentleman from Philadelphia explain what is desired?

Mr. KEPHART. Mr. President, if we had a little more efficient Legislative Reference Bureau these amendments would be in better shape.

AMENDMENTS WITHDRAWN

Mr. KEPHART. Mr. President, I withdraw the amendments and will have them prepared properly.

Mr. JASPAN. Mr. President, I do not like the reference made to the Legislative Reference Bureau. The fact is today we have two Republican holdovers on the Legislative Reference Bureau who have been there close to twenty years and if anybody should know their business they should.

BILL OVER IN ORDER

Mr. KEPHART. Mr. President, I ask unanimous consent that Senate Bill No. 481, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 507, entitled:

An Act to apportion the State into congressional districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION THAT BILL GO OVER IN ORDER

Mr. HALUSKA. Mr. President, I should like to suggest that Senate Bill No. 507 go over in its order, so that I may prepare amendments.

On the question,

Will the Senate agree to the motion?

Mr. WADE. Mr. President, I should like to avoid amendments to this bill and therefore I would like to have it acted upon.

Mr. HALUSKA. I realize, Mr. President, it is the intention of the sponsor to avoid amendments to this bill, but I would like the courtesy of having the bill go over in its order until tomorrow so that I may prepare and offer amendments.

Do I understand, Mr. President, there are objections to the bill going over in its order.

The PRESIDENT. The Chair is in an unfortunate position. The amendments have already been read.

Mr. GELTZ. Mr. President, there were no amendments offered, as I understand it.

The PRESIDENT. That is correct. The present status of this bill is that it is on second reading, the sections have been read and agreed to and the title was read and agreed to.

Then the gentleman from Cambria requested that the bill go over in its order, before second reading.

Mr. HALUSKA. Mr. President, I realize I was a little late and in order to prevent the Chair from being embarrassed—

The PRESIDENT. The Chair is never embarrassed.

Mr. HALUSKA. Mr. President, has the bill been read the second time?

The PRESIDENT. It has.

Mr. HALUSKA. Then it can not go over in its order?

The PRESIDENT. No.

Mr. HALUSKA. The vote by which it passed second reading however, can be reconsidered?

The PRESIDENT. That is correct.

Mr. HALUSKA. Mr. President, I will wait until tomorrow and then ask that the vote by which this bill passed second reading be reconsidered. I will prepare amendments in the morning.

MOTION WITHDRAWN

Mr. HALUSKA. Therefore, Mr. President, I withdraw the motion that Senate Bill No. 507 go over in its order.

Mr. WADE. Mr. President, may I just take a moment and offer my apologies to the gentleman from Cambria.

The PRESIDENT. The gentleman from Cumberland will proceed.

Mr. WADE. Mr. President, I hope the members of the Senate understand this is one of the most important matters this Legislature will have to face this Session, this matter of redistricting the Congressional districts of Pennsylvania, and if we open this matter up at this time it might lead to endless debate.

Mr. President, I realize the bill may not be entirely perfect now but I think there will be opportunity for the gentleman to be heard later and therefore I apologize to him.

Mr. HALUSKA. Mr. President, I do realize the importance of the bill and I accept the apology of the gentleman from Cumberland. It was for that reason, the importance of the bill, that I wished to offer amendments.

This is a most important bill, affecting my district, and I realize fully the bill will be debated at great length. However, Mr. President, I thought this a good time to offer amendments, and not when the bill was on third reading.

However, Mr. President, I do accept the apology of the gentleman from Cumberland.

BILLS OVER IN ORDER

Mr. HEYBURN. Mr. President, I ask unanimous consent that Senate Bill No. 519, on second reading, entitled:

An Act to amend sections three hundred one and three hundred two of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1037, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by changing the rate of contributions by employers to the Unemployment Compensation Fund.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 529, on second reading, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and person subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employes; providing for their compensation payable by such counties; eliminating the triennial assessment; and abolishing the distinction between seated and unseated lands for the purpose of taxation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 550, on second reading, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by adding thereto section 2114 establishing a civil service system for the Department of Health.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. KEPHART. Mr. President, I move that further consideration of Senate Bill No. 567, on second reading, entitled:

An Act to further amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1982), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record;" empowering the Supreme Court to prescribe rules of practice and procedure and for the conduct of the business of the Orphans' Court.

be postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 571, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MALLERY. Mr. President, I move that Senate Bill No. 571, the bill just read, be recommitted to the Committee on Appropriations.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. CHAPMAN. Mr. President, I ask unanimous consent that Senate Bill No. 575, on second reading, entitled:

An Act to reenact and further amend the title and act approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for revocation and suspension of licenses by said bureau; and providing penalties for violations thereof, and repealing all acts or parts of acts inconsistent therewith," by defining certain terms; imposing certain additional duties upon the State Board of Medical Education and Licensure; further regulating the status of student interns; requiring foreign applicants to complete their citizenship; making provisions for graduate students from other states and Canada, and providing for automatic revocation of registration in case of mental incompetency.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 405, entitled:

An Act to further amend sections two hundred twenty and two hundred eighty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," increasing the resident fishing license fee and authorizing the use of the money derived from such increase for the acquisition by lease or purchase of public fishing rights in the waters of the Commonwealth, together with the rights of ingress and egress to and from such waters.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 414, (House Bill No. 616), entitled:

An Act to amend section seven of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427), entitled "An act to Consolidate, Revise, and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings," providing for admission to bail by committing magistrates in cases involving manslaughter by automobile.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 495, (House Bill No. 524), entitled:

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" prohibiting the sale of striped bass or rock fish under eighteen inches in length

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 547, entitled:

An Act to further amend section four hundred twenty of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" by providing for the conversion of annuity contracts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 582, (House Bill No. 639), entitled:

An Act requiring the Department of Property and Supplies, with the approval of the Department of Military Affairs to complete and thereafter maintain "The Twenty-eighth Division Shrine," at Boalsburg, Centre County; dedicating the same to the officers and men of the Twenty-eighth Division; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 588, entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, either by requiring before execution shall issue against real property, either a release of such persons from personal liability or the fixing of the fair market value of the property to be sold, and the entering of certain credits against such judgments based upon such fair market value, and pre-

scribing the method of fixing the fair market value of such property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 597, entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefore.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REPORTS FROM COMMITTEES

Mr. THOMAS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS, from the Committee on County Government, re-reported as amended, Senate Bill No. 381, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 534, (House Bill No. 145) entitled:

An Act validating county treasurer's deeds where the acknowledgement of such deed or deeds was defective in any respect, if in fact such acknowledgement was taken before a judge of the county.

BILLS INTRODUCED

Mr. CROWE. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE read in place and presented to the Chair Senate Bill No 655, entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

Which was committed to the Committee on County Government.

Mr. JAMES. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES read in place and presented to the Chair Senate Bill No. 656, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the borough of Seliersville, Bucks County.

Which was committed to the Committee on Highways.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Warren will state his question of personal privilege.

WHAT IS WRONG WITH THE UNITED STATES

Mr. CHAPMAN. Mr. President, dark developments of the past week threaten to engulf all Greece under the Nazi cloud; the defeat of the brave Jugoslavians and the peril to British might in Africa are incidents that should rouse every American. Our government has decided to give all out aid to Britain and the popular thought in our land is that our leaders are correct in that stand. The comforters of the dictators, Lindbergh, Nye and others seemingly alone oppose the move.

The factories where munitions of war are being made; where planes are being fashioned and where tanks are formed are recovering from the throes of strikes and the needed articles are beginning to come forth. But within a short time the steel from which these things are fashioned will cease to be made due to the shortage of coal. The strike in the northern mines is practically settled but the situation in the south is still a problem and until it is coped, northern mines are to be idle. Can it be that our government is so supine that it cannot bring pressure to bear sufficiently strong to have the mines resume? Is John Lewis revenging himself on President Roosevelt for the passages at arms in the last campaign? And is the President fearful of tumbling down his carefully built political fortress founded on the shoulders of labor leaders? It certainly looks as if the battle browed leader of the mine workers has the President in a hole.

And in this situation that highly original phrase "Plague be on both your houses" should apply. No man, President or leader of a labor union should be big enough to halt the march of Americans seeking to arm themselves from the threat of aggressors. This is a time for action not platitudes.

Months ago the American people were aroused. When the death dealing planes of Hitler swept over London bearing burdens of high explosives we were shocked. The man in the street felt that something should be done about it. But I venture today to say that the man in the street has viewed the political bickerings, the careful methods used by the Washington administration not to give offense to the vote getters and feels "there is no hurry to arm, those fellows at Washington are not scared, they only say they are."

I feel certain that much of the lethargy, smugness and cocksure attitude of we Americans living in a fools paradise comes from the practices at the nations capital. If

there be time for playing politics and juggling the letting of contracts for defense, why should the little man be worried. He takes his Q from the administrative figures.

Who knows how near England is to defeat. What would be the attitude of the Englishman if a terrible defeat is sustained in Greece and the Churchill Government should fall? Suppose England should make peace with the Nazis? Who then would be holding the bag? Do you think Hitler would say "Don't worry Uncle Sam, you only did what Mussolini and I did in Spain. Now the war is over and we'll all live happily ever after."

Somehow I do not think Hitler is built that way. I feel that he would move across the Atlantic and swoop down on South America and then up on North America. Who would stop him? We have not made as good time in arming during the past year, as we made before we went into the World War in 1917. And that record was nothing over which one could point with pride.

If the American people are going to be fully armed when the crisis comes, then there must be a unanimous movement of high and low, organized and unorganized men and women of this Nation. This attempt to build up the power of labor leaders must cease. If business men are creating bottlenecks for the grabbing of extra profits then they must be curbed. If politicians are using the defense program to erect political machines they should be removed from the posts they occupy.

These are days when the whole nation should be one. It is no time for the petty grabbing of an extra dollar. Where are the patriots of old who loved their country and her flag? They gave and gave and then gave again that the freedom to which we have fallen heir might exist. Slowly they won one consession after another until today our press is free, our right to worship as we please is ours; we can talk and criticize those in office without a concentration camp yawning for us. Would we relinquish any of these things that greedy men and unscrupulous men might gain a modicum of power and affluence?

Our people have not awakened. They did become roused for a time but have fallen back into a drousy sleep. Agitators are at work and the number is increasing that thinks the war is "over there beyond the broad Atlantic and if Hitler can't cross a 22 mile channel, how could he get over here." So away to the ball game, let the joy be unconfined.

But there must be action. Our people must awake. From one end of our land to another there must be unity. We cannot afford to bicker and quarrel. Stop twiddling our fingers and muttering that "its all going to be alright." Only united effort will cause the gush of munitions and sinews of war that we need and which we have promised.

"Too late for Jugoslavia," "Too late for Greece," and let us pray that we are not "Too late for America" with our self confidence and blindness to conditions as they are in our land today.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, April 22, 1941, at 12:00 o'clock noon.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:42 o'clock, p. m. until Tuesday, April 22, 1941, at 12:00 o'clock, noon.

HOUSE OF REPRESENTATIVES

MONDAY, April 21, 1941

The House met at 9 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Almighty God, be near us, for great is the need of Thy frail children of the dust. The world is so much with us. Its bright lights lure us, its glories dazzle us, its trials dishearten us, and its cares destroy our peace. Help us, O God, to feel Thee near, help us to know that earth need not be empty of good, but can be filled with joy unspeakable.

May all our experiences bring us to a larger knowledge of Thee, our Father. When sorrows and disappointments come, when trials beset us, when nations rage and imagine vain things, then may we look us and find ourselves growing in our knowledge of Thee. Help us to think of Thee not as one who satisfies our whims but as one who calls us through trial to a holy fellowship. In the name of Christ we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, April 17. 1941.

The Clerk proceeded to read the Journal of Thursday, April 17, 1941, when, on motion of Mr. DUFFY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. ACHTERMAN. HOUSE BILL No. 1321.

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

Referred to the Committee on Appropriations.

By Mr. RUSH. HOUSE BILL No. 1322.

An Act to further amend the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for the other purposes," by changing the method by which notice of the formation of a municipal authority shall be made public; further regulating incorporation purposes and existence of the authority; defining procedure whereby an authority can enter into contracts and dispose of its bonds; imposing additional qualifications and duties on members of the authority; imposing civil liability on members of the board and officers of an authority in certain cases; requiring annual audits; imposing additional duties on the court of com-

mon pleas; giving authorities right of eminent domain in certain cases, and extending with certain limitations the power of Authorities to make certain purchases.

Referred to the Committee on Public Utilities.

RESOLUTION INTRODUCED AND REFERRED

By Mr. CORDIER. (Concurrent) RESOLUTION No. 80.

In the House of Representatives, April 17, 1941.

Whereas, The General Assembly of the Commonwealth of Pennsylvania has now been in session for the period of twelve weeks and has passed only a negligible portion of the legislation presently necessary for the welfare of the Commonwealth and its citizens; and

Whereas, A great many bills have already been introduced at this session and these bills cover a very considerable portion of the subjects for which legislation is now advisable or essential; and

Whereas, The present serious threats from totalitarian states against democracies throughout the world have emphasized the urgent necessity for eliminating inefficiency, indecision and needless delay from the democratic processes; and

Whereas, Since the United States of America has assumed the role of the "Arsenal of Democracy" and since Pennsylvania has been properly termed both the "Arsenal of America" and the "Keystone State," it particularly behooves the General Assembly of this Commonwealth to present an example of the speed and effectiveness with which a democratic government can act; and

Whereas, The unnecessary prolongation of the present session of the General Assembly will cause the taxpayers of the Commonwealth considerable extra expense and postpone the operation of needed legislation which might otherwise be in effect; and

Whereas, In other states of this Union, particularly in the neighboring State of New York, it has proved feasible, in spite of the differing party affiliations of the several branches of the State Government, to formulate and adopt a well considered and beneficial legislative program without undue delay; and

Whereas, Such delay and inaction as has existed at the present session of the General Assembly is due in large part to the lack of a sufficiently integrated and definite legislative program; and

Whereas, The formulation and presentation to the General Assembly of a well considered legislative program may well serve to focus the attention of the legislators upon such legislation as is necessary and important and to encourage and facilitate prompt action thereon; now therefore be it

Resolved (if the Senate concur), That a committee of ten members be appointed to formulate and present to this General Assembly at the earliest possible time, a reasonable legislative program for immediate consideration, such committee to consist of five members of the House of Representatives to be appointed by the Speaker thereof, and five members of the Senate to be appointed by the President pro tempore. In appointing members of this committee as aforesaid the Speaker of the House of Representatives shall designate three members of the majority party and two members of the minority party in the House at the suggestion of the respective majority and minority floor leaders, and the President pro tempore of the Senate shall designate three members of the majority party and two members of the minority party in the Senate, likewise at the suggestion of the respective floor leaders.

Referred to the Committee on Rules.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

FOOD STAMPS

A telegram and communication addressed to the Speaker, favoring passage of House Bill No. 1078 establishing fund for operation of Food Stamp Plan.

Referred to the Committee on Appropriations.

CLOSED BANKS

A communication from James J. Bradley, Philadelphia, addressed to the Speaker, suggesting legislation providing for payment of real estate taxes from funds being administered by Liquidation Division of the Department of Banking.

Referred to the Committee on Banking.

MOTOR FUNDS

A communication from Pennsylvania Motor Federation Harrisburg, addressed to the speaker, favoring passage of Joint Resolution No. 733, relative to diversion of motor funds.

Referred to the Committee on Constitutional Amendments.

SCHOOL BANDS

Communications from the Women Club of Baton and from citizens in Beaver Valley, addressed to the Speaker, opposing passage of House Bill No. 497, restricting use of high school bands.

Referred to the Committee on Education.

SCHOOLS

A communication from the Good of the Order Association of the Eastern District of Pennsylvania, Philadelphia, favoring passage of House Bills Nos. 205, 302, 308, 360, 394, 396, 395, 413, 433, 435, and 485, Senate Bills Nos. 49, 50, 78, 162, 166 and 179 and opposing passage of House Bills Nos. 178 and 385.

Referred to the Committee on Education.

BILL OF RIGHTS

Telegrams from Committee for Peoples' Rights, Philadelphia, addressed to the Speaker, requesting public hearing on House Bill No. 1212.

Referred to the Committee on Elections.

HIGHWAYS

A communication and resolutions from the Association of Highway Officials of North Atlantic States opposing diversion of highway funds and requesting memorialization of Congress to make appropriation for construction of super highways.

Referred to the Committee on Highways.

HIGHWAYS

A communication from Ralph R. Riehl, addressed to the Speaker, requesting an investigation of the Highway Department.

Referred to the Committee on Highways.

HIGHWAYS

A communication from Margaret McC. McClintic, addressed to the Speaker, favoring passage of House Bill No. 711, highway protection area.

Referred to the Committee on Highways.

BILL OF RIGHTS

Communications from American Civil Liberties Union protesting passage of House Bill No. 1212.

Referred to the Committee on Judiciary General.

JUVENILE COURT

A communication from Wyoming Valley Council of Social Agencies, addressed to the Speaker, protesting passage of House Bills, Nos. 686, 821, and 841.

Referred to the Committee on Judiciary General.

COLLATERAL INHERITANCE TAX

A communication from Philadelphia Museum of Art addressed to the Speaker, protesting passage of House Bill No. 365.

Referred to the Committee on Judiciary Special.

PAROLE

A communication from North East Philadelphia Federation of Adult Bible Classes, Philadelphia, addressed to the Speaker, favoring passage of Senate Bill No. 154.

Referred to the Committee on Judiciary General.

UNEMPLOYMENT COMPENSATION

A communication from R. Leabman, Philadelphia, addressed to the Speaker, urging passage of House Bill No. 771, increasing wages of employes of Employment Compensation.

Referred to the Committee on Labor.

NATIONAL LABOR RELATION ACT

A communication on behalf of the National Club of America for Americans, Inc., proposing amendment to National Labor Relations Act.

Referred to the Committee on Labor.

BARMAIDS

A communication from Wilda C. Priester, Philadelphia, protesting passage of House Bill No. 550.

Referred to the Committee on Law and Order.

LIQUOR STORE EMPLOYES

Comunications from citizens of Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 909.

Referred to the Committee on Liquor Control.

VEHICLE CODE

A communication from West Lake Hose Company, Inc., Erie, addressed to the Speaker, favoring passage of House Bill No. 26, permitting red flasher warning signals on cars of volunteer firemen.

Referred to the Committee on Motor Vehicles.

TRUCKS

Communication and telegrams from citizens of Pennsylvania, addressed to the Speaker, favoring and opposing passage of House Bill No. 690.

Referred to the Committee on Motor Vehicles.

MUNICIPAL POLICE

A communication from the Borough of Kittanning, addressed to Mr. David H. Weiss, favoring passage of House Bill No. 897.

Referred to the Committee on Municipal Corporations.

NURSES

A Communication from Pennsylvania State Nurses Association, District Association No. 1, Philadelphia, favoring passage of House Bill Nos. 674 and 675.

Referred to the Committee on Professional Licensure.

OPTOMETRY

A communication from Philadelphia Merchants Association, addressed to the Speaker, favoring passage of House Bill Nos. 707 and 1085 and opposing passage of House Bills Nos. 684 and 685.

A communication from Thomas S. Reilly, Philadelphia, addressed to the Speaker, favoring passage of House Bill Nos. 684 and 685 and opposing passage of House Bill Nos. 707 and 1085.

Referred to the Committee on Professional Licensure.

REAL ESTATE LICENSE LAW

Communications from Philadelphia Real Estate Board, West Philadelphia Realty Board and Pritchard and Robinhold, Philadelphia, addressed to the Speaker, protesting passage of House Bill No. 649.

Referred to the Committee on Professional Licensure.

CHIROPODY

A communication from Mrs. Flora McNamee, Wireton, addressed to the Speaker, requesting public hearing on House Bill No. 1048.

Referred to the Committee on Professional Licensure.

UNEMPLOYMENT COMPENSATION

A telegram from Pennsylvania State Employes Local Philadelphia, addressed to the Speaker, requesting hearing relative to dispute between Federal and State authorities in Bureau of Employment and Unemployment Compensation.

Referred to the Committee on Rules.

SALARIES OF EMPLOYES OF D. P. A.

Communications from citizens of Philadelphia, favoring passage of House Bill No. 777.

Referred to the Committee on State Government.

PROTECTION OF WATER RESOURCES

Communications from the Garden Club Federation of Pennsylvania, and Pennsylvania Roadside Council, Inc. Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 900.

Referred to the Committee on State Government.

HOUSING

A communication from Scranton Housing Authority, suggesting legislation relative to housing.

Referred to the Committee on State Government.

PUBLIC ASSISTANCE

A communication from Wyoming Valley Social Agencies, addressed to the Speaker, favoring passage of House Bills Nos. 19 or 37.

Referred to the Committee on Welfare.

WORKMEN'S COMPENSATION

A communication from Pennsylvania Industrial Union

Council, Harrisburg, favoring passage of House Bills Nos. 1076, 1077 and 1061, and Senate Bills Nos. 475, 476 and 477.

Referred to the Committee on Workmen's Compensation.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 21, 1941.

Resolved, (if the House of Representatives concur). That when the Senate adjourns this week, it reconvene on Monday, April 28, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, April 28, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. On Sunday April 27th daylight savings time will be adopted by a number of communities including Harrisburg—for the information of the members all sessions of the House will be on Eastern Standard Time. The time of meeting on Monday, April 28th as provided for in the resolution just adopted is 8 o'clock eastern standard time, which will be 9 o'clock daylight time.

PROCLAMATION

The SPEAKER laid before the House the following proclamation which was read by the Clerk:

In a Blackout, Spring, 1941.

To all legislators and miscellany, Greetings, and be it known as follows:

Whereas, We now are in the clutches of a national emergency, as testified by every damn bill introduced in the General Assembly, and

Whereas, The Nation, in the hands of the Democrats, is going to hell, and

Whereas, The Commonwealth, in the hands of the Republicans, is going to hell, and

Whereas, It becomes imperative that each and all of us exert our full capacity to get organized, and

Whereas, Hitler is a Schlemiel.

Therefore, Be it and it is hereby decreed, that all legislators between the ages of 21 and 121, all subversive influences, all red-baiters, all defenders of home and country and all other patriots are directed to register with the Pennsylvania Legislative Correspondents' Association and to pay a defense tax of $5, and

Be it further decreed, and it is so decreed, that all those registering and paying the tax levied shall be inducted into service at 6:30 p. m., Wednesday, May 7, 1941, at the Penn-Harris Hotel, for special duty at the biennial gridiron dinner and blitzbinge of the Pennsylvania Legislative Correspondents' Association.

Given over my hand and mark,

JOSEPH H. MILLER, President,

Pennsylvania Legislative Correspondents' Association.

PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Delaware will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, what did the Chair do with this proclamation after it was read?

The SPEAKER. What does the gentleman from Delaware think should be done?

Mr. TURNER. Mr. Speaker, I have been trained under the Parliamentarian who tells me that certain language is not allowed in the Journal. Therefore, Mr. Speaker, I cannot tell you exactly what should be done.

The SPEAKER. The Chair is waiting for an objection from the floor.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER. Mr. Speaker, I ask unanimous consent to make some comment on this proclamation.

The SPEAKER. Will the House give unanimous consent for the gentleman from Delaware to address the House? The Chair hears no objection. The gentleman will proceed providing he does not use disorderly words.

Mr. TURNER. Mr. Speaker, I don't know any disorderly words.

I have studied this Proclamation since early this afternoon. It would seem to me to be in true form with the Legislative Correspondents who write stuff that no one can understand, which no one believes and for which there is no foundation either in fact or in truth.

However, I have tried to find out some things pertaining to this Proclamation. I surmise it is the usual nonhumorous occasion which the Newspaper Correspondents of the Legislature celebrate every two years. At that time, for the benefit of the new Members of the House, they organize a lot of libelous and and scandelous events or scenes, which used to be acted or attempted to be acted and portrayed by the Newspaper correspondents until it was impossible to get enough people on the stage to hold them up. Thereafter they went out and got Harrisburg players to fill in and take their parts.

We all enjoy a lot of humor. We have at times some wit on the floor of this House when Elmer Holland gets up and Moran answers him. The Speaker has a very native wit, but what happens at these dinners is not worth five dollars because we can find more wit and humor in the Sunday Record. I hold that there is nothing as silly as that paper. As a matter of fact, anyone knows that it has poor representatives because they never put my name in it in a complimentary way.

One of these "Whereas" clauses starts out very properly. It says "In a blackout."

The SPEAKER. May the Chair interrogate the gentleman from Delaware Mr. Turner, concerning the meaning of the word "blackout."

Mr. TURNER. If the Chair will come down on the floor, he may interrogate me.

The SPEAKER. The Chair would suggest that the gentleman from Delaware, Mr. Turner interrogate the gentleman from Allegheny, Mr. Baker, and ask him if that means "blackout" or "black up."

The SPEAKER. I presume the Chair is referring to sheep.

Mr. BAKER. Mr. Speaker, I believe you got what you asked for.

Mr. TURNER. In defense of the Chair I did not hear him say anything about sheep.

Mr. Speaker, it says in a "blackout" and I maintain that is a proper heading for this Proclamation because that is where the Legislative Correspondents have been for the past sixteen years that I have been in the Legislature—"in a blackout." In fact, I understand that the practice of "blackout" as carried on in the present war came from the same Legislative Correspondants in Pennsylvania.

There is another "Whereas" clause from which something has been omitted. It says, "Whereas, the Nation in the hands of the Democrats, is going to hell." That should be "as related by the Philadelphia Inquirer."

Then the next "Whereas" clause has something missing. It says, "Whereas, the Commonwealth in the hands of the Republicans, is going to hell." That should be followed by "as related by the Philadelphia Record," if the Philadelphia Record ever relates anything.

Now, it says, "Whereas, it becomes imperative that each and all of us exert our full capacity to get organized." We have been trying since the sixth day of January to get organized, and I presume if the Legislative Correspondents can show us anything down in the Penn-Harris Hotel, that is providing the members are able to see what is shown them, we will know how to get organized.

One of the things that intrigues me is the clause which says, "Whereas, Hitler is a Schlemiel." I took the trouble to look that word up, and I will say that is the kind of accurate reporting to which the Newspaper Correspondents are accustomed. Of course, I understand you Irish are in close contact with one of our friends who speaks that language and they ought to know what it means. We have had a sad experience with the gentleman from Philadelphia, Mr. Cohen, being unable to talk in any language except Italian, so I thought that I had better look up this word. Webster's Dictionary says nothing about "Schlemiel". I then asked Louie Wilgarde and Louie told me it sort of meant a fellow—I could describe it better by picking out a number of the Members of this House—but he says it is the kind of fellow who does not know where he is going, and does not know where he is when he gets there. That describes the Democrats exactly. Louie also states he is a careless sort of a fellow, careless in his dress and careless in his habits. He said he lacks ambition. I know that does not fit Hitler. Mr. Skale ought to know something about this as he has just gotten out of the hospital, having had an operation to have his appendix removed, and I suppose that is a "Schlemiel" too. This description of Hitler does not depict him at all. He wears polished boots as he has got a lot of "bootlickers" over there who will keep his boots polished for him. As I have noticed Hitler he is always dressed in a uniform and he has no ambition (?).

We have been against an increase of taxes during this session of the Legislature. You will recall with what great acclaim the Democrats received the Legislative program as introduced by Mr. Winner, the gentleman from Montgomery. They have been so enthusiastic about it that they put it in committee and have kept it there ever since. I have heard a report that it will come out sometime this week. Mr. Achterman has promised to bring it out of his Committee at that time. That has been in keeping with the other statements in this proclamation. If Mr Achterman feels it is going to come out of Committee this week we will be lucky to see it before next December when the snow flies. I see this five dollar tax is for "eats". I thought it was for defense. Therefore, I do not see why this Proclamation should not be recommitted to some Committee. Perhaps the Committee on Professional Licensure would be better, as they have the Undertaker's bill and some others and this possibly belongs in that same category.

There is a slander, however on the Members of this House. It says "all Legislators between the ages of twenty-one and one hundred twenty-one." There isn't any Member of the Legislature who is twenty-one years of age, although some of us act like that sometimes down town. There are a few more here who are ready for the undertaker but they are not yet a hundred and twenty-one years old. I think that ought to be taken out of this Proclamation. In other words, this is a lot of foolishness injected into a serious Legislative session, where we have a lot of important measures, and the Proclamation ought to be ignored by everybody here because no matter what we say and no matter how well you and I perform, you and I know what we are going to get at this Legislative dinner.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk:

UNITED STATES SENATE
Committee on Military Affairs

Washington, D. C., April 16, 1941.

Dear Mr. Kilroy:

The resolution on the passing of Senator Sheppard has been received and is being presented to Mrs. Sheppard.

Yours very sincerely,
(Signed) D. ROLAND POTTER,
Secretary to the late Senator Morris Sheppard.

Hon. Elmer Kilroy,
Speaker of the House of Representatives,
Harrisburg, Pa.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 583

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 18, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 583, Printer's No. 95, entitled, "An Act Authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey two certain plots of land."

ARTHUR H. JAMES.

DEMOCRATIC WOMEN'S GUILD OF VERSAILLES TOWNSHIP ALLEGHENY COUNTY WELCOMED

The SPEAKER. The Chair welcomes to the House the Democratic Women's Guild of Versailles Township, Allegheny County, who are the guest of Mr. Thomas J. Heatherington and the members of the Tenth Legislative District. Mrs. Heatherington is the President of the Guild.

MARYSVILLE AND NEW BLOOMFIELD SENIOR HIGH SCHOOL CLASSES WELCOMED

The SPEAKER. The Chair welcomes to the House this evening the members of the Senior classes of the Marysville and New Bloomfield High Schools. They are the guests of Mr. Stambaugh of Perry County.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House this evening a former member from the First Legislative District of Northampton County, Mr. Justin D. Jirolanio.

The Chair also welcomes another former Member of the House, the gentleman from Somerset, Mr. Jacob B. Schrock. He is here in the interest of the Bangs Disease Bill.

MEMBER WELCOMED

The SPEAKER. The Chair is very glad to welcome back into the fold this evening, after a prolonged illness, the gentleman from Philadelphia, Mr. Skale. We are very happy to have him with us again.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. David P. Reese for Mr. TAYLOR for tonight and tomorrow.

Mr. Holland for Mr. LEONARD for the week on account of illness.

REPORTS FROM COMMITTEES

Mr. LESKO, from the Committee on Dairy Industries, re-reported as amended, House Bill No. 124, entitled:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417), entitled "'An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and procedures, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceeding thereunder; and making appropriations," by substituting the term "handler" for the term "milk dealer"; defining the term "handle" and "handler"; extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase and by giving certain additional rights to producers' and farmers' unions or organizations producing milk setting-up a price fixing procedure providing for the division of the Commonwealth into license districts restricting powers of the Governor and providing for the payment of funds in the hands of the commission owing to producers and handlers

Mr. LOVETT, from the Committee on Rules, reported as committed, House Resolution No. 79.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 810, entitled:

An Act to promote the safety of travelers upon street railways in cities of the first class, by requiring a crew of two on each street railway car.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. MELCHIORRE. Mr. Speaker, I move that this bill be recommitted to the Committee on Railroads and Railways for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. HERMAN. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Melchiorre.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. MELCHIORRE. I shall, Mr. Speaker.

Mr. HERMAN. Mr. Speaker, why does the gentleman from Philadelphia, Mr. Melchiorre, desire to recommit this bill?

Mr. MELCHIORRE. Mr. Speaker, for the purpose of further study and possible amendment.

Mr. HERMAN. What does that mean, Mr. Speaker?

Mr. MELCHIORRE. Mr. Speaker, I think I have made myself plain, for the purpose of further study and possible amendment.

PERMISSION TO ADDRESS HOUSE

Mr. HERMAN Mr. Speaker, I do not see the necessity for the recommission of this bill. The bill is very simple. It requires no study. The bill in a nut-shell requires a crew of two on each street railway car in the city of Philadelphia. It is primarily a safety measure and is important to the citizens of Philadelphia. We have subways in Philadelphia, and these trolleys which are operated by one man are crosstown trolleys which feed the subways. One man has to operate the trolley car which carries from sixty to one hundred passengers; he collects the fares, makes the change, hands out transfers, watches the signal lights, and he operates the car and does all these things at the same time. This has caused thousands of serious accidents annually.

When this bill was introduced in this House a P.R.T.

official made a remark which appeared in a Philadelphia newspaper, that this was a perennial bill and that it will never pass. I would like to know the reason why he made such a remark. I happen to live in a section of Philadelphia which is six miles from the center of the city. There are over one hundred thousand passengers that travel daily from that section into the center of the city and from the center of the city into that section.

The subways cost the city of Philadelphia, as they are owned by the city of Philadelphia, over one hundred million dollars. They are rented to the traction company on a rental basis, which is based upon the fares. Due to the delay which is attributed to the one-man trolley, the people become disgusted in using the subway and are therefore using the surface cars which are owned by the traction company. This results in a tremendous loss of revenue to the city of Philadelphia. The city of Philadelphia receives less than one percent on its investment of one hundred million dollars.

I therefore submit that this bill is very simple, it is vital to the citizens of the city of Philadelphia and it should be passed in its present form. Therefore, I ask the members of the House to vote against the recommission of this bill.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 404, entitled:

An Act relating to marriage and amending revising consolidating and changing the law relating thereto.

The first section was read.

On the question,

Will the House agree to the section?

Mr. READINGER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 6, by inserting after the word "resides" the following: "A license so issued in the county wherein either of the contracting parties resides shall authorize the marriage ceremony to be performed in any county of this Commonwealth."

The amendment was agreed to.

The section was agreed to as amended.

The second and third sections were separately read and agreed to.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 4, page 3, line 21, by inserting after the word "magistrate" the following: "notary public."

The amendment was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. McCLANAHAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 4, page 4, line 21, by striking out the word "physically".

The amendment was agreed to.

The section was agreed to as amended.

The fifth section was read and agreed to.

The sixth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 6, page 8, line 6, by inserting after the word "magistrate" the following: "notary public".

Amend Sec. 6, page 8, line 24, by inserting after the word "magistrates" the following: "notary public".

Amend Sec. 6, page 9, line 7, by inserting after the word "magistrate" the following: "notary public".

Amend Sec. 6, page 9, lines 12 to 16, both inclusive, by striking out all of said lines.

Amend Sec. 6, page 9, line 18, by inserting after the word "magistrates" the following: "notaries public".

Amend Sec. 6, page 9, lines 20 to 22, by striking out the following: "For such blanks the clerk of" in line 20, and all of lines 21 and 22.

The amendments were agreed to.

The section was agreed to as amended.

The seventh and eighth sections were separately read and agreed to.

The ninth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 9, page 11, line 11, by striking out the letter "B" and inserting in lieu thereof: "D".

The amendment was agreed to.

The section was agreed to as amended.

The tenth, eleventh and twelfth sections were separately read and agreed to.

The thirteenth section was read.

On the question,

Will the House agree to the section?

Mr. McCLANAHAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 13, page 15, lines 8 and 9, by striking out the following: "Marriages Without License Void Exceptions (a)".

Amend Sec. 13, page 15, lines 13 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 13, page 16, lines 1 to 12, both inclusive, by striking out all of said lines.

The amendments were agreed to.

The section was agreed to as amended.

The fourteenth to the nineteenth sections inclusive were separately read and agreed to.

The twentieth section was read.

On the question,

Will the House agree to the section?

Mr. McCLANAHAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 20, page 19, lines 10 to 20, both inclusive, by striking out all of said lines.

The amendment was agreed to.

The section was agreed to as amended.

The twenty-first section was read.

On the question,

Will the House agree to the section?

Mr. McCLANAHAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 21, page 19, line 21, by striking out the figure "21" and inserting in lieu thereof: "20".

Amend Sec. 21, page 21, lines 16 to 20, both inclusive, by striking out all of said lines.

Amend Sec. 21, page 21, line 21, by striking out the following "(g)" and inserting in lieu thereof: "(f)".

Amend Sec. 21, page 22, line 1, by striking out the following: "(h)" and inserting in lieu thereof: "(g)".

The amendments were agreed to.

On the question,

Will the House agree to the section as amended?

Mr. READINGER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 21, page 21, line 21, by inserting after the word "magistrate" the following: "notary public".

The amendment was agreed to.

The section was agreed to as amended.

The twenty-second section was read.

On the question,

Will the House agree to the section?

Mr. McCLANAHAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 22, page 22, line 4, by striking out the figure "22" and inserting in lieu thereof: "21".

The amendment was agreed to.

The section was agreed to as amended.

The twenty-third section was read.

On the question,

Will the House agree to the section?

Mr. McCLANAHAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 23, page 22, line 22, by striking out the figure "23" and inserting in lieu thereof: "22".

The amendment was agreed to.

The section was agreed to as amended.

The twenty-fourth section was read.

On the question,

Will the House agree to the section?

Mr. McCLANAHAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 24, page 22, line 24, by striking out the figure "24" and inserting in lieu thereof: "23".

The amendment was agreed to.

The section was agreed to as amended.

The twenty-fifth section was read.

On the question,

Will the House agree to the section?

Mr. McCLANAHAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 25, page 27, line 22, by striking out the figure "25" and inserting in lieu thereof: "24".

The amendment was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. READINGER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 25, page 27, line 24, by striking out the following: "forty-one" and inserting in lieu thereof: "forty-two".

The amendment was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1105, entitled:

An Act naming the State Military Reservation at Indiantown Gap "Camp Muhlenberg"

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 990, entitled:

An Act to amend section one hundred and eight of the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by further defining the term "occupational disease."

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LEVY. Mr. Speaker, I move that this bill be recommitted to the Committee on Workmen's Compensation for the purpose of a public hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 885, entitled:

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the

law relating thereto," providing for filling vacancies in the office of township commissioner.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 389, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Fairview State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

The first section was read:

On the question,

Will the House agree to the section?

Messrs. MUNLEY and O'NEILL. Mr. Speaker, we desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 1, page 1, line 6, by inserting after the word "Company" the following: "and a certain tract or tracts of land now owned by Rice Coal and Jennie G. Bassett and William H. Bassett, both or all tracts"

The amendment was agreed to.

The section was agreed to as amended.

The second to the fifth sections inclusive and the title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1023, entitled:

An Act prohibiting employers from directly or indirectly offering for sale, selling, procuring for sale, having in possession or under control for sale to employes or others, any merchandise not produced by employers or not handled in the regular course of employer's business; providing exceptions thereto; declaring such prohibited sales to be unfair competition; and repealing prior inconsistent legislation.

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 2, line 23, by striking out the word "bars."

The amendment was agreed to.

The section was agreed to as amended.

The third to the sixth sections inclusive and the title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1157, entitled:

An Act to validate and confirm certain contracts heretofore entered into by Boards of Township Supervisors where the Township has received in maintenance and improvement of its highways, a reasonable quid pro quo for such contracts, and to authorize, ratify, confirm and validate payments on such contracts by the Township, and to provide that no Township Supervisor shall be subject to surcharge for payments made on any such contract.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 658, entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 106), entitled "An act authorizing and empowering the city treasurers of the several cities of the second class and third class of this Commonwealth to sell at public sale all properties upon which the taxes, assessed and levied, are delinquent and remain unpaid," by adding thereto section nine and one-tenth authorizing the devestiture of mortgages, judgments and charges against properties sold at such sales in cities of the second class by common pleas court.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 975, entitled:

An Act to amend section two of the act approved the twenty-ninth day of April, one thousand nine hundred and fifteen (P. L. 200), entitled "An act creating, in counties having over eight hundred thousand, and less than one million five hundred thousand, inhabitants, according to the last preceding United States census, a board to fix and determine the number and compensation of employes in all county offices, boards, bureaus, departments, and divisions thereof; prescribing the powers and duties of said board, and regulating appeals from the decision thereof," by providing for annual meetings of the salary board, in second class counties, at the call of the chairman of the board of county commissioners.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 785, entitled:

An Act to further amend section sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280) entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes; and to sell seated lands

at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by giving county commissioners the right to recover possession of real property purchased at tax sales and to rent such lands, and providing for the disposition of moneys received from such rentals.

The first section was read.

On the question,

Will the House agree to the section?

Mr. Walter E. Rose. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Section one, page three, line eleven by inserting after the word "as" and before the word "to," the following:

"To mineral, coal, oil, or gas underlying the surface or as."

The amendment was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. WALTER E. ROSE. Mr. Speaker, although it is a bit of a disappointment, I would like this bill to be considered in Committee, and I do not oppose the motion of the gentleman from Monroe. I ask the membership on this side to approve the motion.

On the question recurring.

Will the House agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1002, entitled:

An Act to further reenact and amend the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," changing maximum and minimum rates, periods, total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident, authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; changing powers and duties of the board; and imposing additional penalties; authorizing the department, the board and the referees to approve compromise agreements in certain cases, and generally amending, clarifying and changing the provisions of said act.

The first section was read.

On the question,

Will the House agree to the section?

Mr. LEVY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 420), page 63, by inserting between lines 3 and 4, the following: "The claimant shall be permitted to engage the services of medical, surgical or other experts of his own choosing to examine his injuries and to testify with regard thereto before the referee. The compensation of such experts, totaling up to one hundred dollars ($100) shall be paid by the employer upon petition to the referee filed by the claimant, when, in the opinion of such referee, it shall appear to be reasonably necessary that such services are required by the claimant for the proper presentation of his claim."

The amendment was agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LEVY. Mr. Speaker, I move that this bill be recommitted to the Committee on Workmen's Compensation for the purpose of a public hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1176, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the methods of payment to townships.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 625, entitled:

An Act to amend clauses (a) and (b) of section two hundred one and section four hundred fifteen of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided pro-

hibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended further regulating the licensing of importers and prohibiting the board from importing liquor from any source other than from licensed manufacturers having a manufacturing establishment in this Commonwealth

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. MELCHIORRE. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1174, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing certain requirements with respect to contracts of school districts involving more than certain amounts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1175, entitled:

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 909, entitled:

An Act to further amend section three hundred three of and to add section three hundred seven of the act approved the twenty-fifth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the esablishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by providing for the appointment of assistant managers in Pennsylvania Liquor Stores and by establishing minimum salaries for certain employes of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GERARD. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1156, entitled:

An Act to add section one thousand six hundred and seven and one-tenth to article sixteen of the act, appproved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teaching in the public schools of principles of democratic government and patriotism and imposing certain duties on the Superintendent of Public Instruction.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideraton of House Bill No. 834, entitled:

An Act requiring persons selling "merchandise" as herein defined to place weighing and measuring devices in full view of the purchasers imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures and providing penalties.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. PAUL A. BRUNNER. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 582, entitled:

An Act to further amend section one thousand one hundred twenty-five and to amend section one thousand one hundred twenty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" specifying the reasons for making deductions from salary of and suspending and dismissing policemen and the procedure in connection therewith including limitations on the powers of the borough council and burgess creating a board of review to be appointed by the borough council and defining the powers and duties of said board

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1205, entitled:

An Act to amend subsections (b) and (c) of section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1058, entitled:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of salaried employes in borough fire departments (except volunteer departments) providing for the appointment of a Civil Service Board defining its powers and duties and imposing powers and duties on borough councils with regard thereto.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POWERS. Mr. Speaker, I move that this bill be recommitted to the Committee on Boroughs.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1088, entitled

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licencees; providing penalties for a violation thereof; repealing all inconsistent legislation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1173, entitled

An Act to further amend the fourth paragraph of section five hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania; together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," allowing further deductions from gross indebtedness in order to determine indebtedness of any school district.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1145, entitled:

A joint resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. FINESTONE. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 598, entitled:

An Act requiring the council of cities of the second class A to fix the salaries of the officers and members of the police department and establishing minimum salaries

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1111, (Senate Bill No. 329), entitled:

An Act to amend clause (a) of section twenty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the

boundary lakes and boundary rivers of the Commonwealth" fixing the time of day that the open season shall begin for charr commonly called brook trout and any species of trout except lake or salmon trout

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BRETH. Mr. Speaker, I move that this bill be recommitted to the Committee on Fisheries for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1021, entitled:

An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

The first section was read.

On the question,

Will the House agree to the section?

Mr. MOUL. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 1, (section 617.1), page 2, line 13, by striking out the word "The" and inserting in lieu thereof the following: "whenever any school building or buildings have been rendered totally unfit for use by reason of fire, acts of God, or other unforseen cause, the".

The amendment was agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 99, entitled:

An Act to amend section two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting clubs from such limitation

The first section was read.

On the question,

Will the House agree to the section?

Mr. GERARD. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 2), page 2, lines 11 and 12, by striking out the following "exclusive of licenses granted to".

Amend Sec. 1 (Sec. 2), page 2, lines 18 to 20, by striking out the following "or to transfer" in line 18, all of line 19, and the following "class" in line 20.

Amend Sec. 1 (Sec. 2), page 2, lines 21 to 23, by striking out the following "or the number of licensed places" in line 21, all of line 22, and the following "pality" in line 23.

Amend Sec. 1 (Sec. 2), page 2, lines 26 and 27, by striking out the following "and except for clubs qualified under existing law to obtain such licenses" and inserting in lieu thereof: "and clubs".

On the question,

Will the House agree to the amendments?

Mr. WOODSIDE. Mr. Speaker, inasmuch as these amendments are rather complicated, and I do not know anybody on this side who knows anything about them, I would like the gentleman from Allegheny to tell us the effect of the amendments.

Mr. GERARD. Mr. Speaker, the amendments merely strike out amendments that had been placed in the bill and puts the bill in its original form as passed by this House in the 1939 Session, but erroneously the words "and clubs" were omitted in Conference Committee.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 752, entitled:

An Act authorizing cities of the second class A with the consent of the owners thereof to improve and beautify property devoted to park purposes and adjoining State-owned hospitals within such cities

The first section was read.

On the question,

Will the House agree to the section?

Mr. CORDIER. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, lines 3 and 4, by striking out the following: "devoted to park purposes and"

Amend Sec. 1, page 1, line 4, by inserting after the word "adjoining" the following: "or adjacent to."

Amend Sec. 1, page 1, line 7, by inserting after the word 'park" the following: "or other."

Amend Sec. 1, page 2, line 1, by inserting after the word "Federal" the following: "or State."

The amendments were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the section?

Mr. CORDIER. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Title, page 1, line 3 of title, by striking out the following: "devoted to park purposes and"

Amend Title, page 1, line 3 of title, by inserting after the word "adjoining" the following: "or adjacent to."

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1093, entitled:

An Act authorizing suits brought to recover damages in case of accidents in this Commonwealth in any court of record to be certified to the Workmen's Compensation Board in the event that the suit has been filed by mistake in any court of record and defining the legal effect of such certifications

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 482, as follows:

An Act providing a method of annexation of townships of the second class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever electors equal to be at least ten per centum of the highest vote cast for any office in any township of the second class contiguous to a city or borough at the last preceding general election or whenever ten per centum of the qualified electors residing within any part of a township of the second class contiguous to a city or borough shall petition the council of such city or borough for the annexation of the township of the second class or part thereof to the contiguous city or borough and for a referendum on the question of such annexation the council shall cause a question to be submitted at the primary election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners of the county or counties in which any part of the city or borough or the township of the second class is located for submission of such question on the ballot or on voting machines at such election both in such township and in the city or borough to which annexation is desired in the manner provided by the election laws of this Commonwealth Such question shall be in the following form

Do you favor the annexation of the township of	YES
(or the part of the township briefly described) to the city (or borough) of	NO

If a majority of the persons voting on such question in the entire township and a majority of the persons voting on such question in the city or borough shall vote "yes" then the township of the second class or part thereof as the case may be shall on the first Monday of January next following be and become a part of the city or borough

All petitions shall be accompanied by a plot or plots of the territory to be annexed showing all streets and highways municipal improvements and public buildings and all petitions for the annexation of a part of a township of the second class shall include a description of the part of the township sought to be annexed

Section 2 Until changed in the manner provided by law the township of the second class or part thereof shall constitute a separate new ward of the enlarged city or of the enlarged borough if such borough is at the time divided into wards and shall be numbered by the council of the city or borough with the next highest number after the existing highest numbered ward of the city or borough Until changed in the manner provided by law all election districts in the township of the second class or part thereof shall remain as constituted at the time of the annexation and shall become election districts of the enlarged city or borough All election and other officers of such election districts in office at the time of the taking effect of the annexation shall continue in office until the expiration of their respective terms unless sooner removed as provided by law

Section 3 In the case of the annexation of an entire township of the second class all the indebtedness of the township as well as the indebtedness of the city or borough to which the same is annexed shall be paid by the city or borough as enlarged by such annexation and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness and the interest thereon of all the territory included within such enlarged city or borough All taxes thereafter levied therefor shall be uniform throughout the territorial limits of the enlarged city or borough

All the public property owned by any such township shall become and remain the public property of the city or borough to which it is annexed

Section 4 Where any part of any township of the second class is annexed to any city or borough the township officers of that part of the township not annexed and the city or borough council shall make a just and proper adjustment and apportionment of all public property owned by the township at the time of annexation both real and personal including funds as well as of indebtedness if any to and between the township and the city or borough In making such adjustment and apportionment of the property and indebtedness the township and the city or borough shall be entitled respectively to share in a division of the property and indebtedness in the proportion that the assessed valuation of the land remaining in the township bears to the assessed valuation of the land annexed The adjustment and apportionment as made shall be reduced to writing in proper form and duly executed and acknowledged by the proper officials and filed in the office of the clerk of the court of quarter sessions in the county in which said city is located

Section 5 In case the council of the city or borough and the township authorities cannot make such amicable apportionment and adjustment of their property and indebtedness in compliance with this act within six months after any such annexation then the council or any officer of the township may present a petition to the court of quarter sessions of the county in which the city or borough is located whereupon the court shall appoint three disinterested commissioners residents and taxpayers of the county not residing in the city or borough nor in the township who after hearing notice of which shall be given to the city or borough and township interested as the court shall direct shall make report to the court making an apportionment and adjustment of all the property as well as indebtedness if any to and between the city or borough and the township said report to state the amount if any that shall be due and payable from the city or borough to the township or from the township to the city or borough as well as the amount of indebtedness if any that shall be assumed by the city or borough or by the township or both of them

Section 6 The commissioners shall give the city or borough and the township at least five days' notice of the filing of their report and unless exceptions are filed thereto by the city or borough or by the township within thirty days after filing thereof the same shall be confirmed by the court absolutely and any sum awarded by said report to the city or borough or to the township shall be a legal and valid claim in its favor against the city or borough or township charged therewith and the amount of debt

if any apportioned to any city or borough or township shall be a legal and valid claim against such city or borough or township charged therewith and any property real or personal given and adjudged to the city or borough or the township shall become and be the property of the city or borough or the township to whichever one the same is given and adjudged and upon such report being confirmed such claim or indebtedness charged against any city or borough or against any township may be collected in the same manner as a judgment is collected against any city or borough or township Such commissioners shall be allowed five dollars per day for each day actually spent by them in the performance of their duties together with their actual necessary expenses All costs and expenses of such proceedings shall be apportioned by the court to and between the city or borough and the township as it shall deem proper

In case exceptions are filed to the report of such commissioners the court shall dispose of the same taking testimony therein if deemed advisable and the decision of the court thereon shall be final and binding on the several cities boroughs and townships unless an appeal is taken within thirty days to the Superior or Supreme Court as in other cases

Section 7 In cases in which such cities boroughs or townships of the second class are situated in two or more counties the court of quarter sessions of the county in which the city or borough is located shall have exclusive jurisdiction over the matter but the same shall be heard by a judge not a resident of either of the judicial districts affected who shall be called to preside specially in the matter and in such case the court shall appoint the commissioners hereinbefore provided for from both or all of such counties

Section 8 When an election is held on the question of annexation under the provisions of this act and the township of the second class proposed to be annexed or in which the territory proposed to be annexed is located votes against such annexation the question of such annexation shall not again be voted upon for a period of two years from the date of such election

Section 9 All proceedings for the annexation of a township of the second class or a part thereof to any city or borough under the provisions of any existing law that are pending and not finally disposed of on the effective date of this act shall in the discretion of the courts before which they are pending or if not pending in any court upon petition of any city borough or township affected to the court of quarter sessions of the county in which the township is located be discontinued and vacated and all proceedings for the annexation of any township of the second class or part thereof to any city or borough shall thereafter be had only under the provisions of this act Provided That land in a township of the second class adjacent to a city or borough upon which the city or borough has undertaken to construct a housing project with the aid of Federal money may be annexed to such city or borough by ordinance of the city or borough upon petition signed by the majority of the freeholders of such territory A certified copy of the ordinance therefor together with a description and a plot showing the courses and distances of the boundaries of the city or borough before and after such proposed annexation shall be filed in the court of quarter sessions of the county A notice of such filing shall also be filed in the office of the county commissioners of the proper county Thereupon the territory proposed to be annexed shall be a part of the city or borough except when any ordinance and plot are filed in the office of the clerk of the court of quarter sessions within two months of any general municipal or primary election in which case the property proposed to be annexed shall not become a part of the city or borough until the day succeeding such election

Section 10 The following acts and parts of acts and their amendments are hereby repealed so far as they relate to the annexation of a township of the second class or a part thereof to a city or a borough

The act approved the twenty-eighth day of April one thousand nine hundred and three (P. L. 332) entitled "An act for the annexation of any city borough township or part of a township to a contiguous city and providing for the indebtedness of the same"

The act approved the thirty-first day of May One thousand nine hundred and twenty-three (P. L. 473) entitled "An act authorizing the annexation to cities of the second class of portions of townships not exceeding one hundred acres in area and totally surrounded by said cities and providing for the division of the assets and liabilities of said townships"

Article four of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs"

Article five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto"

All other acts and parts of acts inconsistent with or supplied by this act are hereby repealed

Section 11 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. MARSHALL M. COHEN. Mr. Speaker, I rise to vigorously oppose the Passage of House Bill No. 482.

This bill, if enacted into law, would constitute the death knell to further expansion and progress of most of the cities and boroughs of this state. This bill devises a straight jacket which slowly but surely strangles into a mangled corpse every city and every borough adjacent to second class townships.

Mr. Speaker, in this present era, mindful as we are of tragic events transpiring on the European mainland and in the North African sector, we still desire to be free and untrammelled in our hope to expand. Yes, to expand, but with the voluntary consent of the suburban territory to be annexed. We wish to expand, not by foisting our wishes on the area in question, but peacefully and with the expressed consent and desire of the area to be annexed. That is the important and gist of the present law. That is contrary to the expressed motive of the proposal under scrutiny. Under this new measure, freedom of expression of the area surburban to the city or borough is denied and abridged by the antagonism of remote areas far removed from the city or borough. The welfare and future of a certain section of the township is predicted on the capricious whim of a remote portion of the township. That sir, in my humble opinion, contravenes our long-recognized and time-honored sense of democracy and freedom of expression.

Under the present law, approved in 1931, cities of the third class can expand if, and only if three prequisites are complied with:

1. Three-fifth majority of the voters of the proposed annexed territory.

2. Written consent of the majority in interest and number of the property owners in the proposed annexed territory.

3. Majority of members of City Council must approve.

As to boroughs, pursuant to the provisions of the Weingartner Act of 1929, they can annex adjacent suburban territory provided that the majority in the affected area desire to be ceded to the metropolitan municipality. This en-

tails the majority of the proposed territory to be annexed and not the majority of the whole township. This provision is anathema to the proponents of the present measure.

The opponents of expansion of cities and boroughs have always been active in their endeavor to emasculate the Weingartner Annexation Bill. This proposed measure House Bill No. 482, is not a new concoction but rather an old receipt bearing a new label and sporting a seductive aroma. Thus in 1931 a bill known as the Brandt bill was introduced. This proposal was propounded with the sole purpose of bestowing on the voters of the entire township the right to dictate the course of action of any small section of that township. Nineteen Pennsylvania cities coalesced and formed a solid bloc in opposition to this measure. It was defeated. This Brandt bill is identical in purpose to the present House Bill 482. I therefore issue the clarion call for every city and borough in Pennsylvania to join hands. merge forces and defeat this bill. I ask Republican and Democrat alike to cast aside personal grievances and party cleavages and defeat this bill.

Mr. COOPER. Mr. Speaker, I would like to interrogate the gentleman from Lancaster, Mr. Cohen.

The SPEAKER. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. MARSHALL M. COHEN. I will, Mr. Speaker.

Mr. COOPER. Mr. Speaker, I would like to ask how the gentleman from Lancaster, Mr. Cohen voted on House Bill 226.

Mr. MARSHALL M. COHEN. Mr. Speaker, I would like to know what House Bill 226 is.

Mr. COOPER. Mr. Speaker, House Bill 226 was passed April 7th, pertaining to annexation of townships of the first class.

Mr. MARSHALL M. COHEN. Mr. Speaker, the question is not germane to the issue. We are discussing a question of townships of the second class.

Mr. COOPER. Mr. Speaker, careful examination of the bill before us now, House Bill No. 482 will show it to be very similar if not verbatim with House Bill 226. I would therefore ask for an answer to my question as to how the gentleman voted on House Bill 226.

The SPEAKER. Does the gentleman know how he voted on House Bill 226?

Mr. COOPER. I would like the gentleman to answer, Mr. Speaker.

Mr. MARSHALL M. COHEN. Mr. Speaker, a reference to the Journal will reveal how I voted.

Mr. COOPER. Mr. Speaker, apparently the gentleman does not care to answer my question. I would therefore like to enlighten him by stating that the Legislative Journal shows that he voted in the affirmative.

Mr. Speaker, may I further interrogate the gentleman?

The SPEAKER. Will the gentleman from Lancaster permit himself to be further interrogated?

Mr. MARSHALL M. COHEN. I will, Mr. Speaker.

Mr. COOPER. Mr. Speaker, I would like to ask the gentleman from Lancaster, Mr. Cohen, what is the difference between House Bill 482 and House Bill 226?

Mr. MARSHALL M. COHEN. Mr. Speaker, House Bill 482 to which I directed my remarks is a bill concerning the annexation of second class townships to cities and boroughs. It does not concern in any detail whatsoever townships of the first class.

Mr. COOPER. I thank the gentleman, Mr. Speaker.

Mr. GOODWIN. Mr. Speaker, I rise in defense of House Bill 482. I regret that I am possibly not capable of presenting this bill to you as I feel it is deserving of being presented. However, I have learned a great deal tonight listening to the opposition to this bill. I am inclined to think possibly that the people who live in second class townships are not just exactly the same kind of people who live in cities, boroughs and first class townships. They are a class of people, in my opinion from what I have heard, that should be set aside as not deserving of rule for themselves or by themselves. My friends, I am only asking in behalf of this bill your support. I heard my predecessor call upon the boroughs and the third class cities to rise in their might to defeat this bill. I ask you in fairness, and I believe you want to be fair to the minority, and I have reference to this bill for second class townships, to give them an opportunity to decide for themselves. There isn't anything in this bill to prevent the growth of boroughs of the first class or cities. That can be carried on in the American way, and the only American way I know is by majority vote. We are satisfied to live under it, and I wonder what would happen if the third class cities and boroughs were subject to their power being taken away without a vote being had on the matter. I don't think there is anything unreasonable in asking your consideration. I have a letter here today, and I believe all the members of the House received it. I would just like to have you recall this part of the letter.

> House Bill No. 482, Printer's No. 297, on page 5 of today's calendar for third reading, provides for annexation of townships or parts of townships of the second class to cities and boroughs, is a bill which will stop all future growth of cities or boroughs by annexation and is intended to protect a township of the second class from having part of its territory taken from it. This act was substantially in effect for a period of a few years and during that time no annexations were made to cities or boroughs. If this Act had been in effect throughout all the years of Pennsylvania's existence, no city or borough would today be any larger than its original boundaries as established at the time of its incorporation. In voting "yes" on this bill every member of the legislature is voting to keep the limits of the cities and boroughs within his county as they are now. The act is not necessary for the protection of townships because the school code provides that the annexation of a part of a township shall not affect the school district if the State Board of Education decides that the school district should continue as before. It is respectfully urged, that in the interest of the continued orderly growth of the municipalities of the state, that this Act should be defeated.

My friends, I do not think I am asking for the survival of one group in our State at the expense of another group. If this bill is passed it would then be logical for the Legislature to give townships of the second class all the powers and authorities vested in the cities and boroughs and enact legislation fixing the boundaries of all municipal sub-divisions as they are forever.

My friends, why should not the government of second class townships,—that are held responsible for the conduct of their affairs and their business and their developments,— why should not they have something to say about their destiny? I want to say that the state organization of township supervisors are definitely for this bill, and I hope you friends of fair dealing and square dealing

for all of us will give consideration to this matter and help us who believe in giving opportunity for dealing in our own way our destiny.

Mr. MARSHALL M. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Cooper.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. COOPER. I will, Mr. Speaker.

Mr. MARSHALL M. COHEN. Mr. Speaker, does the gentleman from Allegheny, Mr. Cooper recall how he voted on House Bill 226?

Mr. COOPER. Mr. Speaker, I most assuredly do. I voted in the affirmative.

Mr. MARSHALL M. COHEN. Mr. Speaker, is the gentleman who just addressed the Chair, Mr. Cooper, from Allegheny County? I desire to interrogate the gentleman from Allegheny, Mr. Cooper. There may be a mistake of identity.

The SPEAKER. Whom does the gentleman wish to interrogate?

Mr. MARSHALL M. COHEN. I desire to interrogate the gentleman from Allegheny, Mr. Cooper.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. COOPER. I will, Mr. Speaker.

Mr. MARSHALL M. COHEN. Mr. Speaker, the question which I would like to address to Mr. Cooper is how he voted on House Bill 226.

Mr. COOPER. Mr. Speaker, I am very glad to answer that question, but as a matter of courtesy, I think the gentleman from Lancaster, Mr. Cohen should have answered my question first in my previous interrogation I asked him how he voted on House Bill 226.

Mr. MARSHALL M. COHEN. I will withdraw my question, Mr. Speaker, and will ask this question: does Mr. Cooper recall how he voted on House Bill 226?

Mr. COOPER. Most assuredly I do, Mr. Speaker.

Mr. MARSHALL M. COHEN. Mr. Speaker, to the best of the gentleman's recollection, does the gentleman remember how he voted on House Bill 226.

Mr. COOPER. Mr. Speaker, I think we are taking up very valuable time of the House with this foolish interrogation. The record shows how I voted, which is the reason I asked the question that way when I asked the gentleman from Lancaster, Mr. Cohen, how he voted on House Bill 226.

Mr. MARSHALL M. COHEN. Mr. Speaker, on page 1177 of the House Journal, in the negative roll is a Mr. Cooper. Is that the same Mr. Cooper who voted against the bill?

Mr. COOPER. That is correct, Mr. Speaker.

Mr. MARSHALL M. COHEN. Is this the same gentleman that is asking me how I voted on this bill, Mr. Speaker?

Mr. COOPER. That is correct, Mr. Speaker.

Mr. MARSHALL M. COHEN. On House Bill 482, Mr. Speaker, is the gentleman directing to me a question how I am voting on that bill?

Mr. COOPER. Oh no, Mr. Speaker.

Mr. MARSHALL M. COHEN. Then do I understand, Mr. Speaker, that Mr. Cooper voted in the negative on House Bill 226 and is now questioning me when I am voting in the negative on a similar bill?

Mr. COOPER. Mr. Speaker, I merely asked the gentleman how he voted on House Bill 226.

Mr. MARSHALL M. COHEN. That is all, Mr. Speaker.

Mr. COOPER. Mr. Speaker, on the same page of the Legislative Journal whereon it is recorded that Mr. Cooper voted in the negative, it is shown that Mr Cohen of Lancaster voted in the affirmative.

Mr. WEISS. Mr. Speaker, I also rise in opposition to this particular bill. It seems like an argument being presented here tonight between the members of third class cities and the supervisors and members of the second class townships, but I think the advocates of both are overlooking something and that is, which will benefit the state as a whole the most. I say without a question of doubt, the proponents of this bill do have some mighty fine arguments, but on the other hand I also ask are they not going too far in asking what they want? As Mr. Cohen has pointed out, if this bill happens to pass you might as well say that the third class cities and boroughs cannot expand any larger than they are at the present time, and if that is a fact, then the whole state is bound to suffer.

Some of you Members live in third class cities or boroughs in which there happen to be certain small districts very close that derive benefit from that city or borough and yet it is necessary to get the consent of a district eight or ten miles away from that particular district; you would have to get their consent, and it is a well known fact that nobody is going to give anything away, and even though it might be a small district and it might not mean much to the township, yet due to the fact that the city wants it, the township might refuse to give it up. On the other hand the people who live in that particular part of the township may want to be annexed but the people six or seven miles away say "No, you cannot do it. You stay with us."

In addition to what Mr. Goodwin said and I also say that some parts are very necessary to the existence of third class cities and boroughs, because if you stop them from growing you are going to stop the whole state from being progressive. Therefore, I say the bill as it is now is entirely too stringent. I am not talking for the benefit of the third class cities and boroughs, but for the state as a whole. If we had used this policy back in 1776 for each of the thirteen states, and each of those states had refused to cede some of their rights, we would not have had a nation today, and if some of the States today had refused to cede some of their powers we would not have had a nation, so I say the provisions of this bill are going too far the other way. Therefore, I oppose this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—120

Achterman,	Falkenstein,	Knoble,	Rooney,
Allmond,	Finestone,	Kolankiewicz,	Rose, S.,
Baker,	Finnerty,	Lesko,	Rose, W. E.,
Balthaser,	Fitz,	Levy,	Sarraf,
Baugher,	Fleming,	Leydic,	Scanlon,
Bentley,	Flynn,	Lichtenwalter,	Shaffer,
Boies,	Foor,	Lovett,	Shaw,
Boney,	French,	Lyons,	Shepard,
Bradley,	Gates,	Marks,	Simons,
Breth,	Gerard,	McClanaghan,	Sollenberger,
Bretherick,	Goodwin,	McLanahan,	Stank,
Brunner, P. A.,	Greenwood,	McMillen,	Stockham,
Burns,	Haberlen,	McSurdy,	Tarr,

Burris,	Haines,	Melchiorre,	Tate,
Cadwalader,	Hall,	Mihm,	Thompson, E. F.,
Chudoff,	Hamilton,	Modell,	Thompson, R. L.,
Cochran,	Hare,	Monks,	Turner,
Cordier,	Harkins,	Mooney,	Vincent,
Corrigan,	Harmuth,	Moran,	Vogt,
Croop,	Heatherington,	Nagel,	Voldow,
Cullen,	Helm,	Nunemacher,	Wagner,
Dennison,	Hering,	O'Brien,	Watkins,
DiGenova,	Hersch,	O'Mullen,	Welsh, E. B.,
Dix,	Hirsch,	Owens,	Welsh, M. J.,
Dolon,	Holland,	Polen,	Williams,
D'Ortona,	Imbrie,	Powers,	Wolf,
Duffy,	James,	Readinger,	Woodside,
Eckels,	Jefferson,	Reese, R. E.,	Wright,
Elliott,	Keenan,	Regan,	Young,
Ely,	Kline,	Reynolds,	Kilroy, Speaker

NAYS—64

Auker,	Harris,	McKinney,	Skale,
Bentzel,	Herman,	McLane,	Snyder,
Boorse,	Hewitt,	Moul,	Sorg,
Bower,	Jones, G. E.,	Muir,	Stambaugh,
Brunner, C. H.,	Jones, P. N.,	Munley,	Stine,
Cohen, M. M.,	Krise,	O'Connor,	Trout,
Cook,	Lee, E. A.,	O'Dare,	Van Allsburg,
Cooper,	Lee, T. H.,	Petrosky,	Voorhees,
Dalrymple,	Leisey,	Pettit,	Weingartner,
Early,	Longo,	Polaski,	Weiss,
Elder,	Maxwell,	Rank,	Wilkinson,
Fletcher,	McClester,	Reagan,	Winner,
Gallagher,	McDermott,	Rhea,	Wood, L. H.,
Gryskewicz,	McFall,	Royer,	Wood, N.,
Gyger,	McGrath,	Rush,	Woodring,
Habbyshaw,	McIntosh,	Serrill,	Yester,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

MEMBER WELCOMED

The SPEAKER. The Chair at this time welcomes the gentleman from Delaware, Mr. James, after a long siege of sickness. The Chair wishes him a speedy recovery.

SPECIAL ORDER ON HOUSE BILLS 1151, 1152 AND SENATE BILL 201

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill 1151, Printer's No. 289, and Senate Bill 201, (House Bill 575), Printer's No. 22, on page 18 and House Bill 1152, Printer's No. 294 on page 19 of today's calendar be made a special order of business to be considered immediately.

The motion was agreed to.

SPECIAL ORDER

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1151, as follows:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State Treasurer is hereby authorized and directed from time to time between the effective date of this act and May thirty-first one thousand nine hundred forty-one to transfer from the Motor License Fund to the General Fund such sums not exceeding in the aggregate the sum of four million one hundred fifty thousand dollars ($4,150,000) as the Governor shall direct Transfers shall be made under this act upon warrants of the Auditor General upon requisitions of the Governor

The purpose of this transfer is to provide funds for the payment of the additional deficiency appropriation for public assistance made by this session of the General Assembly for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one To the extent to which this transfer makes it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Motor License Fund to the General Fund shall be repaid to the Motor License Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, at this time I desire to discuss not only the measure we are about to vote upon, but also the two bills that will follow in order.

The three measures in effect are for the purpose correcting another error of calculation on the part of the Republican administration. They in effect provide for six million three hundred thousand dollars for relief in the month of May of this year. It was only a few months ago we were assured that fourteen and one-half million dollars would take care of relief for the months of March, April and May. They only lost in their figures by one month and by six million three hundred thousand dollars.

This, Mr. Speaker, is the same administration that told us that one hundred and twenty million dollars for the coming biennium will be sufficient to take care of all our relief needs in Pennsylvania. A school boy can very quickly ascertain how far short they are going to fall in taking care of relief in the coming biennium with one hundred and twenty million dollars.

However, Mr. Speaker, I am not speaking against these particular bills. On the contrary, this side of the House has always been in favor of taking care of relief. We believe we should face the problem fearlessly and that we should not in any manner try to deceive or mislead individuals into believing that the relief problem is not that it is not into believing that the relief problem is not still with us, that it is not one we must count on and is not one with which we struggle. However, Mr. Speaker, I believe these three particular bills more than any other bills, or more than I or anyone else can employ language, refute the statement made, I believe about April 3rd, by Republican State Chairman Torrance, in which he at some length released to the newspapers a statement about the glorious success of the Republican administration and spoke about the manner in which they have cut the deficit. You will recall that statement, of course. He referred to it at first as being some twenty-three or twenty-five million dollars and then got it up to fifty million dollars and then to fifty-eight million dollars—I think the Governor got it up to fifty-eight million dollars, and finally State Chairman Torrance got it up to seventy-one million dollars. They are working up to that ninety-million dollars that I have mentioned on other occasions in this House. He goes on and says, finally they have cut that deficit down to. I believe, twenty-one million dollars. Of course, that is wishful thinking. It has not been cut at the present time. I might say to the Members of the House, that here is just

another six million three hundred thousand dollars that is to be added to that seventy one million, five hundred thousand dollars that State Chairman Torrance mentioned. There will be more millions, Mr. Speaker, to add but nothing to reduce.

May I say, Mr. Speaker, to the Republican administration that all that has been occurring in the past two years is a constant increase of the deficit, also a constant increase of the revenues and a constant decrease in the relief load. This administration does not explain to us how with the increase of revenues and decreased relief loads the deficit is also increasing. It is time, Mr. Speaker, that we should inquire of this Republican administration how and why such a situation exists. I believe, Mr. Speaker, it is of paramount importance to this state, to the people and the taxpayers of the State that the James Administration or the Republican Administration definitely and completely explain to the people of Pennsylvania why the constantly increasing deficit.

Mr. WOODSIDE. Mr. Speaker, this appropriation and the transfers in the Senate Bill which relate to delayed payments will increase the amount of appropriation for relief to finish out this biennium in the sum of six million three-hundred thousand dollars. The gentleman is mistaken when he says they were assured that the fourteen million five hundred thousand dollars would be sufficient appropriation during this session of the Legislature to carry relief to the end of the biennium. At no time did he receive any such assurance from me, and I believe from no one else in this House or in this Administration. At no time do I think that there has been a statement made that we believed it would carry to the end of the biennium. The furthest I ever went was that I hoped it might, but at no time did we assure them that it would, nor did we even state that we believed it would. It was recognized that perhaps an additional appropriation would have to be made, although the amount did not appear evident at the time.

The gentleman has raised some questions about this so-called deficit. There is, of course, a holdover of funds which will have to be paid out of the next biennium for the general fund. It is not a state deficit. You might be able to call it a general fund deficit although strictly speaking, according to accounting terms, it is doubtful whether this appropriation could be termed a deficit.

However, let us look at the record relative to relief. The total amount of money now appropriated for relief during the biennium is $214,710,000. That is the largest amount that was ever appropriated for relief, and accounts for some of the money which was transferred from the special funds to the general fund to be paid back into the special funds during the next biennium.

Let us see what the deficit the end of the Earle administration was. On May 31, 1939, that is at the end of the biennium, the deficit was $49,700,000. That was the amount of money which had to be transferred in other words from the special funds over to the general fund, to pay the expenses of the last biennium. In addition to that there were normal expenditures to be made between January 17, 1939 and May 31st 1939 in the sum of eight million dollars, which sum was saved by the James administration. So that the actual operating deficit of the Earle administration on January 31, 1939, when the James Administration took office, was $57,700,000. In addition there has been saddled upon this administration new obligations which were saved by postponement and others which were not, in the sum of thirty-seven million five hundred thousand dollars, which was saddled on this administration by the Earle administration and not provided for by any funds in sight or made by the Earle Administration. That, I think, accounts for the situation as it exists to-day, and I think you will find that at the end of the James administration this deficit, this tremendous deficit, which was inherited from the Earle administration, will be wiped out.

Mr. ACHTERMAN. Mr. Speaker, all I need do in answer to the particular statement of the gentleman from Dauphin is to refer him to the budget message, particularly to page 2. Let him start at the deficiency appropriations and the postponed funds to be paid back, and let him arrive at his total. He will find that the James administration has the largest deficit any administration of this state has ever had. That is due to one fact alone, mismanagement of their administration.

Mr. WOODSIDE. Mr. Speaker, I think I pointed out to the House the reason why the amount necessary to be borrowed from the special fund has increased during this biennium.

I would like, in answer to the remarks of the gentleman from Monroe, put into the record a few comparisons between the James administration and the Earle administration. Let us see what the record shows concerning the reduction in costs in the administrative departments.

For salaries and wages: Earle administration, $77,200,000; James administration, $60,700,000, a reduction of $16,500,000, or 21 per cent.

For traveling expenses: Earle administration, $3,860,000; James $3,100,000, a saving of $760,000, or 20 per cent.

For telephone and telegraph: Earle administration $646,000; James administration $508,000, a saving of $138,000, or 21 per cent.

For printing and stationery: Earle administration $1,550,000; James administration $1,090,000, a reduction of $460,000, or 29 per cent.

For materials and supplies: Earle administration, $16,900,000; James administration, $11,400,000, a decrease of $5,500,000, or 32 per cent.

For motor vehicle supplies and repairs: Earle administration, $1,612,000; James administration, $1,353,000, a saving of $259,000, or 16 per cent.

For freight, express and cartage: Earle administration, $244,000; James administration, $192,000, a saving of $52,000, or 21 per cent.

For postage: Earle administration $1,380,000; James administration, $960,000, a saving of $420,000, or 30 per cent.

For newspaper advertising and notices: Earle administration, $407,000; James administration, $243,000, a reduction of $164,000, or 40 per cent.

For rental equipment: Earle administration, $7,100,000; James administration, $2,900,000, a saving of $4,200,000, or 59 per cent.

Mr. Speaker, I could go on with a lot of other items but I will not take up the time of the House at this time to do it. May I call to the attention of the gentleman on the other side the fact that the James administration kept its promise to the poor, to those on relief and to those in need, and did not cut their appropriations but they did cut the unnecessary expenditures and extravagants of the state Government.

Mr. ACHTERMAN. Mr. Speaker, after all the remarks of the gentleman from Dauphin have conveyed but one salient feature and that is with all these so called savings

and everything else he has indicated, it still remains a fact that the State is further in the hole, it owes more money, its condition is worse and it must constantly increase the amount of money it needs. We are faced with the largest budget in the history of the state. Has the gentleman explained anything to the satisfaction of anyone, even himself?

May I say just this as an example of all this financial juggling. A few months ago the Secretary involved in connection with the distribution of relief was asked how much was needed for the months of March, April and May, and how much he would ask for. He told the Governor twenty-two million dollars or somewhere in that neighborhood. The Governor asked for fourteen million dollars which is one way of saving eight million dollars and later on spending it. That is a good example of so-called savings. When you finally get down to the close of the year, at the end of the biennium, Mr. Speaker, you are further in the hole, and I am still waiting, anxiously waiting, for an explanation as to why the deficit is increasing.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Foor,	Malloy,	Rosenfeld,
Allmond,	French,	Marks,	Royer,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Baugher,	Gillan,	McDermott,	Scanlon,
Bentley,	Gillette,	McDowell,	Schwab,
Bentzel,	Goodwin,	McFall,	Serrill,
Boles,	Greenwood,	McGrath,	Shaffer,
Boney,	Gross,	McIntosh,	Shaw,
Boorse,	Gryskewicz,	McKinney,	Shepard,
Bower,	Gyger,	McLanahan,	Simons,
Bradley,	Habbyshaw,	McLane,	Skale,
Breth,	Haberlen,	McMillen,	Snyder,
Bretherick,	Haines,	McSurdy,	Sollenberger,
Brown,	Hall,	Melchiorre,	Sorg,
Brunner, C. H.,	Hamilton,	Mihm,	Stambaugh,
Brunner, P. A.,	Hare,	Modell,	Stank,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chervenak,	Heatherington,	Moul,	Tate,
Chudoff,	Helm,	Muir,	Thompson, E. F.,
Cochran,	Hering,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Nagel,	Trout,
Cohen, R. E.,	Hersch,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor	Verona,
Cordier,	Holland,	O'Dare,	Vincent,
Corrigan,	Huntley,	O'Mullen,	Vogt,
Croop,	Imbrie,	O'Neill,	Voldow,
Cullen,	James,	Owens,	Voorhees,
Dalrymple,	Jefferson,	Petrosky,	Wagner,
Dennison,	Jones, G. E.,	Pettit,	Watkins,
DiGenova,	Jones, P. N.,	Polaski,	Weingartner,
Dix,	Keenan,	Polen,	Weiss,
Dolon,	Kline,	Powers,	Welsh, E. B.,
D'Ortona,	Knoble,	Prosen,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rank,	Wilkinson,
Early,	Komorofski,	Rausch,	Williams,
Eckels,	Krise,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Leisey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Lesko,	Regan,	Woodring,
Finestone,	Levy,	Reynolds,	Woodside,
Finnerty,	Leydic,	Rhea,	Wright,
Fisher,	Lichtenwalter,	Riley,	Yeakel,
Fiss,	Longo,	Rooney,	Yester,
Fleming,	Lovett,	Rose, S.,	Young,
Fletcher,	Lyons,	Rose, W. E.,	Kilroy, Speaker
Flynn,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 575, (Senate Bill No, 201), entitled:

An Act to amend a certain appropriation item contained in section two of Act 69-A, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, 1939, P. L. 60), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by deferring for a short period of time certain payments required to meet the Sinking Fund requirements of Veterans' Compensation Bonds.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Foor,	Malloy,	Rosenfeld,
Allmond,	French,	Marks,	Royer,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Baugher,	Gillan,	McDermott,	Scanlon,
Bentley,	Gillette,	McDowell,	Schwab,
Bentzel,	Goodwin,	McFall,	Serrill,
Boles,	Greenwood,	McGrath,	Shaffer,
Boney,	Gross,	McIntosh,	Shaw,
Boorse,	Gryskewicz,	McKinney,	Shepard,
Bower,	Gyger,	McLanahan,	Simons,
Bradley,	Habbyshaw,	McLane,	Skale,
Breth,	Haberlen,	McMillen,	Snyder,
Bretherick,	Haines,	McSurdy,	Sollenberger,
Brown,	Hall,	Melchiorre,	Sorg,
Brunner, C. H.,	Hamilton,	Mihm,	Stambaugh,
Brunner, P. A.,	Hare,	Modell,	Stank,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chervenak,	Heatherington,	Moul,	Tate,
Chudoff,	Helm,	Muir,	Thompson, E. F.,
Cochran,	Hering,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Nagel,	Trout,
Cohen, R. E.,	Hersch,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor	Verona,
Cordier,	Holland,	O'Dare,	Vincent,
Corrigan,	Huntley,	O'Mullen,	Vogt,
Croop,	Imbrie,	O'Neill,	Voldow,
Cullen,	James,	Owens,	Voorhees,
Dalrymple,	Jefferson,	Petrosky,	Wagner,
Dennison,	Jones, G. E.,	Pettit,	Watkins,
DiGenova,	Jones, P. N.,	Polaski,	Weingartner,
Dix,	Keenan,	Polen,	Weiss,
Dolon,	Kline,	Powers,	Welsh, E. B.,
D'Ortona,	Knoble,	Prosen,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rank,	Wilkinson,
Early,	Komorofski,	Rausch,	Williams,
Eckels,	Krise,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Leisey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Lesko,	Regan,	Woodring,
Finestone,	Levy,	Reynolds,	Woodside,
Finnerty,	Leydic,	Rhea,	Wright,

Fisher,	Lichtenwalter,	Riley,	Yeakel,
Fiss,	Longo,	Rooney,	Yester,
Fleming,	Lovett,	Rose, S.,	Young,
Fletcher,	Lyons,	Rose, W. E.,	Kilroy, Speaker
Flynn,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1152, as follows:

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six million three hundred thousand dollars ($6,300,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistance administrative expenses expenses of liquidating the State Emergency Relief Board attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

Section 2 Out of the moneys hereby appropriated the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Foor,	Malloy,	Rosenfeld,
Ailmond,	French,	Marks,	Royer,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Baugher,	Gillan,	McDermott,	Scanlon,
Bentley,	Gillette,	McDowell,	Schwab,
Bentzel,	Goodwin,	McFall,	Serrill,
Boles,	Greenwood,	McGrath,	Shaffer,
Boney,	Gross,	McIntosh,	Shaw,
Boorse,	Gryskewicz,	McKinney,	Shepard,
Bower,	Gyger,	McLanahan,	Simons,
Bradley,	Habbyshaw,	McLane,	Skale,
Breth,	Haberlen,	McMillen,	Snyder,
Bretherick,	Haines,	McSurdy,	Sollenberger,
Brown,	Hall,	Melchiorre,	Sorg,
Brunner, C. H.,	Hamilton,	Mihm,	Stambaugh,
Brunner, P. A.,	Hare,	Modell,	Stank,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chervenak,	Heatherington,	Moul,	Tate,
Chudoff,	Helm,	Muir,	Thompson, E. F.,
Cochran,	Hering,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Nagel,	Trout,
Cohen, R. E.,	Hersch,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor	Verona,
Cordier,	Holland,	O'Dare,	Vincent,
Corrigan,	Huntley,	O'Mullen,	Vogt,
Croop,	Imbrie,	O'Neill,	Voldow,
Cullen,	James,	Owens,	Voorhees,
Dalrymple,	Jefferson,	Petrosky,	Wagner,
Dennison,	Jones, G. E.,	Pettit,	Watkins,
DiGenova,	Jones, P. N.,	Polaski,	Weingartner,
Dix,	Keenan,	Polen,	Weiss,
Dolon,	Kline,	Powers,	Welsh, E. B.,
D'Ortona,	Knoble,	Prosen,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rank,	Wilkinson,
Early,	Komorofski,	Rausch,	Williams,
Eckels,	Krise,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Ely,	Leisey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Lesko,	Regan,	Woodring,
Finestone,	Levy,	Reynolds,	Woodside,
Finnerty,	Leydic,	Rhea,	Wright,
Fisher,	Lichtenwalter,	Riley,	Yeakel,
Fiss,	Longo,	Rooney,	Yester,
Fleming,	Lovett,	Rose, S.,	Young,
Fletcher,	Lyons,	Rose, W. E.,	Kilroy, Speaker
Flynn,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 854, as follows:

An Act to further amend section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" permitting hotel and restaurant licensees to see by the bottle at certain times for consumption off the premises regulating such sales and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred eleven of the act

approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) are hereby further amended to read as follows

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons and in the case of hotels to guests and in the case of clubs to members in their private rooms in the hotel or club No club licensee nor its officers servants agents or employes other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club holding a catering license nor its officers servants agents or employes shall sell on Sunday to non-members any liquor or malt or brewed beverages In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guest in private guest rooms in the hotel

Every hotel and restaurant licensee may also sell liquor in bottles bearing the seal of the Pennsylvania Liquor Control Board unbroken not exceeding one quart to any one person in any one sale for consumption off the premises where sold but such sales shall be lawful only during the hours when the Pennsylvania Liquor Stores are not open for the transaction of business and only during the hours hereinafter fixed for the sale of liquor by hotel and restaurant licensees Such liquor in bottles shall be sold at a price not less than that charged to retail customers by the Pennsylvania Liquor Stores and in no case shall such price exceed by ten per centum such price charged by the Pennsylvania Liquor Stores

Hotel restaurant and public service licensees their servants agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day and shall not sell on Sunday or after two o'clock antemeridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during any period of emergency proclaimed to be such by sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. SCANLON, FINNERTY and MOONEY asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—103

Achterman,	Finnerty,	Maxwell,	Rhea,
Allmond,	Fletcher,	McClanaghan,	Rooney,
Baker,	Flynn,	McDermott,	Rose, S.,
Boles,	Gallagher,	McGrath,	Rosenfeld,
Boney,	Gerard,	McLanahan,	Royer,
Boorse,	Goodwin,	McLane,	Sarraf,
Bradley,	Gryskewicz,	McSurdy,	Scanlon,
Breth,	Harmuth,	Melchiorre,	Schwab,
Brown,	Heatherington,	Mihm,	Shaw,
Brunner, C. H.,	Hering,	Modell,	Shepard,
Cadwalader,	Herman,	Monks,	Skale,
Chudoff,	Hersch,	Mooney,	Stank,
Cohen, M. M.,	Hirsch,	Moran,	Tate,
Cohen, R. E.,	Holland,	Munley,	Thompson, E. F.,
Cook,	Jefferson,	O'Brien,	Vogt,
Cooper,	Keenan,	O'Connor	Voldow,
Cordier,	Kline,	O'Dare,	Voorhees,
Corrigan,	Kolankiewicz,	O'Mullen,	Watkins,
Cullen,	Komorofski,	O'Neill,	Weiss,
Dalrymple,	Lee, E. A.,	Petrosky,	Welsh, E. B.,
DiGenova,	Lesko,	Polaski,	Williams,
Dolon,	Lichtenwalter,	Powers,	Winner,
D'Ortona,	Longo,	Prosen,	Wood, L. H.,
Duffy,	Lovett,	Rausch,	Young,
Falkenstein,	Malloy,	Reese, R. E.,	Kilroy, Speaker
Finestone,	Marks,	Regan,	

NAYS—94

Auker,	Gates,	McClester,	Snyder,
Balthaser,	Gillette,	McFall,	Sollenberger,
Baugher,	Greenwood,	McIntosh,	Song,
Bentley,	Gross,	McKinney,	Stambaugh,
Bentzel,	Gyger,	McMillen,	Stine,
Bower,	Habbyshaw,	Moul,	Stocknam,
Bretherick,	Haberlen,	Muir,	Tart,
Brunner, P. A.,	Haines,	Nagel,	Thompson, R. L.,
Burns,	Hall,	Nunemacher,	Trout,
Burris,	Hamilton,	Owens,	Turner,
Chervenak,	Hare,	Pettit,	VanAllsburg,
Cochran,	Harkins,	Polen,	Vincent,
Croop,	Harris,	Rank,	Wagner,
Dennison,	Helm,	Readinger,	Weingartner,
Dix,	Imbrie,	Reagan,	Welsh, M. C.,
Early,	James,	Reese, D. P.,	Wilkinson,
Eckels,	Jones, G. E.,	Reynolds,	Wolf,
Elliott,	Jones, P. N.,	Riley,	Wood, N.,
Ely,	Knoble,	Rose, W. E.,	Woodring,
Fisher,	Krise,	Rush,	Woodside,
Fiss,	Lee, T. H.,	Serrill,	Wright,
Fleming,	Levy,	Shaffer,	Yeakel,
Foor,	Leydic,	Simons,	Yester,
French,	Lyons,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

REASONS FOR VOTE

Mr. DOLAN filed the following reasons for his vote.

I voted yes on House Bill 854, permitting hotel and restaurant licensees to sell by the bottle at certain times for consumption off the premises, because under the present laws such practises are in force and the means of obtaining the "goods" being generally known to the public and House Bill 854 will simply make the practice legal.

It will also enable persons living in rural communities, miles away from the nearest State Store to make purchases locally and in my opinion will greatly encourage

the consumption of liquor at home instead of in the taproom by those who like this form of beverage.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 510, entitled as follows:

An Act to amend section five of the act approved the second day of July one thousand nine hundred thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" by changing the method and time whereby future referendums be initiated and held

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five of the act approved the second day of July one thousand nine hundred thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" is hereby amended to read as follows

Section 5 Further Referendums In any municipality the will of the electors with respect to the conducting staging and exhibiting of motion pictures and sound motion pictures on Sunday may after the year one thousand nine hundred and thirty-five (1935) but not oftener than once in five years be ascertained and the question as provided in section 3 of this act shall be submitted to the electors of any municipality at any primary election preceding any municipal election upon demand in writing of petitioners equal to at least [five per centum (5%)] thirty-five per centum (35%) of the highest vote cast for any candidates in the municipality at the last preceding general or municipal election Such petition shall be filed with the corporate authorities at least sixty (60) days before the day of any [general or municipal] primary election at which the question is to be submitted and if the petition is signed by the requisite number of petitioners it shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five (1935)

If a majority of the voters in any municipality in which motion picture exhibitions are permitted from and after two o'clock postmeridian on Sunday to which an admission charge is made or is incidental are not in favor of the continuance of such exhibitions then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in section four of this act it shall thereafter by unlawful to conduct stage manage operate or engage in such exhibitions after two o'clock postmeridian on Sunday but if a majority of the electors in any such municipality which has not heretofore permitted such motion picture exhibitions after two o'clock postmeridian on Sunday or which has not theretofore voted on such question are in favor of such exhibitions then upon the certification of such fact to the acting chief executive officer of such municipality as is provided in section 4 of this act such exhibitions shall thereafter be lawful

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, there are a lot of things wrong with this bill, but I think all of them are evident on its face with the exception of one, and I wish to call the attention of the Members of the House to one effect of this bill which may not appear evident from reading it.

This bill, if enacted into law, will become effective on September 1st, 1941. The bill provides for the holding of a referendum at a primary election. The primary election in 1941 will come in September. The bill further provides that the corporate authorities must have a petition 60 days before the day of any primary election. The fact of the matter is that this bill will make it impossible for a referendum to be held during the year 1941, and as there are no municipal elections in 1942, it will be impossible to hold any at that time, so that the next date a referendum can be held under this bill will be in the primary election of 1943. I think that point should be called to the attention of the Members of the House.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—126.

Achterman,	Fisher,	Maxwell,	Reynolds,
Allmond,	Flynn,	McClanaghan,	Rooney,
Baker,	Foor,	McDermott,	Rosenfeld,
Balthaser,	Gallagher,	McGrath,	Rush,
Bentley,	Gerard,	McIntosh,	Sarraf,
Boies,	Goodwin,	McLanahan,	Scanlon,
Boney,	Gryskewicz,	McLane,	Schwab,
Bradley,	Haberlen,	McSurdy,	Shaffer,
Breth,	Hamilton,	Melchiorre,	Shaw,
Brown,	Hare,	Mihm,	Shepard
Brunner, P. A.,	Harkins,	Modell,	Skale,
Burns,	Harmuth,	Monks,	Sorg,
Chervenak,	Harris,	Mooney,	Stank,
Chudoff,	Heatherington,	Moran,	Stine,
Cochran,	Hering,	Munley	Tarr,
Cohen, M. M.,	Herman,	Nunemacher	Tate,
Cohen, R. E.,	Hersch,	O'Brien,	Thompson, E. F.,
Cook,	Hirsh,	O'Connor,	Vogt,
Cordier,	Holland,	O'Dare,	Voldow,
Corrigan,	Jefferson,	O'Mullen,	Watkins,
Cullen,	Jones, P. N.,	O'Neill,	Weiss,
Dalrymple,	Keenan,	Owens,	Welsh, E. B.,
DiGenova,	Kline,	Petrosky,	Welsh, M. J.,
Dolon,	Knoble,	Pettit,	Williams,
D'Ortona,	Kolankiewicz,	Polacki,	Wolf,
Duffy,	Komorofski,	Polen,	Woodring,
Early,	Lesko,	Powers,	Wright,
Elder,	Levy,	Prosen,	Yester,
Ely,	Longo,	Rausch,	Young,
Falkenstein,	Lovett,	Readinger,	Kilroy,
Finestone,	Malloy,	Reese, R. F.,	Speaker.
Finnerty,	Marks,	Regan,	

NAYS—62.

Auker,	Gates,	McClester,	Stambaugh,
Baugher,	Gillette,	McKinney,	Stockham,
Boerse,	Gross,	McMillen,	Thompson, R. L.,
Bower,	Gyger,	Moul,	Trout,
Bretherick,	Habbyshaw,	Muir,	Turner,
Brunner, C. H.,	Haines,	Rank,	VanAllsburg,

Burris,	Hall,	Reagan,	Vincent,
Cadwalader,	Helm,	Reese, D. P.,	Voorhees,
Cooper,	Imbrie,	Rhea,	Weingartner,
Dennison,	James,	Rose, S.,	Wilkinson,
Dix,	Jones, G. E.,	Rose, W. E.,	Winner,
Eckels,	Krise,	Serrill,	Wood, L. H.,
Elliott,	Lee, E. A.,	Simons,	Wood, N.,
Fiss,	Leydic,	Snyder,	Woodside,
Fletcher,	Lichtenwalter,	Sollenberger,	Yeakel,
French,	Lyons,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMITTEE MEETINGS

Counties, Tuesday, April 22 at 11:30 a. m. in Room 521.

Judiciary General, Tuesday, April 22 at 10 a. m. in Room 246.

Judiciary Special, Tuesday, April 22 at 11:30 a. m. in Room 246.

Labor, Tuesday, April 22 at 11 a. m. in Room 521.

Motor Vehicles, Tuesday, April 22 at 11 a. m. in Room 324.

Public Health and Sanitation, Tuesday, April 22 at 11:30 a. m. in Room 331.

State Government, Tuesday, April 22 at 11:15 a. m. in Room 325.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 1048 on Wednesday, April 23 at 7:00 p. m. in the New House Caucus Room.

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, April 29 at 7:00 p. m. in the New House Caucus Room.

The Regular meeting of the Committee on Cities of the First Class postponed until Wednesday, April 23 at 12 noon in Room 521.

Democratic Caucus in House Caucus Room on Tuesday, April 22 at 12 noon.

ADJOURNMENT

Mr. CROOP. Mr. Speaker, I move that this House do now adjourn until Tuesday, April 22, 1941, at 1 p. m.

The motion was agreed to, and (at 11:45 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., TUESDAY, APRIL 22, 1941. No. 40.

SENATE

TUESDAY, April 22, 1941.

The Senate met at 12:00 o'clock, noon.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the prayer was offered by the Senator from Berks, Dr. FRANK W. RUTH.

Our Father and our God, we come into Thy presence this beautiful morning and our hearts are filled with joy and gladness that Thou hast given us life and opportunity for service. We pray that Thy spirit will guide us today, that we may understand our responsibility, that we may appreciate the heritage that has come to us from our fathers and that we may perpetuate it for our children so that Thy Name may have all the honor and the glory in the world without end. Amen.

QUESTION OF PERSONAL PRIVILEGE

Mr. COX. Mr. President, and members of the Senate, I arise on a question of impersonal privilege.

The PRESIDENT. The gentleman from Allegheny may proceed.

Mr. COX. Yesterday I found on my desk a very fine Havanna cigar and I understand the other Senators did likewise which I understand was placed there to commemorate the birth of a new junior Senator from Schuylkill County, I want to acquaint the members of this Senate with the fact the Democratic side of this Senate is in great trepidation because we are very much afraid in the future the Watkins Clan from Schuylkill County is going to perpetuate the Watkins dynasty.

Congratulations, Senator Watkins.

The PRESIDENT. Does the Senator from Schuylkill have anything to say? Perhaps actions speak louder than words.

Mr. WATKINS. Mr. President and members of the Senate, I want to thank you for your kind congratulations and I will say to the gentleman on the other side that as soon as he is old enough I will teach the child the pledge of allegiance to the flag which begins this way: "I pledge my allegiance to the flag of the United States of America and the Republicans for which it stands."

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WATKINS and Mr. BARR, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Becker asked and obtained leave of absence for the Senator from Lancaster, Mr. HOMSHER.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that tfhe Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 22, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Mrs. L. M. Scheetz, 5046 Chestnut Street, Phila., April 27, 1941.

R. H. Wannemacher, 1209 W. Cambria Street, Phila., May 3, 1941.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Floyd Bixler, 511 Fulton Bldg., 107 Sixth Street, Pittsburgh.

BRADFORD COUNTY

Miss Freda S. Hall, Towanda.

ERIE COUNTY

Miss Rita M. Drexler, Erie.

PHILADELPHIA COUNTY

Mrs. Marie C. Gillespie, 1600 Arch Street, Phila.

SCHUYLKILL COUNTY

Jonathan M. Walborn, Orwigsburg.

YORK COUNTY

R. H. Lookingbill, York.

LEHIGH COUNTY

Miss Marion G. Rader, Bethlehem.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. EDMONDS and Mr. EALY That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barr,	Ealy,	Mallery,	Taylor,
Bartlett,	Edmonds,	McCreesh,	Tyler,
Becker,	Farrell,	McQuiddy,	Wade,
Carr,	Frey,	Miller,	Watkins,
Cox,	Heyburn,	Reed,	Wilson, H. I.,
Crider,	Jaspan,	Ruth,	Wilson, T. B.,
Crowe,	Kephart,	Scarlett,	Woodward,
Deitrick,	Lanius,	Stiefel,	Ziesenheim,
DiSilvestro,	Letzler,	Tallman,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF PENNSYLVANIA STATE ORAL SCHOOL FOR THE DEAF

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of the Pennsylvania State Oral School for the Deaf, for terms of four years, and until their successors are qualified:

Mr. Mae W. James, 625 North Main Avenue, Scranton, Lackawanna County, to fill a vacancy.

Mrs. Ethel McBride, 937 Orchard Street, Scranton, Lackawanna County, to fill a vacancy.

Mrs. Marjorie Sutherland, Chinchilla, Lackawanna County, vice Miss Frances E. McGee, whose term expired.

Mrs. Rachel J. Thomas, 1523 Clay Avenue, Dunmore, Lackawanna County, vice Mrs. Agnes Kahler, whose term expired.

Albert J. Davis, 344 North Garfield Avenue, Scranton, Lackawanna County, to fill a vacancy.

Herman S. Goodman, 929 Clay Avenue, Scranton, Lackawanne County, to fill a vacancy.

F. J. Helriegel, Mears Building, Scranton, Lackawanna County, to fill a vacancy.

Edward J. Kelly, Scranton Life Building, Scranton, Lackawanna County, vice Monsignor Connel McHugh, whose term expired.

Arnold Roth, 913 Slocum Avenue, Scranton, Lackawanna County, vice Stanley Stobock, whose term expired.

ARTHUR H. JAMES.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL NO. 201 (HOUSE NO. 575)

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 201, entitled:

An Act to amend a certain appropriation item contained in section two of Act No. 69-A, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, P. L. 60), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by deferring for a short period of time certain payments required to meet the Sinking Fund requirements of Veterans' Compensation Bonds.

with the information that the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 201, entitled:

An Act to amend a certain appropriation item contained in section two of Act No. 69-A, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, 1939, P. L. 60), entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by deferring for a short period of time certain payments required to meet the Sinking Fund requirements of Veterans' Compensation Bonds.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being intro-

duced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, April 21, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday, April 28, 1941, at 3:30 o'clock, p. m., Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday, April 28, 1941, at 8:00 o'clock, p. m., Eastern Standard Time.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 482, (Senate Bill No. 657), entitled:

An Act providing a method of annexation of townships of the second class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto

Which was committed to the Committee on Municipal Government.

House Bill No. 510, (Senate Bill No. 658), entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred thirty-five (P. L. 599), entitled "Sunday Motion Pictures Act," by changing the method whereby future referendums be initiated.

Which was committed to the Committee on Law and Order.

House Bill No. 1151, (Senate Bill No. 659), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Finance.

House Bill No. 1152, (Senate Bill No. 660), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred and forty-one: and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred thirty-nine.

Which was committed to the Committee on Appropriations.

BILLS INTRODUCED

Mr. LETZLER read in his place and presented to the Chair Senate Bill No. 661, entitled:

An Act to amend section eighteen as amended, and renumbered section seventeen, and section eighteen as added of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," by exempting from taxation scrip, bonds, certificates and evidences of indebtedness assumed or on which interest is paid by political subdivisions.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 662, entitled:

An Act to further amend section five hundred fourteen of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted; or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," further prescribing the liability of shareholders for salary and wage claims of employes of corporations, and the procedure for collecting such claims.

Which was committed to the Committee on Corporations.

Mr. BECKER read in his place and presented to the Chair Senate Bill No. 663, entitled:

An Act relating to honest mistakes published in newspapers and periodicals; defining the same; prohibiting punitive damages in actions of libel arising out of such publications; and fixing the burden of proof in reference thereto.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 664, entitled:

An Act requiring persons to walk on the sidewalk, berm or shoulder along an improved highway, or along the left hand side thereof; and making failure so to do contributory negligence per se.

Which was committed to the Committee on Highways.

Mr. WATKINS read in his place and presented to the Chair Senate Bill No. 665, entitled:

An Act to amend section one thousand twenty-four of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled, "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the salary of the burgess.

Which was committed to the Committee on Municipal Government.

He also read in his place and presented to the Chair Senate Bill No. 666, entitled:

An Act to further amend sections nine, fifteen, sixteen and seventeen of, and to add sections seventeen and one-tenth and seventeen and two-tenths to the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delin-

quent taxes on seated lands and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid, and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," further regulating the sale of lands purchased by the county commissioners at such sales, providing for the discharge of mortgage liens by such treasurers' sales and by the sales of such lands now in the hands of the county commissioners; and providing for the distribution of the proceeds of all such sales.

Which was committed to the Committee on County Government.

Mr. TALLMAN read in his place and presented to the Chair Senate Bill No. 667, entitled:

A Joint Resolution proposing an amendment to Article Nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Which was committed to the Committee on Constitutional Changes.

Mr. CARR read in his place and presented to the Chair Senate Bill No. 668, entitled:

An Act to further amend section thirty-one as renumbered section thirty-two of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities to political sub-divisions of the State, and election officers; providing penaltics; and repealing existing acts," providing for local option in counties; further prescribing the effect of the vote on local option in various areas; and changing the time for the submission of the question of local option.

Which was committed to the Committee on Law and Order.

REPORT FROM COMMITTEE

Mr. T. B. WILSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. T. B. WILSON, from the Committee on State Government, reported as committed, Senate Bill No. 413, (House Bill No. 692), entitled:

An Act to amend clauses (k) and (l), and to add clause (n) to section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined." authorizing the leasing of Indiantown Gap Military Reservation to the United States.

BILLS INTRODUCED

Mr. CARR read in his place and presented to the Chair Senate Bill No. 669, entitled:

An Act to further amend sections five hundred one and five hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practice in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by changing the time for submission of the question of local option.

Which was committed to the Committee on Law and Order.

He also read in his place and presented to the Chair Senate Bill No. 670, entitled:

An Act to further amend sections five hundred one and five hundred two of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages, conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," defining residence districts, providing for local option therein, and further prescribing the effect of the vote on local option in various areas, and changing the time for the submission of the question of local option.

Which was committed to the Committee on Law and Order.

He also read in his place and presented to the Chair Senate Bill No. 671, entitled:

An Act to further amend section thirty-one as renumbered section thirty-two of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages. imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," defining residence districts; providing for local option therein; further prescribing the effect of the vote on local-option in various areas; and changing the time for the submission of the question of local option.

Which was committed to the Committee on Law and Order.

He also read in his place and presented to the Chair Senate Bill No. 672, entitled:

An Act to further amend section five hundred one and five hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," providing for local option in counties; further prescribing the effect of the vote on local option in various areas, and changing the time for the submission of the question of local option.

Which was committed to the Committee on Law and Order

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 420, as follows:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

Article nine section eight of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The debt of any city borough township school district or other municipality or incorporated district except as provided herein and in section fifteen of this article shall never exceed seven (7) per centum upon the assessed value of the taxable realty therein and the debt of any county other than Philadelphia shall never exceed seven (7) per centum upon the assessed value of the taxable realty therein and the debt of the City and County of Philadelphia shall never exceed ten (10) per centum upon the assessed value of the taxable realty therein for the ten years immediately preceding the time any debt is incurred or increased nor shall any county city borough township school district or other municipality or incorporated district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such assessed valuation of taxable realty without the consent of the electors thereof at a public election in such manner as shall be provided by law

In ascertaining the borrowing capacity of the City and County of Philadelphia at any time there shall be deducted from such debt so much of the debt of said City and County as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction purchase or condemnation of any public utility or part thereof or facility therefor to the extent that such public improvement or public utility or part thereof whether separately or in connection with any public improvement or public utility or part thereof may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon

The method of determining such amount so to be deducted may be prescribed by the General Assembly

In incurring indebtedness for any purpose the City and County of Philadelphia may issue its obligations maturing not later than fifty (50) years from date thereof with provisions for a sinking fund sufficient to retire said obligations at maturity the payment to such sinking fund to be in equal or graded annual or other periodical installments Where any indebtedness shall be or shall have been incurred by said City and County of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character from which income or revenue is to be derived by said City and County or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said City and County such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of work for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness and said City and County shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten article nine of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work Provided however That any city county borough township or other municipality or incorporated district may with the consent of the electors thereof increase its indebtedness to the extent of three (3) per centum over and beyond any limitation fixed herein toward the sole purpose of constructing or completing sewage treatment works

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

RECONSIDERATION OF SENATE BILL No. 420

Mr. WOODWARD. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 420, passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. WOODWARD. Mr. President, I voted "aye."

Mr. EALY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. EALY. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WOODWARD. Mr. President, yesterday the Senate very kindly granted me unanimous consent to offer strike-out amendments to Senate Bill No. 420 but, owing to a misunderstanding with the Legislative Reference Bureau, they struck out too much. I now ask unanimous consent to offer strike-out amendments to strike out the brackets. It is a typographical error, that is all it is.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 8), page 2, line 8, by inserting after the word "the" the following: average annual

Amend Sec. 1 (Sec. 8), page 2, line 14, by inserting after the word "such" the following: assessed value or upon such average annual

Amend Sec. 1 (Sec. 8), page 2, line 15, by inserting after the word "realty" the following: for the ten immediately preceding years as the case may be

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL RECOMMITTED

Mr. CROWE. Mr. President, I move that Senate Bill No. 30 on third reading, entitled:

An Act providing for the establishment, construction maintenance and use of a mountain ridge road or parkway on State forest, game and fish lands in the Pocono Mountains, through or bordering the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike, to be known as the "Rim Parkway"; conferring powers and imposing duties on the Department of Highways; providing for the acquisition and taking of additional land, and the use of Federal Funds; authorizing the collection of tolls and rentals; and appropriating moneys out of the Motor License Fund.

be recommitted to the Committee on Highways.

Mr. TALLMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 125, as follows:

An Act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All penalties and interest imposed on unpaid delinquent county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except counties of the second class) taxes for the tax year one thousand nine hundred and forty and all previous years assessed and levied against any parcel or parcels of real estate are hereby abated without the necessity of further action by the authority levying the tax if the unpaid delinquent taxes are paid as hereinafter provided unless the authority levying the tax shall have notified the county treasurer within thirty days after this act becomes effective that the taxing authority has rejected by a majority vote the provisions of this act

In order to receive the benefits of the installment system of payment provided by this act twenty per centum or more of the unpaid delinquent taxes due for the year one thousand nine hundred and forty and for all previous years shall be paid on or before the first day of November one thousand nine hundred and forty-one twenty per centum or more on or before the first day of November one thousand nine hundred and forty-two twenty per centum or more on or before the first day of November one thousand nine hundred and forty-three twenty per centum or more on or before the first day of November one thousand nine hundred and forty-four and the unpaid balance on or before the first day of November one thousand nine hundred and forty-five Provided That the taxes on such parcel or parcels of real estate levied for the year one thousand nine hundred and forty-one together with any interest and penalties due thereon shall be paid on or before the first day of November one thousand nine hundred and forty-one And provided further That the respective current taxes on such parcel or parcels of real estate levied for the years subsequent to the year one thousand nine hundred and forty-one during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event the total amount of the abated penalties and interest shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of such delinquent taxes for the year one thousand nine hundred and forty and previous years at any time on or before November first one thousand nine hundred and forty-one by paying the entire amount of such delinquent taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and forty-one shall not be required at the time of such payment

Section 3 This act shall be construed to apply to all such taxes whether or not such taxes have been returned to the commissioner's office or to the treasurer of any city for nonpayment or liens therefor have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or county institution district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or county institution district

at a tax sale or on a tax lien and where the period of redemption has not expired The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where such taxes have been returned for nonpayment or liens therefor have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separated or not

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

The county commissioners of each county shall at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county and in the legal newspaper if any a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such delinquent taxes or the person or persons in whose custody the records of such delinquent taxes are kept shall furnish to such delinquent taxpayers or owners a statement of the delinquent taxes owed by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for nonpayment of taxes before November first one thousand nine hundred and forty-one and any tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 8 The act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 302) the act approved the twenty-fifth day of October one thousand nine hundred and thirty-eight (Pamphlet Laws 84) and the act approved the nineteenth day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 405) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local and special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

Section 9 Any taxpayer who has made any payment or payments on delinquent taxes under the provisions of any of the acts referred to in section eight above but who has defaulted in any payment required by such act may secure the benefits of this act by making payments on the balance due on all taxes covered by the provisions of this act whether or not covered by the abatement act under which he was previously making payments

Section 10 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill on third reading?

Mr. HENRY I. WILSON. Mr. President, I feel I would be derelict in my duty if I did not say just a few words on this bill. First, Mr. President, I recognize the fact there are very many people who are really earnestly advocating the passage of a proper abatement bill. There is no question about that, or there are very many meritorious cases. Some of those cases have actually been called to my attention, and there are people sitting here on the floor of this Senate who are just as earnestly and honestly in favor of this bill, knowing what good it will do. I want them to know I appreciate their efforts.

On the other hand, Mr. President, the other side has a right and a duty to be heard at this time. There has been no effort whatsoever upon my part to contact any member of this Senate or any other person with a view of either actually amending or in any way molesting this bill. To proceed to pass a bill of this character on third reading and final passage after the many things that have taken place since March 3rd in connection with it is rather a serious duty.

Mr. President, I want to say to the members of this Senate that once we pass this bill you say to every person who has struggled and met all the obligations that are imposed upon him, through local taxation and other taxation, that there are a certain few who may be excused from the obligations that have been fairly placed upon them.

It seems to me we have in the past really agreed that bills of this character are unusual and that bills of this character are only passed when the need is great. Putting it on that proposition alone is it not fair to state to this Senate today and to the people at large those conditions now can no longer exist, particularly those people who have just a certain number of folks they are interested in.

Did you ever stop to think about the management of the affairs of all the municipalities of this great Commonwealth? Did you ever stop to think about the bookkeeping, about the complications that come from year to year and from session to session by reason of the repeated passage of an abatement bill?

Just the bookkeeping alone and the legal questions involved are of a very serious nature and, Mr. President, it

seems to me if there is to be a cessation in the regular passage of abatement bills it should be right now, when employment of all kinds is increasing. You can pick up any paper and you will find that is true.

There would be some justification, Mr. President, in abating penalties prior to 1940, if the 1940 tax with interest and the 1941 taxes at par were both paid by November 1, 1941, together with installment payments on taxes prior to 1940. Some such provision would place those who paid under the act of 1939 in the same position as those who became delinquent and are expected to pay in 1941. That is, Mr. President, poor persons who borrowed money to pay their 1939 taxes and who may still be paying interest on the money borrowed, would be no worse off than those who failed to pay their taxes and now desire some plan for doing so. It would be putting the two classes on a parity, with the municipality acting as their banker in the meantime.

Further, Mr. President, and most important of all, it would be notice to chronic delinquents that hereafter they cannot expect abatement of taxes without completely paying the delinquencies with interest from 1939; although they might be granted freedom from penalties prior to 1939. My thought is that no privilege should be worked in favor of a chronic delinquent, and a privilege would be worked in his favor if he is periodically allowed rebates that were not accorded to those who paid under prior acts.

Now, Mr. President, stop and think. Each biennium we pass this abatement bill and the work you do in the prior biennium is largely affected by the new abatement bill and you have them intermingling together.

Further abatements are unfair to the poor people who paid under prior abatements. They were induced to sweat blood and borrow money to take advantage of the acts from 1935 to 1939 on the belief that the legislature was helping them, whereas others depended upon subsequent legislatures doing the same thing, so they can now say to those who didn't pay, they were foolish for not waiting. They, themselves, will probably wait for further abatement by the legislature.

Proponents declare they do not care about the attitude of the political sub-divisions and they do care about the poor property owner. Do they not realize they are making the poor property owner who paid under previous abatement bills now pay for the delinquencies which the legislature is encouraging under subsequent abatement bills? Mr. President, I want to say about the poor property owners that there is not a single one of them who has approached me with reference to this bill, but there are people who have approached me, people who have said to me they know of people who are in this condition and they are speaking for them, I do know there are people who make it a practice to go among their neighbors and say, "You can get your abatements why pay your taxes when they are due?"

It is just a question which way we are going to travel, Mr. President. If we want to make an abatement bill a permanent institution in Pennsylvania we should pass this bill.

All during the course of consideration of this bill in committee and out of committee no mention has been made in the title relative to it being an optional bill. I am not prepared to debate the constitutionality of that, but I do say in all fairness notice ought to be given by the title that there is such an option in it.

I want also to call to the attention of the members of the Senate that many times the number of people who are forced, if they do not want to come under this act, to give this notice within a certain period, which is thirty days, that they do not wish to come under it, these people are put to that inconvenience and many of them will have this act forced upon them, without having it called to their attention and without wanting to do it. It is also questionable as to whether the optional feature is constitutional; it is a question of whether the taxes could be made for one person under certain condition and changed for others under certain other conditions.

I know it is unpopular to stand up and call attention to these errors, but certainly the act of 1939 was not properly drawn and I claim this bill is not properly drawn, and I want to submit a legal proposition here, and I ask anybody that is in favor of this bill to answer it.

What is the meaning and the proper interpretation of the last two sentences in section one? Now, you all have read the bill and I will not take the time to read it.

For example, and this is actually true, a property was sold by the county treasurer for delinquent taxes in August 1938. There being no individual bidders, the County Commissioners bid the land in. Under the law the period of redemption expires in August 1943. Say that this bill is enacted and the owner of the property sold to the county came in to take the benefits provided by this bill by paying twenty per cent of all the delinquent taxes at face on October 30, 1941; he fails to make the second twenty per cent payment which is due on or before October 30, 1942, and that on October 19, 1943, he comes in to make a payment under the abatement act of 1941.

Did the period of redemption expire in August 1943, and did the county obtain title to the property?

Did the owner of the property forfeit all benefits under the act by reason of his failure to pay the twenty per cent payment due on or before November 1, 1942?

Did the payment made in October, 1941, extend the redemption period, and if so for how long?

In other words is it possible, under the provisions of the last two sentences of section one, for a property owner who is entitled to a right of redemption under tax sale to retain the benefits of the act, even though he failed to make a twenty per cent payment when due?

Is the period for the right of redemption under a tax sale extended beyond the period provided by law as long as an owner of a property is making payments under the provisions of the abatement act?

Mr. President, is it fair for two or three counties, or a number of people who may have business, to get together and avoid payment of taxes, to upset conditions by this continual abatement of taxes? Is it fair for us to carry these people, many of whom are deserving, many of whom perhaps could make arrangements some other way, when in addition to those people we have to carry so many who are really known as chronic borrowers.

I am not going to take up the time of this Senate. I feel the time has come and if we are ever to do away with the abatement of penalties and interest on taxes, as provided by this bill, the time is right now. We are apt to refer to this bill as a tax abatement bill, but it is not really a tax abatement bill at all. This bill abates

tax penalties and interest. Then why should we abate tax penalties and interest and still require the man to go out and pay the taxes. You thereby create a favored class, it seems to me, and I shall so vote that that is a mistake.

I do not wish to take up any further time but I do want to be known as having put on record my objection in a very brief statement as to why I am voting against this bill.

Mr. HALUSKA. Mr. President, I am not going to take up much of the time of the Senate on this bill, which has been before this body now for the last two or three months. I only wish to state if ever there was a good bill on the Calendar that deserved the consideration of the members of this body, it is Senate Bill No. 125.

This is the first time in the last fifteen years the ordinary man has had an opportunity to redeem his home. Other tax abatement bills were passed back in 1935, 1937, and 1939, that is true, but how many of the men who had lost their properties because they had no work, had an opportunity to take advantage of any tax abatement bill? This is the first time in a great many years the ordinary man has had an opportunity, because today he is working and he has some money, he has some means of redeeming his property.

The gentleman from Jefferson stated no one had contacted him regarding this bill, only the opposition. I might say I have had any number of persons in my County of Cambria come to me and ask me to vote for a tax abatement measure.

The bill is very sane. If we have some taxing bodies that agree not to take advantage of it, they have a perfect right to meet and reject the act, but those who wish to take advantage of it under this act may do so.

I trust my colleagues will vote for this bill and pass it today and send it to the House and I am quite sure the House will pass it and I feel also the Governor will sign it.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Edmonds,	Letzler,	Snowden,
Becker,	Farrell,	Mallery,	Stevenson,
Cavalcante,	Frey,	McCreesh,	Stiefel,
Chapman,	Geltz,	McGinnis,	Tallman,
Coleman,	Haluska,	McQuiddy,	Taylor,
Cox,	Heyburn,	Miller,	Thomas,
Deitrick,	James,	Reed,	Tyler,
Dent,	Jaspan,	Ruth,	Walker,
DiSilvestro,	Kephart,	Scarlett,	Watkins,
Ealy,	Lanius,	Shapiro,	Ziesenheim,

NAYS—6

Bartlett,	Crider,	Wade,	Wilson, H. I.,
Carr,	Crowe,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 212, on third reading, entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 292, (House Bill No. 382), on third reading, entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for said purpose

be recommitted to the Committee on County Government for the purpose of amendment.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Mr. SHAPIRO. Mr. President, I should like to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Allegheny state the purpose of the amendment to this bill? In what way does he propose to amend it?

Mr. GELTZ. Mr. President, there seems to have been some mistake made in this bill. It was the idea of the sponsors that these funds would be kept in the hands of the counties and the sub-divisions. As the bill reads now the funds are to be put into a trusteeship or a committee of trustees to be appointed by the Department of Public Assistance.

The amendment which we propose to make will agree with a House bill which has passed and is now in the Senate, setting up a special fund in the office of the State Treasurer, and the amendment which we wish to make to this bill is that instead of trusteeship handling the fund, it will be handled by the State Treasurer's office.

Mr. SHAPIRO. Mr. President, will that conform to the requirements of the federal government, which pays the money?

Mr. GELTZ. So I understand, Mr. President.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 295, as follows:

An Act to amend sections seven and eight of the act approved the twelfth day of June one thousand eight hundred and seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" requiring the publication of advance sheets of such reports requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein and further regulating the basis upon which bids shall be submitted and provisions of the contract for publication of such reports and advance sheets

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections seven and eight of the act approved the twelfth day of June one thousand eight hundred and seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" are hereby amended to read as follows

Section 7 The reporter shall have no pecuniary interest in such reports but the same shall be published under the supervision of the reporter by contract to be entered into by the reporter secretary of the commonwealth and auditor general with the responsible person or persons who in addition to furnishing the state librarian for library and exchange fifty copies of each volume shall agree to publish and sell the said reports and advance sheets thereof at the lowest price as hereinafter provided in this section which contract shall be for a term of four years from the first day of July one thousand nine hundred and forty-one and thereafter for the terms of five years each and shall provide that the said reports and advance sheets shall be printed and published in this commonwealth and that every volume printed under such contract shall be stereotyped or electrotyped and the plates thereof preserved within this commonwealth and be delivered to the secretary of the commonwealth as the property of the state within three years after the expiration of the contract and shall further provide that all volumes published under such contract shall be kept by the contractor at his place of business within this commonwealth for sale at a price established by the contractor in conformity with the provisions of this section to all citizens of the commonwealth desiring the same during the term of his said contract and for five years thereafter and shall further provide that the contractor shall currently sell at a price established by him in conformity with the provisions of this section to all citizens of the commonwealth desiring the same advance sheets of such reports to be published weekly with reasonable promptitude after decision completion of the work of the reporter and approval thereof by the justices of the court in accordance with specifications to be prescribed by the reporter secretary of the commonwealth and auditor general conforming as nearly as may be to the typographical form of the reports Each bidder for the said contract shall designate the price at which he will under the conditions specified in this section sell and deliver prepaid anywhere within the commonwealth to any citizen thereof each volume of said reports including the advance sheets thereof and upon award of the contract as hereinbefore provided the contractor shall be entitled to charge for each volume (without advance sheets) a price not exceeding eighty per cent and for the advance sheets thereof (without the volume) a price not exceeding forty per cent of the amount so bid by him

Section 8 Before letting any contract as provided by this act the secretary of the commonwealth shall give notice of the time and place of awarding the contract and of the terms and specifications (formulated in accordance with the seventh section of this act) upon which bids will be received by advertisement in one daily newspaper of general circulation in each of the cities of Philadelphia and Pittsburgh once a week for six consecutive weeks immediately preceding the letting of such contract and shall receive sealed proposals or bids and shall award the contract to the lowest responsible bidder who can give the security required by the ninth section of this act and who shall maintain in this commonwealth for the term of the contract the plant facilities and place of business for printing and publication of the said reports and advance sheets

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 310, as follows:

An Act to amend article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by making it unlawful to take for the purpose of sale sell or expose for sale any bitter-sweet growing in the wild and providing a penalty

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended by adding after section six hundred ninety-nine and five tenth a new section to read as follows

Section 699.6 Sale of Bitter-sweet Whoever takes for the purpose of sale sells or exposes for sale any bitter-sweet growing in the wild except for sale for medicinal purposes "and excepting owners of the land upon which such bitter-sweet is growing and members of their household and excepting also minors under the age of sixteen (16) years doing so within a territorial radius of three (3) miles of their place of residence" shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding twenty-five dollars ($25) and in default of the payment of the fine and costs shall be sentenced to imprisonment not exceeding thirty (30) days

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Heyburn,	Reed,	Wade,
Cox,	James,	Ruth,	Walker,
Crider,	Jaspan,	Scarlett,	Watkins,
Crowe,	Kephart,	Snowden,	Wilson, H. I.,
Deitrick,	Lanius,	Stevenson,	Wilson, T. B.,
Dent,	Letzler,	Stiefel,	Ziesenheim,
DiSilvestro,			

NAYS—5

Barr,	Haluska,	McQuiddy,	Shapiro,
Frey,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. JASPAN. Mr. President, I ask unanimous consent that Senate Bill No. 353, (House Bill No. 450), on third reading, entitled:

An Act to further amend section 1902 of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class, and amending, revising and consolidating the law relating thereto," exempting certain contracts for public utility service from the provisions of said act, regulating advertising and bidding for contracts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, Senate Bill No. 385 (H. B. 561), along with several others contemplated by the Banking Department should really be put in a single amendment to the code, and I am taking the responsibility of informing the sponsor of this bill it is the opinion of the Banking Committee today, that this, together with other bills of this type, should be held up to give the Banking Department an opportunity to look into them and see if they can not be embodied into one bill.

BILL POSTPONED

Mr. SHAPIRO. Mr. President, I move that further consideration of Senate Bill No. 385, (House Bill No. 561) on third reading, entitled:

An Act to amend section six hundred and eight of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations, providing for the organization of corporations with fiduciary powers and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers, defining the rights, powers, duties, liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers, and of the officers, directors, trustees, shareholders, attorneys and other employes of all such corporations, or private bankers, or of affiliated corporations, associations or persons restricting the exercise of banking powers by any other corporation, association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds and certain State departments, commissions and officers, imposing penalties, and repealing certain acts and parts of acts," by making further provision concerning the voting of shares held by incorporated institutions.

be postponed for the present.

Mr. COLEMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 418, entitled:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirteenth of each year as Commodore John Barry Day.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EALY. Mr. President, I desire to interrogate the sponsor of the bill as to whether he is willing to change it back to the form in which it appeared yesterday.

The PRESIDENT. Will the gentleman from Philadelphia, Mr. McCreesh, permit himself to be interrogated?

Mr. McCREESH. Mr. President, before we discuss this bill, I would like those Senators who believe in those wisecracks and so forth to please be as gentle as possible. We have a lot of Senators here who believe in making slurring remarks about a bill.

Mr. EALY. Mr. President, will the Senator from Philadelphia please take the microphone.

Mr. McCREESH. I do not think it is necessary, Mr. President, for me to take the "mike". They have been trying to hold me down since I was a little baby.

The PRESIDENT. Request has been made by the Senators from the other side that you use the microphone.

Mr. McCREESH. I am ready, Mr. President.

The PRESIDENT. The gentleman from Somerset may proceed.

Mr. EALY. Mr. President, the committee felt we should not require the Governor of the Commonwealth each year to issue a proclamation setting aside a special day to commemorate John Barry. I understand Commodore John Barry is called the Father of the American Navy, the little navy the American people had after the Revolutionary War, which perhaps entitles this man to some special recognition, but I do not know that it entitles him to more recognition than Admiral Dewey or Admiral Farragut or other great admirals of the American Navy. If we are going to set aside a special day for every one of our great admirals, soldiers and sailors, the Governor will not be able to do anything else but issue proclamations.

If the Senator from Philadelphia is willing to have this special day set aside for this year only, it will not embarrass the Governor too much, and we are willing to go along with that, but if he insists on the bill in its present form, I feel the Governor will have to veto it. If that is the purpose of the gentleman from Philadelphia, I feel we should vote "no" on it.

Mr. McCREESH. Mr. President, in answer to the Senator from Somerset, I might say about two weeks ago I had a bill go back to committee and I have not heard any more about it. Now, I think we have a good Senator as chairman of that committee and yet people have been burned up and carried out from their homes from fires and then if you read the history of the fire you find there were no fireplugs.

If the good Senator thinks he can improve the bill, I do not see how he could do it. We will not be here next year in January, I hope, and how then you would expect to have a bill for next year I do not know.

However, I always like to be sociable and agreeable and I would like to train the good Senators in the future who heretofore have been passing so many sarcastic remarks about bills that really mean something. We have today so many bills on the Calendar, as the gentleman from

Washington has stated, that should be wiped off the Calendar, and yet along comes a good bill here and it does not require any appropriation and it does not require anything of that nature and I would like the Senator to tell me why they want to refuse to vote for the bill.

Mr. EALY. I think it would be better, Mr. President, to celebrate the day on which the man was born rather than the day on which he died.

Mr. McCREESH. Just a minute now, Mr. Senator, we are not trying to celebrate the day the man died. I do not know whether we are sure about the date of his death but we are trying to have a day appointed to conform with the day appointed by other Governors for John Barry. It is not the date of his death but it is keeping it uniform with the other states.

Mr. EALY. I only want to ask the gentleman from Philadelphia whether he is willing to have the bill amended back into the form in which it was yesterday.

Mr. McCREESH. Mr. President, I do not see how you could improve the bill if you sent it back. If the gentleman will tell me how it can be improved to suit my ideas, why, all right.

Mr. EALY. I do not seem to get a very good answer. I think I will have to vote "no" on this bill, because it will embarrass the Governor to have to issue proclamations to commemorate all the great sailors, admirals and soldiers, and that is what it will mean if we do this thing.

Mr. McCREESH. Mr. President, I might say the good Governor of the State of Pennsylvania attended the last session and the parade for John Barry in Philadelphia, and I might say we could almost be sure that the Governor did say he would sign this bill. However, I would not like to put him on the spot, Mr. President.

Before we get through, Mr. President, I desire to interrogate the chairman of the Committee on State Government.

The PRESIDENT. Will the gentleman from Lehigh permit himself to be interrogated?

Mr. TALLMAN. I will, Mr. President.

Mr. McCREESH. Mr. President, I would like to ask the chairman of the State Government Committee if he has any communications or advice about this bill from judges and different men in Philadelphia. Senator Tallman, will you tell us, please? Please tell me that, Mr. Senator.

Mr. TALLMAN. Mr. President, as chairman of the Committee on State Government I did receive a communication from Judge Clair Fenerty of the Court of Common Pleas of Philadelphia County, reciting some of the history concerning Mr. Barry.

Mr. McCREESH. Is that the reason, Mr. President, that the bill should be killed?

BILL OVER IN ORDER

Mr. McCREESH. Mr. President, I ask unanimous consent that Senate Bill No. 418, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 448, as follows:

An Act to amend sections three hundred and eight and four hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases clarifying the procedure for establishing such liability of the Commonwealth and providing for the transfer and lapsing of certain moneys into the General Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three hundred and eight and four hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" are hereby amended to read as follows

Section 308 (a) When compensation is awarded because of disability or death caused by silicosis anthraco-silicosis asbestosis or any other occupational disease which developed to the point of disablement only after an exposure of five or more years the compensation for disability or death due to such disease shall be paid jointly by the employer and the Commonwealth in accordance with the following provisions If disability begins between October 1 1939 and September 30 1941 both dates inclusive the employer shall be liable for and pay fifty per centum of the compensation due and the Commonwealth fifty per centum thereof Thereafter depending upon the date when disability begins the proportions of compensation for which the employer and the Commonwealth shall respectively become liable shall be If disability begins between October 1 1941 and September 30, 1943 the employer sixty per centum and the Commonwealth forty per centum if between October 1 1943 and September 30 1945 the employer seventy per centum and the Commonwealth thirty per centum if between October 1 1945 and September 30 1947 the employer eighty per centum and the Commonwealth twenty per centum if between October 1 1947 and September 30 1949 the employer ninety per centum and the Commonwealth ten per centum The employer shall pay the full amount of compensation provided in this act for disability or death in all cases where disability begins on or after October 1 1949

(b) Compensation payable by the Commonwealth under subsection (a) of this section shall be paid out of appropriations made from time to time to the department out of the General Fund in the State Treasury

(c) In all claims for compensation partially payable by the Commonwealth under subsection (a) of this section department shall be designated as a codefendant

(d) In all agreements for the payment of compensation

and all awards the amount payable by the employer and the amount payable by the Commonwealth shall be separately stated An award against the employer shall be for only the percentage of the total compensation which the employer is obligated to pay under subsection (a) of this section not to exceed the stated percentage of the maximum payable by the employer under section 301 (a) 2 of this act or if section 301 (a) 2 be inapplicable then under sections 306 and 307 of this act A separate award shall be made against the Commonwealth for the balance of the compensation payable under said sections which shall be payable out of appropriations made as aforesaid

Section 401 The term "employer" when used in this article shall mean the employer as defined in article one of this act or his duly authorized agent or his insurer if such insurer has assumed the employer's liability or the State Workmen's Insurance Fund of this Commonwealth if the employer be insured therein

The department shall be deemed a "party in interest" in any proceeding under this article before a referee the board or any court involving any claim for compensation a part of which is payable by the Commonwealth under the provisions of this act.

The term "medical board" shall mean a medical board constituted as provided in section four hundred and two

Section 2 The State Treasurer upon requisition of the Governor is hereby directed to transfer to the General Fund

(a) All moneys whatsoever now standing to the credit of the Second Injury Reserve Account in the State Workmen's Insurance Fund under the provisions of the Occupational Disease Compensation Act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2714) which was repealed by the act to which this act is an amendment

(b) The sum of one hundred thousand dollars ($100,000) heretofore appropriated to the Occupational Disease Fund (which is abolished by this act) in the State Workmen's Insurance Fund by the act to which this act is an amendment

Such sums so transferred are hereby lapsed into the General Fund

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ely,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SENATE BILL NO. 353 (HOUSE BILL NO. 450) CALLED UP

Mr. GELTZ. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 353, House Bill No. 450, on page 3 of the Calendar, on third reading, which went over in its order.

Mr. JASPAN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 353 (House Bill No. 450), as follows:

An Act to further amend section 1902 of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" exempting certain contracts for public utility service from the provisions of said act regulating advertising and bidding for contracts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 1902 of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as last amended by section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 927) is hereby further amended to read as follows

Section 1902 Regulations Concerning Contracts All work and materials required by any city of the third class or any department thereof where the amount exceeds the sum of five hundred dollars shall be furnished and performed under written contract and the contract shall be awarded and given to the lowest responsible bidder after advertising three times each publication on a different day in not more than two newspapers in accord with the provisions of section one hundred and nine of this act and the bids shall not be opened until at least ten days have elapsed after the first advertisement Provided That the requirements of this section as to advertising and contracts and bidding and to the sum of five hundred dollars shall not apply to contracts for any public utility service where the service is available only from one public utility and is to be provided by such utility under tariffs on file with the Pennsylvania Public Utility Commission or to repairs of highways sewers and other public improvements or to resurfacing or maintaining of highways or to street and sewer cleaning or to the collection of rubbish ashes and garbage made done and provided by the officers and employes of the city or to any agreement with the Commonwealth whereby the city agrees to pay a portion of the cost of any improvement made under contract let by the Commonwealth or any department thereof And further provided That where the roadway of a street is to be paved originally and for the first time or reconstructed by putting down a new base or a sewer is to be constructed or grading done such work shall be done under written contract after advertising as provided in section one hundred and nine of this act and such contract shall be given to the lowest responsible bidder

The council shall by ordinance provide for and regulate the purchase of supplies and materials and the sale of personal property

The council may also by ordinance provide a contingent fund or funds for necessary repairs and incidental expenses not otherwise provided in the general appropriations and such funds may be expended without advertising for bids

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 449, as follows:

An Act to further amend section five hundred three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring cash payment of refunds due from the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by section two of the act approved the seventh day of June one thousand nine hundred and thirty-five (P. L. 283) and section one of the act approved the sixth day of June one thousand nine hundred and thirty-nine (P. L. 261) is hereby further amended to read as follows

Section 503 Refunds of State Taxes License Fees Et Cetera The Board of Finance and Revenue shall have the power and its duty shall be

(a) To hear and determine any petition for the refund of taxes license fees penalties fines bonus or other moneys paid to the Commonwealth and to which the Commonwealth is not rightfully or equitably entitled and upon the allawonce of any such petition to refund such taxes license fees penalties fines bonus or other moneys out of any appropriation or appropriations made for the purpose or upon application of the claimant to credit the account of the person association corporation body politic or public officer entitled to the refund Provided however That the provisions of this section shall not be deemed to deprive the Commonwealth of its right of setoff in any case All such petitions must be filed with the board within two years of the payment of which refund is requested except

(1) Where a petition for refund filed by a domestic or foreign corporation involves the valuation of its capital stock or in case of a foreign corporation the valuation of its tangible property for bonus purposes or where a petition for refund filed by a bank title insurance or trust company involves the valuation of its shares of stock such petition must be filed with the board within one year of the payment of which refund is requested

(2) When the estate upon which any transfer inheritance tax has been paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an overvaluation of that portion of the estate on which the tax has been assessed and paid which overvaluation could not have been ascertained within said period of two years In such case the application for repayment shall be made to the Board of Finance and Revenue within one year from the termination of such litigation or ascertainment of such overvaluation

(3) When a court of record has adjudged a person to be legally dead and thereafter in the settlement of his or her estate a transfer inheritance tax shall have been paid on such estate and after such payment has been made such person shall reappear and the court shall rescind its order and adjudication In such case the petition to the board shall be filed within six months after the court shall have rescinded its order and adjudication

(4) When any tax or other money has been paid to the Commonwealth under a provision of an act of Assembly subsequently held by the court of final jurisdiction to be unconstitutional or under an interpretation of such provision subsequently held by such court to be erroneous In such case the petition to the board shall be filed within five years of the payment of which a refund is requested But the limitation of five years herein prescribed shall not be deemed to apply in the case of applications for refunds of taxes paid on liquid fuels by political subdivisions prior to the effective date of this amendment where by court decision it has been held that the collection of such tax was erroneous and without authority of law if application for such refunds shall be made within two years after the effective date of this amendment

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within thirty days after it was due and that the amount of tax or bonus exclusive of penalty admitted to be due was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may allow the petition and refund the amount of the penalty or any part thereof out of any appropriation or appropriations made for the purpose but no such petition shall be considered unless it be filed within two years after the penalty was paid

(c) To hear and determine petitions for the remission of penalties imposed but not paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within thirty days after it was due and that the amount of tax or bonus exclusive of penalty admitted to be due was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may strike off the penalty or any part thereof but no such petition shall be considered unless it be filed within two years after the penalty was imposed

(d) All petitions filed under this section shall be in such form as the board shall prescribe

(e) The action of the board on all petitions filed under this section shall be final

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 480, as follows:

An Act requiring the Department of Health to furnish free of charge all State and State-aided hospitals certain vaccines or serum used in the Pasteur treatment and requiring such hospitals to furnish and inoculate all persons bitten by dogs in this Commonwealth with such vaccine or serum free of charge

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Health of this Commonwealth shall furnish all State and State-aided hospitals free of charge the vaccines and serum now used in the Pasteur treatment of persons bitten by dogs suspected of rabies Such hospitals shall furnish and inoculate all persons bitten by dogs in this Commonwealth with such vaccine or serum free of charge

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T B.,
Dent,	Lanius,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 507, as follows:

An Act to apportion the State into congressional districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of electing representatives of the people of Pennsylvania to serve in the House of Representatives in the Congress of the United States this State shall be divided into thirty-three districts as follows

The first district shall consist of the first second third fourth twenty-sixth thirtieth thirty-sixth thirty-ninth and forty-eighth wards of the City of Philadelphia and will have one Congressman

The second district shall consist of the fifth sixth seventh eighth ninth tenth eleventh twelfth thirteenth fourteenth sixteenth seventeenth eighteenth nineteenth twentieth twenty-fifth thirty-first thirty-seventh and forty-fifth wards of the City of Philadelphia and will have one Congressman

The third district shall consist of the fifteenth twenty-fourth twenty-eighth twenty-ninth thirty-second thirty-eighth and forty-seventh wards of the City of Philadelphia and will have one Congressman

The fourth district shall consist of the twenty-third thirty-third thirty-fifth forty-first and forty-third wards of the City of Philadelphia and will have one Congressman

The fifth district shall consist of the twenty-seventh thirty-fourth fortieth forty-fourth forty-sixth and fifty-first wards of the City of Philadelphia and will have one Congressman

The sixth district shall consist of the twenty-first twenty-second forty-second forty-ninth and fiftieth wards of the City of Philadelphia and will have one Congressman

The seventh district shall consist of the county of Delaware

The eighth district shall consist of the counties of Bucks and Lehigh

The ninth district shall consist of the counties of Lancaster and Chester

The tenth district shall consist of the county of Lackawanna

The eleventh district shall consist of the townships of Black Creek Butler Conyngham Dallas Denison Dorrance Foster Fairmount Fairview Hazle Hollenback Hunlock Huntingdon Lake Lehman Jackson Kingston Nescopeck Plymouth Ross Salem Slocum Sugarloaf Union and Wright and the boroughs of Conyngham Courtdale Dallas Dorranceton Edwardsville Forty Fort Freeland Jeddo Kingston Larksville Nanticoke Nescopeck New Columbus Nuangola Plymouth Shickshinny West Hazleton and White Haven and the city of Hazleton in the county of Luzerne

The twelfth district shall consist of all the residue of the county of Luzerne not included in the eleventh district

The thirteenth district shall consist of the counties of Schuylkill and Northumberland

The fourteenth district shall consist of the county of Berks

The fifteenth district shall consist of the counties of Bradford Pike Susquehanna Wayne Columbia Montour Sullivan and Wyoming

The sixteenth district shall consist of the counties of Clinton Lycoming Potter Tioga McKean and Cameron

The seventeenth district shall consist of the county of Montgomery

The eighteenth district shall consist of the counties of Fulton Huntingdon Juniata Mifflin Perry Snyder Bedford and Union

The nineteenth district shall consist of the counties of Cumberland Dauphin and Lebanon

The Twentieth district shall consist of the counties of Warren Mercer Venango Forest Clarion and Elk

The twenty-first district shall consist of the counties of Northampton Carbon and Monroe

The twenty-second district shall consist of the counties of Adams York and Franklin

The twenty-third district shall consist of the counties of Clearfield Centre and Blair

The twenty-fourth district shall consist of the counties of Fayette and Somerset

The twenty-fifth district shall consist of the counties of Greene and Washington

The twenty-sixth district shall consist of the counties of Beaver Butler and Lawrence

The twenty-seventh district shall consist of the counties of Armstrong Indiana Jefferson and Cambria

The twenty-eighth district shall consist of the county of Westmoreland

The twenty-ninth district shall consist of the counties of Crawford and Erie

The thirtieth district shall consist of the twenty-ninth thirtieth thirty-first and thirty-second wards of the city of Pittsburgh the cities of Clairton and Duquesne and all the boroughs and townships lying south of the Ohio and Monongahela Rivers in the county of Allegheny

The thirty-first district shall consist of all that part of Allegheny County north of the Ohio and Allegheny Rivers

The thirty-second district shall consist of all of the city of Pittsburgh south of the Ohio and Monongahela Rivers that is not in the thirtieth congressional district and also all of the rest of the city of Pittsburgh in the County of Allegheny not herein before described

The thirty-third district shall consist of all the rest of Allegheny County not included in the thirtieth thirty-first or thirty-second districts

Section 2 The nomination and election of members of the House of Representatives of the United States which the qualified electors of any county or of any part of a county are entitled to elect of themselves unconnected with any other county or district shall be made held and conducted and the return of votes cast at primary and general elections for the nomination and election of such members shall be made computed canvassed and certified as now or hereafter may be provided by law

Section 3 The first election under this act shall be held at the general election in the year one thousand nine hundred and forty-two

The members of Congress now in office shall continue in such office until the expiration of their respective terms

Vacancies now existing or happening after the passage of this act and before the commencement of the terms of the members elected at the election of one thousand nine hundred and forty-two shall be filled for the unexpired terms in the manner now provided by law in the particular district or at large as the case may be

Section 4 The act approved the twenty-seventh day of June one thousand nine hundred and thirty-one (P. L. 1416) entitled "An act to apportion the State into Congressional districts" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Yesterday afternoon, Mr. President, I rose to my feet regarding Senate Bill No. 507 and I understood I was somewhat late because the bill already had passed second reading.

Now, Mr. President, I would like to give my colleagues here a brief idea of the district that comprises the Twenty-seventh Congressional District of Pennsylvania. I realize Senate Bill No. 507 is headed for quite a storm and I appreciate the effort put forth by the men who are trying to reapportion the state.

Cambria County, Mr. President, where I live the Congressional District comprises the Counties of Cambria, Indiana, Armstrong and Jefferson, with a total population of 428,490 persons, the second largest district in Pennsylvania. I certainly feel the district should be restored, but probably not to where it was some years back. Twenty years ago Cambria County was a congressional district all by itself. Ten years later they added to it Indiana, Jefferson and Armstrong Counties.

Now, Mr. President, I do not care what counties are added but I do feel this district should be cut down, first, because of the extreme mileage involved in that district, and, secondly, because of the population.

I am informed we should have in the neighborhood of 300,000 population for each Senatorial district. I would be very willing to amend this bill to include Cambria and Indiana Counties, with a total population of 294,086; I would be willing, Mr. President, to amend the bill to include Cambria and Clearfield Counties, with a total population of 306,296; I would be willing to amend the bill to include Cambria, Indiana and Jefferson Counties, with a total population of 348,325. I would be even willing to amend the bill to read Cambria and Blair Counties with a total population of 354,442.

Certainly, Mr. President, I feel I should be heard in this chamber on this bill. As my good friend from Cumberland said yesterday, it is an important measure, it is important to all of us, and especially my district because of the huge population, which has now a population of 428,490.

I understand the committee or the majority party has no intention of making amendments to this bill in the Senate and for that reason I shall not move that the bill be reconsidered on second reading, but I am trusting that when a conference committee is chosen that I might have the opportunity to present my story.

I think, Mr. President, I should be heard because of my district and I trust my collegaues will give me an

opportunity to at least offer my objections to the conference committee regarding this bill.

Mr. WADE. As I said yesterday, Mr. President, this is a very important bill and possibly one which is likely to occupy a good bit of the attention of the Senate, and of the House as well.

However, Mr. President, I think possibly this bill enjoys the distinction of being one bill which has been brought to third reading and final passage without any amendments, which might put it in a class by itself, and might qualify it, as the Senator from Philadelphia might say, as a good bill.

It is impossible, of course, to arrange these districts so they are equal in population. The district the Senator from Cambria mentions is a large district and I agree with him possibly they are deserving of some consideration. At the same time a committee in the House known as the Committee on Congressional Apportionment is headed by a member of the House, from his same district, from the same county, and I think the Senator from Cambria will receive every consideration and that the district will receive every consideration when the bill goes over there, and I think that is the proper place.

I did not want to be discourteous to the Senator from Cambria yesterday. I agree with him that is a large district, so far as population is concerned, although there are some much larger congressional districts, through which candidates from both political parties must travel when campaigning for office, so that must play some part.

When a conference committee meets, I believe there will be amendments to this bill in the House, I am sure there will be. There will be amendments possibly that are not agreeable to the Senate, and when the conference committee meets, if it does, I can assure the gentleman from Cambria his wishes will be given consideration. Thank you.

Mr. BARR. Mr. President, I would like to interrogate the sponsor of the bill.

The PRESIDENT. Will the gentleman from Cumberland permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. BARR. Mr. President, does the gentleman from Cumberland know that the population of Allegheny County increased according to the last census?

Mr. WADE. Yes, Mr. President; I understand it increased by the small number of 33,160.

Mr. BARR. Mr. President, will the gentleman from Cumberland tell me why he is taking twenty per cent of our representation in Congress away from us.

Mr. WADE. Mr. President, in arranging congressional re-apportionment, the fact that one county or one district increases does not necessarily mean they will be entitled to the same or more representation in Congress. The districts are changed, the ratio is changed, I am sure, as the population increases or decreases. Now, the entire state increased, but the population of other states increased faster than Pennsylvania, and therefore we are not entitled to as many as we had previously. Previously we had thirty-four, now we are entitled to thirty-three. Does that answer the question of the gentleman from Allegheny?

Mr. BARR. No, Mr. President, it does not answer my question at all. I say we gained in population, and still you are taking twenty per cent of our representation in Congress away from us.

Mr. WADE. Let me make this short answer, Mr. President, that the entire population of the State of Pennsylvania increased, but by the same token we lost one Congressman because the population of other states increased faster.

Mr. BARR. Mr. President, can the gentleman from Cumberland tell me, throughout the country, what is the average population in a congressional district.

Mr. WADE. Yes, Mr. President, the new national ratio is, with 435 members of Congress, a population of 302,687, and the new Pennsylvania ratio with thirty-three members instead of thirty-four, is 300,005.

Mr. BARR. Mr. President, does the gentleman from Cumberland know why we have this jerrymander in Allegheny County, where we have half a million population in one congressional district.

Mr. WADE. I again apologize to this honorable body, Mr. President. I am not able to understand all the language—the word "jerrymander"—that is not within the limits of my vocabulary.

Mr. BARR. Mr. President, I might suggest the gentleman from Cumberland get that dictionary again.

Mr. MUNDY. Ordinarily, Mr. President, coming from Luzerne County and receiving a great benefit in this bill, I would be inclined to vote for it, but having looked the bill over very carefully and having studied the alterations and changes in the congressional districts throughout the State of Pennsylvania, I realize this bill contains a very distinct sleeper. Luzerne at the present time is represented by a Democratic Congressman and by the provisions of this bill it is very clearly indicated the County of Luzerne would be divided into two Senatorial districts, practically guaranteeing the election of a Republican and a Democratic Congressman. If I were selfish and concerned entirely about my own area up there, I would be inclined to accept this but the fact that this bill is such a pinch bill and the fact that it does take away from both Philadelphia and Allegheny, in view of the interest of the entire state I waive my particular interest in the County of Luzerne and say this is put and take with a greater take than there is a put.

Mr. STIEFEL. Mr. President and members of the Senate, I would just like to briefly expalin the history of the word "jerrymander". There is quite a history behind it. Senator Jerry I believe once cut out—not Jerry Jaspan—once cut out in Massachusetts a congressional district which assured victory, a district compared to a salamander, and so somebody said since it appears like a salamander we will put in the word "jerry" and that is the way that word "jerrymander" came into existence, and now I think we should change the word to "wademander", to immortalize the sponsor of this bill.

Now, Mr. President, coming to the apportionment in Philadelphia, I can see the purpose which swayed the author of this bill. For instance, I live in the third congressional district, which under this bill will become the second congressional district and I pity the man, the Democrat, who is going to wage a battle in this district, because he is doomed to perdition.

Mr. SHAPIRO. Under this bill, Mr. President, Philadelphia loses one congressman. Under this re-apportionment bill I would like to know what was the basis of the figures and how did the gentleman arrive at reducing us from seven to six.

May I interrogate the gentleman from Cumberland?

The PRESIDENT. Will the gentleman from Cumberland permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. SHAPIRO. Will the gentleman state the basis on which he arrived at the figures that we were only entitled to six instead of seven congressmen.

Mr. WADE. Yes, Mr. President. The County of Philadelphia now has a population of 1,935,086, a loss of 15,875. It is obvious when those folks who live in the city wish to move out to the country, they go outside of the City of Philadelphia, which is not always true in other counties; in fact, it is not true in other counties, so that we anticipated to a certain extent, to really answer the question, that will be further aggravated in the next ten years—I do not know whether that is within the province of the committee's duties or not, but we have done that and we feel now because of that they have lost more population, a higher ratio of population than any other county in the State of Pennsylvania.

Mr. SHAPIRO. Mr. President, will the gentleman from Cumberland state whether he thinks, if this is a migration to other cities or out of the city, how the gentleman happened just coincidentally to cut a Democratic congressman instead of a Republican congressman?

Mr. WADE. I think that was purely a coincident, Mr. President.

Mr. SHAPIRO. It was a coincidence?

Mr. WADE. Yes, Mr. President.

Mr. SHAPIRO. I was very anxious to know whether that was coincidental, accidental or deliberate, and since it was only a coincidence and a thing like that happens by such a coincidence this seems to be a bad bill.

Any bill that will remove one Congressman from the city of Philadelphia, just because there is a depreciation of fifteen thousand in a population of one million nine hundred thousand, and that removal happens to be a Democrat instead of a Republican who was recently elected and in a district where it has gone Democratic for the last eight years, it strikes me that is too much of a coincidence to take a chance on a bill like this.

That is only one of the reasons I will vote against this bill, Mr. President.

Mr. WALKER. Mr. President, I propose to vote against this bill and I appreciate the remarks of the gentleman from Luzerne, Dr. Mundy, that we must view this thing as affecting the entire state as a whole and not be selfish regarding our own districts.

The gentleman from Philadelphia is perturbed because they lose a congressman when they lost fifteen thousand in population but in Allegheny County we gained twice that many and we still lose a Congressman.

Mr. SHAPIRO. Was that a Republican or a Democrat, Mr. President.

Mr. WALKER. No, Mr. President, they are all Democrats in Allegheny County, every congressman.

However, Mr. President, the point I wish to make is that not only do we lose twenty per cent of our Congressional representation, as suggested by my colleague from Allegheny, Senator Barr, but in the allocation or the division of Allegheny County under this present bill the four districts into which they divide Allegheny County are very inequitably divided. I understand the quota is 300,005, and one of our districts has a population of a little over five hundred thousand.

Even if Allegheny County would bow to the will of the majority of the members of this Senate and permit twenty per cent of our congressional representation to be taken away from us, in spite of the fact we were one of the few counties which gained materially in population, I still feel when they divide Allegheny County into four districts, that should be done on an equitable basis so that Allegheny County would receive an equitable representation. It is unfair to a congressman who represents twice as many people in his district in Congress as one of his colleagues who receives the same amount of secretarial hire and who receives the same amount of pay.

I think the reapportionment in Allegheny County is very unfair and should be amended. I appreciate, Mr. President, the difficulty the chairman of this committee is under in trying to reapportion the entire state and satisfy both political parties and satisfy all of the public officials of both political parties, but I feel that Allegheny County should be redistricted and I would like at this time to interrogate the gentleman from Cumberland.

The PRESIDENT. Will the gentleman from Cumberland permit himself to be interrogated?

Mr. WADE. Yes, Mr. President.

Mr. WALKER. Mr. President, I desire to ask the gentleman from Cumberland if the redistricting which appears in the bill now before us with reference to Allegheny County was furnished to him by anyone from Allegheny County or if that is entirely an idea of his own.

Mr. WADE. Mr. President, my good friend from Philadelphia has really found the answer. It is a coincidence. Really, I think, Mr. President, it is a question without the province of the interrogation and I do not believe the question is a proper one to be asked by one member of the Senate to another.

Mr. WALKER. Mr. President, I desire to further interrogate the gentleman from Cumberland.

The PRESIDENT. Will the gentleman from Cumberland permit himself to be further interrogated?

Mr. WADE. Yes, Mr. President.

Mr. WALKER. Mr. President, I desire to ask the gentleman from Cumberland if he is familiar with the various population figures which go to make up the four congressional districts of Allegheny County?

Mr. WADE. The best proof in the world of that, Mr. President, is that I used to live in Pittsburgh.

Mr. WALKER. Mr. President, I desire to press my question and ask the gentleman from Cumberland if he is familiar with the population figures—

Mr. WADE. Yes, Mr. President.

Mr. WALKER—that go to make up these districts.

Mr. WADE. Mr. President, if the Senate wishes to take the time I will read the new census figures for each and every voting precinct in the County of Allegheny.

Mr. WALKER. Those figures I have before me. I am asking the gentleman from Cumberland if he can tell me, for example, in Senate Bill No. 507, page four, beginning with line fifteen, the first precinct in Allegheny County mentioned in the thirtieth district.

Mr. WADE. Will the gentleman from Allegheny repeat the question?

Mr. WALKER. Mr. President, I direct the attention of the gentleman from Cumberland to page four of Senate Bill No. 507, line fifteen, which says: "The thirtieth district shall consist of the twenty-ninth, thirtieth, thirty-

first and thirty-second wards of the City of Pittsburgh, the cities of Clarion and Duquesne and all of the boroughs and townships lying south of the Ohio and Monongahela Rivers in the County of Allegheny."

I would like to ask the gentleman from Cumberland if he can give us the population figures for that district.

Mr. WADE. Unfortunately, Mr. President, I cannot locate the figures at the moment, I have them, but if my memory is correct the figure is approximately 350,000. I am not sure of that figure but I will be glad to furnish the figures, of course, later.

Mr. WALKER. Mr. President, may I further interrogate the gentleman from Cumberland.

The PRESIDENT. Will the gentleman from Cumberland permit himself to be further interrogated?

Mr. WADE. I will, Mr. President.

Mr. WALKER. Mr. President, I want to ask the gentleman from Cumberland whether it is not true that one of the districts of the four allocated to Allegheny County is over five hundred thousand population?

Mr. WADE. I cannot answer that question, Mr. President; I am sorry.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Miller,	Thomas,
Becker,	Farrell,	Ruth,	Tyler,
Carr,	Haluska,	Scarlett,	Wade,
Chapman,	Heyburn,	Snowden,	Watkins,
Crider,	James,	Stevenson,	Wilson, H. I.,
Crowe,	Kephart,	Tallman,	Wilson, T. B.,
Deitrick,	Letzler,	Taylor,	Ziesenheim,
Ealy,	Mallery,		

NAYS—18

Barr,	DiSilvestro,	McCreesh,	Reed,
Cavalcante,	Frey,	McGinnis,	Shapiro,
Coleman,	Geltz.	McQuiddy,	Stiefel,
Cox,	Jaspan,	Mundy,	Walker,
Dent,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REPORTS FROM COMMITTEES

Mr. MILLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 229, entitled:

An Act creating a commission to make a study and investigation of the laws governing, and the practical operation of, the parole and penal systems of this Commonwealth, and other parole and penal systems; defining its powers and duties; and making an appropriation.

Mr. MILLER. Mr. President, after two readings it is requested that this bill be referred to the Committee on Appropriations.

Mr. T. B. WILSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. T. B. WILSON, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 233, entitled:

An Act to amend section one of the act, approved the thirteenth day of May, one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of minors; by forbidding their employment or work in certain establishments and occupations, and under certain specified ages by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," by exempting children employed as caddies from the provisions of this act.

ANNOUNCEMENT

Mr. EDMONDS. Mr. President, I would like to give notice to my colleagues and especially the gentleman from Philadelphia, Mr. Shapiro, that there will be a meeting of the Committee on Insurance tonight at which time will be considered the three bills recently introduced by the gentleman from Philadelphia relating to workmen's compensation. I hope he will be present. As I do not see him at the present time I hope someone will tell him.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 5:00 o'clock p. m.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 60, (Senate Bill No. 673), entitled:

An Act validating compromise agreements and private sales made by the county commissioners of real estate purchased by them at county treasurers' sales, whether or not such agreements and sales were made in compliance with the acts of assembly relating thereto.

Which was committed to the Committee on County Government.

House Bill No. 480, (Senate Bill No. 674), entitled:

An Act to amend sections eight hundred thirty-four and eight hundred thirty-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code" by making the crimes fraudulent conversion of property and cheating by fraudulent pretenses misdemeanors; and modifying penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 499, (Senate Bill No. 675), entitled:

An Act to amend section eighteen of article nineteen of the act, approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581), entitled "First Class City Charter Law," by preventing the reduction in pay or position of any police officer or firearm by reason of any superannuation classification.

Which was committed to the Committee on Municipal Government.

House Bill No. 671, (Senate Bill No. 676), entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "Administrative Code of 1929," as amended by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction.

Which was committed to the Committee on State Government.

House Bill No. 730, (Senate Bill No. 677), entitled:

An Act imposing certain duties on prosecuting or district attorneys and attorneys for the defendant in the trial of criminal cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 751, (Senate Bill No. 678), entitled:

An Act to amend section two thousand one hundred and one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," by fixing the minimum salaries or compensation for paid firemen and paid employees of the fire department in such cities.

Which was committed to the Committee on Municipal Government.

House Bill No. 796, (Senate Bill No. 679), entitled:

An Act authorizing the payment of taxes in cities of the first class, by partial or installment payments.

Which was committed to the Committee on Municipal Government.

House Bill No. 869, (Senate Bill No. 680), entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred thirty-six (P. L., First Extraordinary Session, 47), entitled "An act to enable persons, associations, partnerships, and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description; providing for bonds with confessions of judgments; regulating the assignment and release of such mortgages; and designating the operation and effect of the lien of such mortgages" by extending, enlarging, and removing the limitations from the class of those who may become chattel mortgagees; by making further provision respecting fees of recorders of deeds in connection with chattel mortgages, extension of the lien of said mortgages and defaults of said mortgages; and by defining violations and prescribing penalties.

Which was committed to the Committee on Judiciary Special.

House Bill No. 993, (Senate Bill No. 681), entitled:

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled, as amended "Barbers License Law," by changing the provisions as to fees charged apprentices and students; prohibiting advertising of prices by registrants; requiring all barber shops to be registered; transferring the administration of certain provisions of said act to the State Board of Barber Examiners; and prescribing additional penalties.

Which was committed to the Committee on State Government.

House Bill No. 1187, (Senate Bill No. 682), entitled:

An Act for conveyance to the United States of America of title in and to certain land compromising the Marcus Hook Pennsylvania, Quarantine Station property, and ceding to the United States jurisdiction over said land.

Which was committed to the Committee on Federal Relations.

House Bill No. 1228, (Senate Bill No. 683), entitled:

An Act to amend sections three and four of the act, approved the fifth day of June, one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trademark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name" exempting the sale of books to libraries from the provisions of said act.

Which was committed to the Committee on Judiciary General.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair lays before the Senate a communication from the United Mine Workers of America, Local Union 190, voicing its opposition to the poll tax bill, which failed of passage in the Senate recently, which communication will be noted in the Journal.

REPORTS FROM COMMITTEES

Mr. CROWE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE from the Committee on Judiciary General reported as committed, Senate Bill No. 645, entitled:

An Act to reenact and further amend the title and the act, approved the first day of June (one thousand nine hundred and thirty-three (P. L. 1409), entitled as

amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

He also, from the Committee on Welfare, Public Assistance, and Pensions, reported as committed, Senate Bill No. 459, entitled:

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this act.

Mr. EDMONDS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS, from the Committee on Judiciary General, re-reported as amended, Senate Bill No. 315, entitled:

An Act to further amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties.

He also from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 458, entitled:

An Act to authorize the revival of judgments entered in favor of the Department of Public Assistance by filing a suggestion of non-payment, and directing prothonotaries to make the necessary entries without charge.

Mr. BECKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BECKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 545, entitled:

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth.

Mr. WATKINS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WATKINS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 424, entitled:

An Act restricting the granting of licenses to marry to divorced persons.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 659, (House Bill No. 1151), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. WALKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 542, (House Bill No. 666), entitled:

An Act to amend section one of the act approved the twenty-sixth day of August, A. D., one thousand nine hundred thirty-two (P. L. 101), entitled "An act authorizing collectors of delinquent taxes, except in cities of the first class, to accept payments of delinquent taxes or water-rents or rates in installments," by including counties.

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on Appropriations, reported as committed, Senate Bill No. 196, entitled:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof under the supervision of the Department of Mines.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 660, (House Bill No. 1152), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred and forty-one; and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred forty-one.

Mr. LETZLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LETZLER, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 457, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mother's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by enabling the Department of Public Asisstance to take measures to rehabilitate persons receiving assistance.

Mr. RUTH. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. RUTH, from the Committee on Judiciary General, reported as amended, Senate Bill No. 391, entitled:

An Act prescribing the nature and kind of investments which may be made by fiduciaries and repealing acts and parts of acts inconsistent herewith.

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO, from the Committee on Municipal Government, reported as amended, Senate Bill No. 365, entitled:

An Act to provide that notices to delinquent taxpayers or statements of such delinquents and the publication of municipal liens or notices thereof shall not be required of the receiver of taxes or of the city solicitor, and repealing inconsistent legislation.

BILL RE-REFERRED

Mr. T. B. WILSON, from the Committee on Judiciary General, reported as committed, Senate Bill No. 378, entitled:

An Act to further amend section one of the act approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith, and modifying existing legislation which provided for raising revenue for State purposes;" exempting from said tax casualty insurance companies having no capital stock.

with the request that it be re-referred to the Committee on Insurance.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I ask unanimous consent that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 659, (House Bill No. 1151), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 660, (House Bill No. 1152), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred and forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. GELTZ. Mr. President, these bills have to do with a deficiency appropriation for the Department of Public Assistance. Their money is depleted and the dead line for passage of the bills is Monday, April 28th, which requires that these bills be read for the first time today, in order that they be on final passage by next Monday, which will enable them to be passed in time.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 284, on second reading, entitled:

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7, and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 286, entitled:

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March, one thousand nine hundred and one, (P. L. 20), entitled "An act for the government of cities of the second class," prescribing the manner in which money shall be drawn from the city treasury.

The first section was read.

Mr. FREY. Mr. President, I desire to offer the following amendments.

The Clerk read the amendments as follows:

Amend, page 2, line 2, by inserting after the word "council" and before the word "which" the following: "and countersigned by the controller"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title of the bill was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BECKER. Mr. President, I move that Senate Bill No. 336, on second reading, entitled:

An Act to amend subsection A of section nine of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liability, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association or person and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers, imposing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provisions of said act.

be recommitted to the Committee on Banking for the purpose of further study.

Mr. CRIDER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 381, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 405, on second reading, entitled:

An Act to further amend sections two hundred twenty and two hundred eighty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," increasing the resident fishing license fee and authorizing the use of the money derived from such increase for the acquisition by lease or purchase of public fishing rights in the waters of the Commonwealth, together with the rights of ingress and egress to and from such waters.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 414, (House Bill No. 616), entitled:

An Act to amend section seven, of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth, relating to penal proceedings and pleadings," providing for admission to bail by committing magistrates and coroners in cases involving manslaughter by automobile.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 450, entitled:

An Act to amend article five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools or Teachers Colleges; abolishinging, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executives and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by authorizing the micro filming of records in the various administrative departments, boards or commissions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 481, entitled:

An Act to amend the act, approved the twenty-sixth day of May, 1933 (P. L. 1076), entitled "An act to provide for the organization incorporation, operation, and supervision of cooperative savings and credit associations, to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," by further defining the organization and powers of credit unions.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 1, line 1, by striking out the words "Section four" and inserting in lieu thereof: "Clause seven of section three"; amend Sec. 1, page 2, lines 5 and 6, by striking out the words "is hereby amended to read as follows and that Section three subsection VII of that act"; amend Sec. 1, page 2, lines 9 to 11, by striking out the following: "and section seventeen of that act as last amended" in line 9, and all of lines 10 and 11, and inserting in lieu thereof: "is hereby further"; amend Sec. 1, page 2, line 13, by inserting after the word "powers" the following: "Each credit association so formed under the provisions of this act, and when so formed by virtue of its existence as such, shall have the following powers"; amend Sec. 1, page 2, line 24, by inserting after the word "Commonwealth" the following: "and to an extent which shall not exceed ten per centum of the paid-in and unimpaired capital and surplus of the lending credit union in loans to other credit unions"; amend bill, page 3, by inserting between lines 3 and 4, the following: Section 2. Sections four and seventeen of said act, as last amended by the act, approved the eighteenth day of May, one thousand nine hundred thirty-seven (P. L. 713), are hereby further amended to read as follows: "Amend Sec. 1, page 3, lines 15 and 16, by striking out the words "within a well defined neighborhood community or rural district", and inserting in lieu thereof: "within a well defined neighborhood community or rural district".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 2, page 4, line 16, by striking out the figure "2" and inserting in lieu thereof: "3".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. KEPHART. Mr. President, I desire to offer an amendment.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by inserting after the word "To" the following: "further"; amend title, page 1, line 1 of title, by inserting after the word "amend" the following: "clause seven of section three, and sections four and seventeen of"; amend title, page 1, lines 9 and 10 of title, by striking out the words "defining the organization and powers of credit unions" and inserting in lieu thereof: "prescribing legal investments for funds of credit unions; further defining the membership of credit unions; and authorizing credit unions to declare and pay patronage dividends under certain circumstances".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

On the question,

Will the Senate agree to have the bill transcribed for a third reading?

BILL RECOMMITTED

Mr. KEPHART. Mr. President, I move that Senate Bill No. 481, the bill just read, be recommitted to the Committee on Banking.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 495, (House Bill No. 524), entitled:

An Act to further amend section two hundred and ten of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," prohibiting the sale of striped bass or rock fish under eighteen inches in length.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. HEYBURN. Mr. President, I move that further consideration of Senate Bill No. 519, on second reading, entitled:

An Act to amend sections three hundred one and three hundred two of the act, approved the fifth day of December one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by changing the rate of contributions by employers to the Unemployment Compensation Fund.

be postponed for the present.

Mr. SNOWDEN. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 529, on second reading, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employes; providing for their compensation payable by such counties; eliminating the triennial assessment; and abolishing the distinction between seated and unseated lands for the purpose of taxation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 547, entitled:

An Act to further amend section four hundred twenty of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by providing for the conversion of annuity contracts.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend section 1, page 3, line 6, by striking out the words "thirty-six" after the word hundred and inserting in lieu thereof the words: "forty-six."

On the question,

Will the Senate agree to the amendment

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 550, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined"; by adding thereto section 2114 establishing a civil service system for the Department of Health.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 575, on second reading, entitled:

An Act to reenact and further amend the title and act approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled as amended, "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for revocation and suspension of licenses by said bureau; and providing penalties for violations thereof, and repealing all acts or parts of acts inconsistent therewith," by defining certain terms; imposing certain additional duties upon the State Board of Medical Education and Licensure; further regulating the status of student interns; requiring foreign applicants to complete their citizenship; making provision for graduate students from other states and Canada, and providing for automatic revocation of registration in case of mental incompetency.

be recommitted to the Committee on Public Health for the purpose of further study.

Mr GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 582, (House Bill No. 639), entitled:

An Act requiring the Department of Property and Supplies, with the approval of the Department of Military Affairs to complete and thereafter maintain "The Twenty-eighth Division Shrine," at Boalsburg, Centre County; dedicating the same to the officers and men of the Twenty-eighth Division; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 582, (House Bill No. 639), the bill just read, be recommitted to the Committee on Appropriations for the reason it contains an appropriation.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 588, entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, either by requiring before execution shall issue against real property, either a release of such persons from personal liability or the fixing of the fair market value of the property to be sold, and the entering of certain credits against such judgments based upon such fair market value, and prescribing the method of fixing the fair market value of such property.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 597, entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 53, entitled:

An Act authorizing counties, cities, boroughs, towns, townships and school districts to operate programs of public recreation and playgrounds, either alone or in cooperation with each other, or through recreation boards created by one or more of them.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 302, entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 443, entitled:

An Act to amend section one thousand one hundred and four and to further amend sections one thousand one hundred and five, one thousand one hundred and twenty-one and one thousand one hundred and twenty-seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of county and assistant county superintendents.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 474, entitled:

A Further Supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 534, (House Bill No. 145), entitled:

An Act validating county treasurer's deeds where the acknowledgement of such deed or deeds was defective in any respect, if in fact such acknowledgement was taken before a judge of the county.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 602, entitled:

An Act to further amend section one thousand four hundred and thirty-nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the

method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for education of blind children by the Department of Public Instruction, and for the payment therefor out of appropriations made for such purposes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL INTRODUCED

Mr. STIEFEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL read in place and presented to the Chair Senate Bill No. 684, entitled:

An Act authorizing all public offices and departments of cities and counties of the first class to remain closed on Saturdays, from the third Saturday of July to the last Saturday of August, inclusive, in each year.

Which was committed to the Committee on Municipal Government.

REPORT FROM COMMITTEE

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Welfare, Public Assistance and Pensions reported as committed, Senate Bill No. 554, entitled:

An Act to amend section two and clause (b) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by redefining assistance and eliminating the requirement that fresh fluid milk shall be furnished to relief recipients, or their children.

REPORT OF JOINT STATE GOVERNMENT COMMISSION

Mr. EALY. Mr. President, I ask unanimous consent to make a report at this time.

The PRESIDENT. Is there any objection. The Chair hears none. The gentleman from Somerset may proceed.

Mr. EALY. I have been asked by the Joint State Government Commission to make a report on the organization and administration of the state government. This report is contained in two volumes, copies of which will be distributed to the Senators.

There has been prepared a statement in connection with this report, which I will file and not read, although I want to refer to a few matters in the report.

All the members of the Commission perhaps do not agree on all of its recommendations. I do not know that I agree with all of the recommendations either but I think a majority of the Commission agreed with them.

The introductory chapter reviews the financial expenditures and problems of state government for the last twelve years. This is the first report of its kind ever prepared. The only other report approaching this work was a study made by the Sterling Committee in 1931 and 1933. This report differs from the Sterling report in that it contains a full statement of the financial problems and expenditures of state government and it should be a valuable hand book for legislative state administrators and students of public administration.

Among the recommendations in this report, Mr. President, is the establishment of a unit to look after bills as they are introduced and pass through the two branches of the General Assembly, so as to correct errors and save reprinting, as so often occurs.

A special study has been made of auditing practices in the Commonwealth, which indicates a duplication of auditing in many respects and it is thought there will be considerable saving by following the recommendations of the Commission.

One of the recommendations is that mercantile tax appraisers be eliminated and the levying of mercantile taxes by appraisers should be discontinued and the tax placed on a self-assessing basis with centralized collection by the Department of Revenue instead of having payments made to the county treasurers.

This report, Mr. President, recommends the removal of the Department of Internal Affairs from the Administrative Code. It recommends the setting up of a bureau of local government financed in the Department of Internal Affairs to assist local governments in furnishing information.

I shall not read all the recommendations as set forth in this statement and ask simply permission to file it and I further ask that copies of the reports be distributed to the Senators.

The PRESIDENT. If there is no objection it is so ordered.

ADJOURNMENT

Mr. EALY. Mr. President, I move that the Senate do now adjourn until Wednesday, April 23, 1941, at 12:00 o'clock noon.

Mr. TALLMAN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:33 o'clock p. m. until Wednesday, April 23, 1941, at 12:00 o'clock noon.

HOUSE OF REPRESENTATIVES

TUESDAY, April 22, 1941

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Almighty God, make us ambitious, but not for self. Help us to see the world as it is, good if used for Thee and the common good of all men, but a delusion and a snare if loved for itself alone. Make us rich in good works, and not in things alone. Keep us ever dependable and true. Preserve our going out and our coming in from this time forth and even forevermore. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. VOGT unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. HABBYSHAW and DAVID P. REESE. HOUSE BILL No. 1323.

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg, in exchange for the conveyance by said city of Wildwood Park to the Commonwealth, for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary.

Referred to the Committee on State Government.

By Mr. REAGAN. HOUSE BILL No. 1324.

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties.

Referred to the Committee on Counties.

By Mr. CULLEN. HOUSE BILL No. 1325.

An Act to add Section 670.1 to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," making it unlawful for any employer to refuse or fail to pay wages to any employe when such wages are due and owing under the terms of any contract of hiring; and imposing penalties.

Referred to the Committee on Judiciary Special.

By MR. BENTLEY. HOUSE BILL No. 1326.

An Act to amend sections three and four of the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 110), entitled "A supplement to an act, entitled 'An act regulating the construction, maintenance, alteration, and inspection of buildings and party walls in cities of the second class,' approved the seventh day of June, Anno Domini one thousand eight hundred and ninety-five; regulating the construction, alteration and ventilation of tenement-houses, and providing for the safety of the inhabitants thereof; and providing penalties for the violation of the same," further regulating the erection, alteration and ventilation of certain tenement houses.

Referred to the Committee on Cities-Second Class.

By MR. BENTLEY. HOUSE BILL No. 1327.

An Act to amend section six and to further amend section eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," restricting the right of per diem employes to join such pension system, and giving peace time drafted employes credit for the time spent in the services of the United States.

Referred to the Committee on Cities-Second Class.

By MR. BENTLEY. HOUSE BILL No. 1328.

An Act to reenact and amend the title and the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 526), entitled "An act providing for and regulating joint purchases by counties (other than counties of the first and second classes), cities of the third class, boroughs, towns, townships, school districts, and poor districts," by including second class counties within the provisions of the act.

Referred to the Committee on Counties.

By MR. RAUSCH. HOUSE BILL No. 1329.

An Act to add section four to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," saving to members of the Pennsylvania Motor Police Force in their right to increases in pay, and certain advancements in rank.

Referred to the Committee on State Government.

By Mr. MOONEY. HOUSE BILL No 1330.

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board, to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

Referred to the Committee on Appropriations.

By Mr. YESTER. HOUSE BILL No. 1331.

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

Referred to the Committee on Appropriations.

By Mr. REYNOLDS. HOUSE BILL No. 1332.

An Act making an appropriation from the Motor Li-

cense Fund to the State Employes Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

Referred to the Committee on Appropriations.

By Mr. CORRIGAN. HOUSE BILL No. 1333.

An Act requiring all departments, boards, commissions, institutions and agencies of the Commonwealth in awarding contracts for the purchase of equipment, furniture, furnishings, stationery, supplies, fuel and other articles, or for repairs, alterations and improvements, to give certain preference to bidders whose principal places of business are within the Commonwealth.

Referred to the Committee on State Government.

By Mr. ACHTERMAN. HOUSE BILL No. 1334.

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

Referred to the Committee on Appropriations

By Mr. D'ORTONA. HOUSE BILL No. 1335.

An Act regulating the collection and distribution of water rents and other receipts or moneys received by the cities of the first class, through or by reason of services or water supplies by the cities of the first class, and regulating the expenditure thereof; providing for the regulation and expenditures of said receipts of maintenance and payrolls of the Bureau of Water of the said cities of the first class; providing for certain regulations with reference to the said receipts; and providing for the minimum requirements to be used for salaries of employes and in the maintenance of the Water Bureaus of cities of the first class; and repealing existing laws.

Referred to the Committee on Cities-First Class.

By Mr. FRENCH. HOUSE BILL No. 1336.

An Act authorizing and directing the Department of Property and Supplies to reprint the Report of the Commission to Locate the Sites of the Frontier Forts of Pennsylvania; and providing for the distribution thereof.

Referred to the Committee on State Government.

By Mr. HARKINS. HOUSE BILL No. 1337.

An Act making an appropriation to the Department of Property and Supplies, for the payment of claims against the Commonwealth arising from failure to lease premises after owners thereof had been induced to expend money thereon.

Referred to the Committee on Appropriations.

By Messrs. SHAW and HABBYSHAW.
HOUSE BILL No. 1338.

An Act providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons and blind persons; providing for the administration of such assistance by the Department of Welfare and county welfare boards created for this purpose, instead of by the Department of Public Assistance and the county boards of assistance; requiring the transfer of certain records and documents; and authorizing the Department of Welfare to cooperate with and to accept and dispose of moneys received from the United States Government for assistance to such persons.

Referred to the Committee on Welfare.

By Mr. ELLWOOD B. WELSH. HOUSE BILL No. 1339.

An Act relating to and regulating the practice of the healing profession of naturopathy and the licensure and registration of practitioners therein; creating a Naturopathic Board of Examination and Licensure in the Department of Public Instruction; defining its powers and duties; and providing penalties.

Referred to the Committee on Professional Licensure.

By Messrs. WEISS and MAXWELL.
HOUSE BILL No. 1340.

An Act requiring counties, cities (except cities of the first and second classes) boroughs, towns, townships, school districts (except school districts of the first class) and county institution districts to install by ordinance or resolution a system for the collection of taxes in monthly installments and specifying certain conditions and penalties in such cases.

Referred to the Committee on Municipal Corporations.

By Messrs. LEISEY and GYGER.
HOUSE BILL No. 1341.

An Act to amend section six of the act, approved the first day of July, one thousand nine hundred thirty-seven (P. L. 2624), entitled "An act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land," providing for employment of personnel and expenses of the zoning commission.

Referred to the Committee on Townships.

By Mr. HARKINS. HOUSE BILL No. 1342.

An Act creating an independent administrative commission to be known as the Workmen's Compensation Insurance Commission; prescribing its powers and duties; and prescribing penalties.

Referred to the Committee on Workmens Compensation.

By Mr. TATE. HOUSE BILL No. 1343.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Referred to the Committee on Appropriations.

By Mr. TATE. HOUSE BILL No. 1344.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Referred to the Committee on Appropriations.

By Mr. BOIES. HOUSE BILL No. 1345.

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

Referred to the Committee on Appropriations.

By Mr. McMILLEN. HOUSE BILL No. 1346.

An Act designating certain days of each year as Arbor Days and Bird Days; one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Con-

servation Week; and directing suitable observance of Arbor Days and Bird Days in Public schools under the direction of superintendents and teachers.

Referred to the Committee on State Government.

By Mr. RUSH. HOUSE BILL No. 1347.

An Act to further amend section fifteen of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A by requiring certain construction and ways of egress, equipment, and maintenance, providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of the act by the Department of Labor and Industry and in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," prescribing qualifications of inspectors of motion picture projection rooms and stages.

Referred to the Committee on State Government.

By Mr. RUSH. HOUSE BILL No. 1348.

An Act to amend sections two thousand five hundred two and two thousand five hundred three of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the laws relating thereto," by authorizing the issuance of bonds resting alone for their security and payment upon assessments for improvement and the delivery of such bonds to the contractor in payment of the work.

Referred to the Committee on Townships.

By Mr. RUSH. HOUSE BILL No. 1349.

An Act to provide for the safety of persons employed, housed or assembled in certain buildings and structures used for the exhibition of motion pictures, by requiring an asbestos or steel curtain and a main control lighting switchboard, by requiring the attendance of a licensed attendant during the performance; providing for the licensing of such attendant; providing for the enforcement of this act by the Department of Labor and Industry, and in certain cases, by the chiefs of fire departments in cities of the first, second and second A classes, and providing penalties.

Referred to the Committee on State Government.

By Messrs. POLEN and PETTIT. HOUSE BILL No. 1350.

An Act validating certain deeds and conveyances made by trustees without setting forth their authority to convey.

Referred to the Committee on Judiciary General.

By Mr. HOLLAND. HOUSE BILL No. 1351.

An Act making an appropriation to the commission to investigate the Associate Petroleum Industries and their affiliated organizations for the payment of its expenses.

Referred to the Committee on Appropriations.

By Mr. HARKINS. HOUSE BILL No. 1352.

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filled therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," limiting the interest rate imposed on municipal liens so that the same shall not exceed the rate of interest paid by the municipality in financing the improvement.

Referred to the Committee on Municipal Corporations.

By Mr. HARKINS. HOUSE BILL No. 1353.

An Act to amend sections one thousand one hundred four and one thousand one hundred six, and to further amend section one thousand one hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing the term of county superintendents.

Referred to the Committee on Education.

By Messrs. STINE and REAGAN. HOUSE BILL No. 1354.

An Act to promote public health, morals, safety, defense and welfare by providing supervision and encouragement of low cost housing, and by building housing units to demonstrate the possibility and practicability of low cost housing; creating a State Board of Low Cost Housing as a departmental administrative board within the Department of Public Instruction; providing for the organization of the board and the appointment and removal of its members; enumerating its duties and powers, including the powers to conduct investigations, issue subpoenas, apply to courts for punishment of contempts, make orders, rules and regulations, prescribe forms, require reports and acquire property by eminent domain for low cost housing; and making an appropriation.

Referred to the Committee on Public Health and Sanitation.

By Mr. GOODWIN. HOUSE BILL No. 1355.

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing the conditions of eligibility for election or appointment as county, district, assistant county or district superintendent and associate superintendent, and the term of county superintendents.

Referred to the Committee on Education.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 452. (HOUSE BILL No. 1356).

An Act making an appropriation to the trustees of the Pennsylvania State College for use in research work dealing with flax and other farm produce.

Referred to the Committee on Appropriations.

SENATE BILL No. 518. (HOUSE BILL No. 1357).

An Act to further amend the first paragraph of subsection (a) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," prescribing additional causes for termination of a contract of a professional employee.

Referred to the Committee on Education.

SENATE BILL No. 422. (HOUSE BILL No. 1358).

A Joint Resolution proposing an amendment to section four, article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 447. (HOUSE BILL No. 1359).

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations.

Referred to the Committee on Appropriations.

SENATE BILL No. 515. (HOUSE BILL No. 1360).

An Act to amend article nine of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests, creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by requiring an additional affidavit by candidates for nomination for any office.

Referred to the Committee on Elections.

SENATE BILL No. 338. (HOUSE BILL No. 1361).

An Act to further amend sections four and five of the act, approved the sixth day of April, one thousand nine hundred thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," by further regulating discounts for prompt payment of taxes and penalties and interest imposed on said taxes and by changing the date of certain tax payments.

Referred to the Committee on Municipal Corporations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. HOLLAND.

(Concurrent) RESOLUTION No. 81.

In the House of Representatives, April 21, 1941.

Whereas, Associated Petroleum Industries, with offices in Philadelphia and representation in Harrisburg, is an unincorporated association of executives representing the major oil and gasoline companies, and interested in advancing the policies of those companies; and

Whereas, The said Associated Petroleum Industries has, through major gasoline and oil company retail and distribution outlets, maintained an organization in every county of the State for the dissemination of propaganda and information favorable to their major companies; and

Whereas, It was brought out in a Report of Proceedings of the Investigation conducted by the Oil Industry Investigating Commission Hearings that the Associated Petroleum Industries did finance and control certain organizations who were made to appear to represent the consumers and users of gasoline and oil; and

Whereas, These organizations were used and maintained primarily as the tools of the large oil interests; and

Whereas, Propaganda, either were by direct mail, by newspapers and magazines, as well as the radio, used to disseminate so-called "consumer arguments" under false pretense; and

Whereas, In these hearings the names of the Pennsylvania Motor Truck Association, the Keystone Automobile Club, the Pennsylvania Motor Federation, the Pennsylvania Automotive Association, Highway Users Conference, certain motor clubs, certain truck associations, the good roads people, cement people, and bus associations, appeared as being financed in part or in whole by the Associated Petroleum Industries; and

Whereas, The names of elected, as well as appointed, officers of the Commonwealth of Pennsylvania appear in this probe as being in the employ of the Associated Petroleum Industries; and

Whereas, Certain organizations that are mentioned in this investigation have been very active in having enacted into law an increased weight truck bill; and

Whereas, Lobbying methods used in this Session are explained thoroughly in the Proceedings of the Oil Industry's Investigation Hearings, are the same as being used today, therefore be it

Resolved, (if the Senate concur), That it is the duty of this Legislature, in protecting the interests of the people of Pennsylvania, to conduct an investigation of the Associated Petroleum Industries, and their numerous affiliated organizations, and for this purpose there is hereby created a joint legislative commission to consist of three members of the House of Representatives to be appointed by the Speaker, and three Senators to be appointed by the President pro tempore. The commission shall serve without compensation; and shall make a report of its findings and recommendations to the General Assembly as soon as possible. The commission shall have power to meet, hold hearings and make its investigations whether or not the General Assembly is in session. The commission may employ and fix the compensation of such counsel, experts, clerks and assistants as may be deemed necessary for the proper conduct of the work of the commission.

Resolved, That the commission shall have the power

to issue subpoenas and subpoenas duces tecum, under the hand and seal of its chairman, requesting and commanding any proper person, corporation, partnership or association to appear before it and to answer such questions touching matters with respect to the oil industry in the Commonwealth inquired into by the commission for and on behalf of the General Assembly, and to procure such books, papers, records and documents as the commission may deem necessary. Such subpoenas or subpoenas duces tecum may be served upon any proper person, corporation, partnership or association and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth or by the General Assembly itself. Each member of the commission shall have the power to administer oaths and affirmation to witnesses appearing before the commission.

Resolved, That if any person, corporation, partnership or association wilfully neglects or refuses to testify before the commission or to produce any books, papers, records or documents subpoenaed by the commission, the commission, or any member thereof, shall file a petition with a court of common pleas having competent jurisdiction over said person, corporation, partnership or association, setting forth such facts. The said court of common pleas, or a judge thereof, shall thereupon issue a rule upon said person, corporation, partnership or association, returnable no less than five nor more than seven days from service thereof, commanding said person, corporation, partnership or association to appear before said court and show cause why the subpoena, subpoena duces tecum or similar order of said commission shall not be complied with.

Resolved, That if said person, corporation, partnership or association, upon the return day of said rule to show cause, is or are unable to show legal cause why the subpoena, subpoena duces tecum or order of the commission should not be complied with, the said court of common pleas shall forthwith enter an order of court directing said person, corporation, partnership or association to comply with the terms of the said subpoena, subpoena duces tecum or order of the commission. If thereupon, such person, corporation, partnership or association shall refuse or fail to comply with the said order of court, the said court of common pleas shall forthwith adjudge said person, corporation, partnership or association to be in contempt of court and such person, corporation, partnership or association shall thereupon forthwith be subject to the penalties provided by the Commonwealth in such cases: Provided further, That if any subpoena, subpoena duces tecum or order of the commission is deemed invalid by the court, the commission is authorized to issue a proper subpoena, subpoena duces tecum or order against such person, corporation, partnership or association.

Referred to the Committee on Rules.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the title was publicly read as follows:

Senate Bill No. 201, entitled:

An Act to amend a certain appropriation item contained in section two of Act No. 69-A approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Act of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine" by deferring for a short period of time certain payments required to meet the Sinking Fund requirements of Veterans' Compensation Bonds.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

EXETER TOWNSHIP JUNIOR HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House the Tenth Grade of the Exeter Township Junior High School, Berks County, the guests of the gentleman from Berks, Mr. Wolf.

RESOLUTIONS

CONGRATULATIONS

Messrs. PAUL A. BRUNNER and MARKS offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 22, 1941.

Whereas, Several weeks ago it was charged on the floor of this House that a great deal of oil was being spread among some of the Members by unknown and powerful forces; and

Whereas, Startling evidence has been brought to our attention of the affiliation to be soon consummated between one of our Members and one of the members of such oil interests; and

Whereas, The House of Representatives has today learned of the engagement of the Honorable Lloyd L. Wolf to Gwendolyn Spencer of 1512 Palm Street, Reading, Pennsylvania, who at present is secretary to her father, an executive of the Atlantic Refining Company; therefore be it

Resolved, That the House of Representatives felicitates the happy couple upon the announcement of their engagement; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of this House to all interested parties.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Wolf.

Mr. WOLF. Mr Speaker, I suppose I had better speak now because this will probably be the last chance I will get. I will see Paul Brunner and the other members from Berks County later.

CONGRATULATIONS

Messrs. SARRAF and KEENAN offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 22, 1941.

Whereas, The Honorable John J. Baker by his prodigious labors in the House, has often given birth to legislation of a superior statesmanlike quality; and

Whereas, In spite of all such efforts, the latest honor came to him, not as a result of his own activities, but from sources beyond his immediate control; and

Whereas, He is the youngest looking grandfather to as yet grace the Hall of the House; and

Whereas, His daughter, Mrs. Rose Elacho has, on April 20th, given birth to a baby boy; and

Whereas, John now has a worthy successor to carry on the tradition of the Baker dynasty; therefore be it

Resolved, That the House of Representatives hereby felicitates the Honorable John J. Baker on the birth of a grandson, and wishes both him, and his daughter and son-in-law great joy in the progress through life of his grandson; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the proud and beaming grandparents and parents.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Baker.

Mr. BAKER. Mr. Speaker, I want to thank the sponsors of this resolution. I am now in the class with the former Speaker and the present Speaker.

CONDOLENCE RESOLUTION

Mr. WEINGARTNER offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 22, 1941.

Honorable A. S. Batchelor, a member of the House of Representatives during the legislative sessions of 1929 and 1931, and of the Senate of Pennsylvania during the regular sessions of 1933 and 1935, as well as numerous special sessions, died on April 13th in St. Margaret's Hospital, Pittsburgh, after a five months' illness.

Senator Batchelor was a banker, merchant and funeral director. He was president of the First National Bank of Monaca, president of the Penn-Beaver Hotel Association, president of the Western Pennsylvania Funeral Directors' Association, a member of Rochester Lodge 229 F. & A. M., past commander of the Beaver Commandery, Knights Templars, Pittsburgh Consistory, Ancient Accepted Scottish Rite Masons, and Syria Temple, Monaca I. O. O. F., Knights of Pythias, F. O. E., Woodmen of the World, and the First Baptist Church of Rochester, therefore, be it

Resolved, That the House of Representatives pause in the midst of its deliberations to pay reverence to the memory of its former member, and offer its condolence to the widow and family of the deceased, in the form of a certified copy of this resolution, to be forwarded by the Chief Clerk to Mrs. Jessie Holmes Batchelor of 430 Atlantic Ave., Monaca, Beaver County, Pennsylvania, his widow.

CONDOLENCE RESOLUTION

Mr. O'NEILL offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 22, 1941.

Whereas, We have learned today of the passing of the mother of the Honorable Martin F. Kenehan; and

Whereas, Catherine (Kelley) Kenehan was well known in Lackawanna County for her devotion to her family, her church and her community; therefore be it

Resolved, That the Chief Clerk of this House be instructed to send a copy of this resolution to the family of the deceased as a token of the House of Representatives' great sympathy for them in their present bereavement.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Munley for Mr. KENEHAN for the remainder of the week on account of death in the family.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair at this time welcomes a former member of this House from Schuylkill County, Mr. Schrope.

The Chair also welcomes a former member of the House, the gentleman from McKean, Mr. E. Kent Kane.

REPORTS FROM COMMITTEES

Mr. BALTHASER, from the Committee on Counties, reported as committed, House Bill No. 647, entitled:

An Act relating to the bonds to be given by county officers, their deputies, clerks and assistants, in counties of the second class, the amount and conditions thereof, the sureties for such bonds, the payment of the premiums therefor and the recording and custody thereof.

Mr. SHEPARD, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 218, entitled:

An Act to further amend section three, and to amend section eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties," by imposing additional duties on the Secretary of Agriculture, and further regulating the sale, manufacture and transportation of insecticides and fungicides.

Mr. FINESTONE, from the Committee on Judiciary Special, reported as committed, House Bill No. 717, entitled:

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

Mr. MALLOY, from the Committee on State Government, reported as committed, House Bill No. 1019, entitled:

An Act to further amend Section 1408 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of money erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," clarifying the provision of said act with respect to attorneys' commissions on taxes and other demands due the Commonwealth.

Mr. BONEY, from the Committee on Motor Vehicles, reported as committed, House Bill No. 117, entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks

thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing for different classes of operators' licenses and learners' permits; prescribing the circumstances under which they shall be issued; requiring proof of financial responsibility in certain cases; denying operating privileges under certain circumstances and providing additional penalties.

Mr. HERMAN, from the Committee on Judiciary General, reported as committed, House Bill No. 151, entitled:

An Act to further amend section twenty-five, and to amend section twenty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," by providing for notice by registered mail when it proves impossible to secure personal service of the subpoena in divorce.

Mr. WOODRING, from the Committee on Judiciary Special, reported as committed, House Bill No. 79, entitled:

An Act prohibiting the recording of any broadcast performance or rendition without the permission and consent of the person or persons whose performance or rendition is so recorded, and the offering for sale, selling, leasing, licensing or possession of such unlawful recording; and providing penalties therefor.

Mr. LICHTENWALTER, from the Committee on Judiciary Special, reported as committed, House Bill No. 179, entitled:

An Act validating the titles to real estate purchased at judicial sales for the unpaid taxes or municipal assessments, where there is a defect in the names of the parties in certain cases; and providing certain exceptions.

Mr. CHAS. H. BRUNNER, from the Committee on Judiciary Special, reported as committed, House Bill No. 1018, entitled:

An Act to amend the act approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872) entitled, "An act to consolidate, amend and revise the penal laws of the Commonwealth;" by adding thereto to section 947.1 prohibiting the cutting of, and operations on, tails of horses, mares and geldings except as herein provided; providing for certificates under oath; and regulating and restricting the showing and exhibition of such animals.

Mr. WEINGARTNER, from the Committee on Judiciary General, reported as committed, House Bill No. 1087, entitled:

An Act to amend Clause (2) of Section 3 of the Act approved the sixteenth day of May one thousand nine hundred and twenty-nine ((P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are not taxed and collected in all matters and proceedings" by changing the definition of daily newspaper.

Mr. DOLON, from the Committee on Public Health and Sanitation, reported as amended, House Bill No. 960, entitled:

An Act to amend sections one and two and to further amend sections three and five of the act, approved the sixth day of April, one thousand nine hundred and eleven (P. L. 51), entitled "An act providing for the protection of the public health and the prevention of fraud and deception, by prohibiting the sale, the offering for sale, or exposing for sale, or having in possession with intent to sell, of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof," making possession of adulterated sausage prima facie evidence of intent to sell; further defining and regulating the adulteration of sausage; and conferring powers on the Department of Agriculture.

Mr. LESKO, from the Committee on State Government, reported as amended, House Bill No. 660, entitled:

An Act to amend section two hundred twenty-two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, providing that State employes may accumulate their authorized leaves of absence and take such accumulated leaves at one time.

Mr. ROSENFELD, from the Committee on Judiciary General, reported as amended, House Bill No. 797, entitled:

An Act providing for personal notice to defendants admitted to bail, and to persons furnishing such bail, of the time and place where the appearance of such defendants is required.

Mr. CHUDOFF, from the Committee on Judiciary General, reported as amended, House Bill No. 580, entitled:

An Act to amend section twenty-four of the act, approved the sixteenth day of June, one thousand eight hundred thirty-six (P. L. 784), entitled "An act relating to the jurisdictions and powers of courts," by further defining the power of courts to punish summarily for contempt, and setting up a period of limitations.

Mr. TATE, from the Committee on Judiciary General, reported as amended, House Bill No. 32, entitled:

An Act to amend paragraph one of subsection (e) of section twelve of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries, the administration and distribution of the estates of presumed

decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases, and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further defining exemption granted minor child or children.

Mr. FISS, from the Committee on Counties, reported as amended, House Bill No. 1185, entitled:

An Act to further amend section five hundred and two and section five hundred and four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring submission of all plans for public improvements to the county planning commission for approval, and prohibiting the recording of plans and sales of lots before their approval, under penalties.

Mr. McFALL, from the Committee on State Government, reported as amended, House Bill No. 1127, entitled:

An Act defining, regulating and providing for the licensing and registration of employment agents and their representatives, including private employment agents, theatrical employment agencies and nurses' registries; providing for revocation and suspension of licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the Department of Labor and Industry and the Department of Public Instruction; providing penalties; and repealing existing laws.

Mr. ELY, from the Committee on Counties, reported as amended, House Bill No. 645, entitled:

An act to further amend article four, section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), as amended by the act, approved the seventh day of May, one thousand nine hundred and thirty-five (P. L. 143), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto", by requiring all contracts of county commissioners over five hundred dollars to be made with the lowest and best bidder, after due notice published.

Mr. PROSEN, from the Committee on Judiciary Special, re-reported as amended, House Bill No. 803, entitled:

An Act to amend section six hundred and forty-three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," prohibiting selling, giving away or permitting or employing minors under eighteen to sing, dance, act or exhibit in dance houses, concert saloons, theatres, places of entertainment, tap rooms, clubs, cafes, restaurants or eating houses, where or connected with which, wines or spirituous or malt liquors are sold or given away; prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act.

BILLS RE-REFERRED

Mr. PROSEN returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Welfare, House Bill No. 1296, entitled:

An Act to further amend section three of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 63), entitled "An act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled 'An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties,' as amended, by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws," by deferring the operation of the act for a further period of time, and making further provision for the care of mental patients in certain county, city, or institution district institutions during such time.

The SPEAKER. The bill is re-referred to the Committee on Welfare.

Mr. PROSEN returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Welfare, House Bill No. 1297, entitled:

An Act to amend the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 62), entitled "An act to amend section two of the act approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487), entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor district to another by the department, and requiring the proper district to pay the cost of the care and treatment of such persons in accordance with the laws relating to indigent insane persons,' by relieving poor districts of certain costs and placing such costs on the Commonwealth," as amended, by deferring the operation of the act for a further period of time.

The SPEAKER. The bill is re-referred to the Committee on Welfare.

Mr. PROSEN returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Welfare House Bill No. 1928, entitled:

An Act to amend the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (P. L. 53), entitled "An act relating to institutions of counties, cities and institutions districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental

patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," as amended, by extending the time within which the Commonwealth shall take over all such institutions; extending the time for the repeal of certain acts listed in section nine of said act; and making further provisions for the adjustment of various matters between the Commonwealth and counties, cities, institution districts, boroughs, towns, townships, wards, and other municipal subdivisions of the Commonwealth, in order to effectuate the purposes of said act.

The SPEAKER. The bill is re-referred to the Committee on Welfare.

Mr. LOVETT returned from the Committee on Labor with the recommendation that it be re-referred to the Committee on Judiciary General House Bill No. 1179, entitled:

An Act to amend section four of the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1595), entitled "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts," by regulating also the appointment of special deputy sheriffs and prohibiting the use of such deputies as "strike breakers" in cases involving labor disputes but authorizing sheriffs to appoint and arm special deputies for certain purposes who may be compensated for their services, mileage and expenses out of private funds or local, State or Federal appropriations, or by the proper county when appointed to preserve public peace or to patrol the highways in case of an emergency.

The SPEAKER. The bill is re-referred to the Committee on Judiciary General.

Mr. LOVETT returned from the Committee on Rules with the recommendation that it be re-referred to the Committee on Welfare House Resolution No. 78.

The SPEAKER. The resolution is re-referred to the Committee on Welfare.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House a former member, the gentleman from Northumberland, Mr. Sterling T. Post.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 897, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank suspension and removal of paid members of the police force in boroughs incorporated town and townships of the first class maintaining a police force of not less than three members creating a civil service commission in each borough incorporated town and townships of the first class defining the duties of such civil service commission imposing certain duties and expense on boroughs incorporated towns and townships of the first class imposing penalties and repealing inconsistent laws

The first to the thirteenth sections inclusive were separately read and agreed to.

The fourteenth section was read.

On the question,

Will the House agree to the section?

Mr. BONEY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend section 14 page 9 line 25 by striking out the word "relative"

Amend section 14 page 9 line 27 by striking out the words "in the order of the relative merit and fitness"

The amendments were agreed to.

The section was agreed to as amended.

The fifteenth section was read.

On the question,

Will the House agree to the section?

Mr. BONEY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend section 15 page 10 lines 11 and 12 by striking out the words "and not over forty-five years of age"

Amend section 15 page 10 line 14 by inserting after the word "preceding" the word "immediately".

Amend section 15 page 10 line 14 by inserting after the word "application" the following: "unless no resident applicants are available".

The amendments were agreed to.

The section was agreed to as amended.

The sixteenth, seventeenth, eighteenth and nineteenth sections were separately read and agreed to.

The twentieth section was read.

On the question,

Will the House agree to the section?

Mr. BONEY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 20 page 12 line 12 by inserting after the word "inefficiency" the word "neglect".

The amendments were agreed to.

The section was agreed to as amended.

The twenty-first to the twenty-eighth sections inclusive and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 765, entitled:

An Act to amend the title, to further amend section one, and to reenact sections two, four and five of the act approved the seventh day of June, one thousand nine hundred one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage and cesspools, in cities of the second class; and imposing fines, penalties and forfeitures for violation thereof," extending the provisions of said act to certain boroughs, incorporated towns and townships.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SCANLON. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of a public hearing.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1090, entitled:

An Act to amend section one thousand one hundred fifty-six of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto" by eliminating the right of the State Department of Highways to permit and collect fees for the placing of public utility service equipment and other obstructions in or upon township highways and giving such right to the township supervisors.

The first section was read.

On the question,

Will the House agree to the section?

Mr. HAMILTON. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Page 2, Section 1, Lines 12 and 13, at the end of Line 12, after the word "permits" strike out the following words in these lines: "and inspection and restoration fees."

Page 2, Section 1, Line 14, strike out brackets before the word "State" and after the word "Department."

Page 2, Section 1, Line 14, strike out the words "township supervisors."

Page 2, Section 1, Line 25, after the word "township" at the end of the line add the following words: "in which the work is located."

The amendments were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HAMILTON. Mr. Speaker, I move that this bill be recommitted to the Committee on Townships for the purpose of further consideration.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 780, entitled:

An Act to further amend clause (f) of section two hundred one of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" further regulating the fixing of salaries of persons employed under the provisions of said act and increasing such salaries in certain cases

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ROSENFELD. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1014, entitled:

An Act to further amend clause eight of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the minimum salary of county superintendents

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. FLYNN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 613, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. CHUDOFF. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. HARKINS. Mr. Speaker, when this bill was reported from committee it was my understanding that it was reported with the agreement that it would be recommitted. I, therefore, ask that the motion be agreed to.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 837, entitled:

An Act to further amend section one thousand six hundred and seven of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" permitting the teaching in high schools and vocational schools of the theories of proper and safe operation of motor vehicles

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 777, entitled:

An Act to amend section two thousand five hundred five A of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" further regulating the fixing of maximum and minimum salaries by the Department of Public Assistance and the employment Board and providing for increases of salaries in certain cases

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 75, as follows:

An Act to amend section two thousand one hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing the minimum salaries or compensation for paid firemen and paid employees of the fire department in such cities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand one hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2101 Organization of Fire Bureau Maintenance Apparatus and Compensation of Paid Firemen and Paid Employees of the Fire Department Each City may organize a fire bureau with or without pay make appropriations for the maintenance of the same prescribe rules and regulations for the government of the officers and companies belonging thereto and purchase fire engines hooks ladders trucks fire alarms and other apparatus for the extinguishment of fires

The salary or compensation of the paid firemen or paid employees of the fire department except the chief engineers and the assistant chief engineers shall in no case be less than the following amounts

Sixteen hundred dollars ($1,600) per annum for the first year of service and an additional annual increment of eighty dollars ($80.00) for each year of service after the first year not exceeding six (6) such annual increments All paid firemen or paid employees of the fire department in any city of the third class shall from the time this act becomes effective be entitled to salaries or compensation in accordance with this act including the increment credits accrued for service prior to the effective date of this act provided that the salaries or compensation of a paid fireman or paid employee of the fire department shall not after the effective date of this act be reduced below the amount he is receiving at the time this act becomes effective for the reason that he has not sufficient annual increment credits to entitle him according to the preceding provisions of this act to compensation he is then receiving or be reduced for any other reason whatsoever

Section 2 The provisions of this act shall become effective on the first day of January one thousand nine hundred and forty-two

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. DIX. Mr. Speaker, I believe this is probably the worst anti-home rule bill that has come before the House. The purpose of this bill is to increase the salaries of firemen in some forty-five cities of the state of Pennsylvania. These cities contain about fifteen to twenty percent of the entire population and range in population from seven thousand up to one hundred fifty thousand inhabitants, yet this bill proposes the identical salaries for cities of seven thousand population as it does for cities of one hundred fifty thousand population. I submit to you on the basis of this one thing alone this bill should be defeated. I cannot understand how the members of this House will support any bill that provides the identical minimum salaries for a small town as it does for metropolitan cities.

I cannot see why we should be meddling in the affairs of forty-five cities of the state as Legislators. If this bill or another bill provided for an appropriation of the entire increase, I would be inclined somewhat to favor this bill, but we have no right as state Legislators to tell the citizens of this State how much they shall pay their policemen and then fail to provide any of the funds for paying them. I contend this is taxation without representation, and we all know what that means. My county, Mr. Speaker, has no cities of the third class but I know and you know just as soon as this bill is passed through the House and pushed through the Senate that in a couple more years the same forces that are behind this Bill will come back and attempt to legislate for one hundred boroughs in the State of Pennsylvania.

I have here an editorial from one of the leading Harrisburg newspapers which I would like to read. It goes on to say:

"Perhaps not in twenty years since the Pennsylvania Legislative sessions have been giving cities the run-around on home rule has the issue been as specifically drawn as now. More than ever the people in cities know the facts. Their resentment is rising. It is certain that individual members of the Legislature are going to be listed as for or against the people in the cities. Names and records will be preserved and should any member seek re-election little more than a year hence, the public will know on which side of the home rule issue they stood.

This is the only method left to the people. Why in the world the two parties do not assume responsibility in this conflict is testimony of lack of statesmanship. There is no better political asset for a party than to write its record in favor of the people running their home affairs as they choose. There has been a lot of talk over "home rule" and the people's rights to have it. The time for action has come."

I also would like to read some extracts from letters I have received from high public officials of the third class cities of Pennsylvania. I have received letters from practically every third class city in the state of Pennsylvania opposing this particular bill. I do not think there is a single Mayor of a third class city or a single councilman who is in favor of this bill, and I submit to you when these duly elected officials are opposed to a bill of this kind it is time we decide to legislate for and not against home rule.

Mr. Speaker, I would like to read extracts from letters I have received from officials of the third class cities. I am listing these letters by number and not by the name of the town or by the name of the person who wrote the letter. I would like to read first a letter from city number one. In this letter—and it is quite a long letter it states:

"It seems to me that the whole spirit of these various acts are a distinct violation of the Home Rule Amendment. The Mayor and Council fix the wages and the number of men on the departments. These officials are elected by and are the official representatives of the people. Every two years the people have the opportunity to elect or reject these officials. The city employes are employes of the people in the city in which they reside and in my judgment these elected officials are better able to judge the minimum wages, hours and number of employes than some person or persons three hundred miles away who know nothing of local conditions. This type of legislation smacks of totalitarianism as it denies the peoples' own representatives the right to control their own affairs and puts it instead in the hands of a super state government."

A letter from City No. 2:

"We do not believe it would be fair for the legislators to set the salaries for men for whom they are not responsible. There is nobody in a better position to judge the salaries than the public officials who are responsible for the affairs of the city."

From City No. 3:

"I am very much opposed to the legislature fixing a minimum salary for police and firemen as was proposed at a former session. It seems to me that that denies the city the right to control its financial affairs and would unquestionably work a serious hardship."

A letter from City No. 4:

"As to firemen, that are 74 firemen each receiving eighteen hundred dollars for the year; one man fireman receiving seventeen hundred twenty-five dollars and two firemen receiving sixteen hundred fifty dollars. Under the proposed new act the cost to the city for firemen would be the sum of $176,400 which is $38,175 higher than the present cost for the year. Our firemen and patrolmen are selected from our Civil Service Register in the order of their rating received in the Civil Service Examination. We have a large waiting list at this time; in fact, we have never had any difficulty in securing men of high type for these positions as we always have plenty of applicants."

Letter from City No. 5:

"Observations as made discloses that these promotors of legislative bills, are men who play for political control, by having members of a large group, large in the sense of the police force, feel that they owe their well-being to these political profiteers, and thus are able to get worthless legislative acts through. A great majority of these officers do not earn what they get, and there is always the hue and cry to advance wages and yet they are not required to do anything additional for this added suggested recompense.

All cities, boroughs, and townships have been begging for home rule, for some years, and yet in the face of all this, state and government representatives are encrouching and taking away more of the rights with each Session. I still feel that the people who have to pay the taxes in cities, boroughs and townships should have the right to say what salaries or wages should be paid to its employes, and I also further believe that if such a bill as here proposed were passed, fixing salaries, and the municipalities were to take such matters to the courts, it would be unquestionable be declared unconstitutional."

Mr. Speaker, I think these letters are sufficient proof along with some thirty-five others that I received, that there is not one of the third class cities in the state of Pennsylvania that desires to have this bill passed through its duly elected officials.

I might go on to make a number of other statements, but I believe as I said before, this is the worst anti-home rule bill that has been offered in this House in this session. I thank you.

Mr. TARR. Mr. Speaker, I would like to interrogate the gentleman from Wayne, Mr. Dix.

The SPEAKER. Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. I shall, Mr. Speaker.

Mr. TARR. Mr. Speaker, I would like to ask the gentleman whether he has in his possession any letters from cities in Fayette County.

Mr. DIX. I probably have, Mr. Speaker, but these letters are confidential.

Mr. TARR. Has the gentleman from Wayne received any communication from either the mayor or city council of Uniontown, Connellsville or Brownsville, Mr. Speaker?

Mr. DIX. Mr. Speaker, I have received letters from practically every third class city in Pennsylvania.

Mr. TARR. Has the gentleman received letters from Connellsville, Uniontown or Brownsville?

Mr. DIX. Are they third class cities, Mr. Speaker?

Mr. TARR. They are, Mr. Speaker.

Mr. DIX. Well, I have some of them, but I cannot remember all of the forty five cities, Mr. Speaker, to determine offhand whether I have received from all of the forty five.

Mr. TARR. Mr. Speaker is the gentleman a member of the committee on Third Class Cities?

Mr. DIX. I am not a member of the committee on Third Class Cities, Mr. Speaker, but as I said before, this is the opening wedge to drive out home rule from every city and borough in Pennsylvania.

Mr. TARR. Mr. Speaker, I thank the gentleman for the elucidation. I would like to ask the gentleman further if in the county in which he is located there are any third class cities?

Mr. DIX. No, there are not, Mr. Speaker, but there is one approaching the third class city status, with 7,000 population.

Mr. TARR. Just one more question, Mr. Speaker, the gentleman spoke a moment ago about the unconstitutionality of this act, and not being an attorney I would like to ask on what basis the gentleman gives that opinion.

Mr. DIX. Mr. Speaker, I base that on the fact of being taxed with representation. That is why the Revolutionary War was fought, taxation without representation.

Mr. TARR. Mr. Speaker, I am in favor of the bill now under discussion. Perhaps I shall be called a foe of home rule, but if being a foe of home rule means adequate pay for firemen in third class cities, then I guess we would all like to be wearing that banner.

Whether or not we want to discuss the home rule bill is beside the question. There seems to be no one who cares what the fireman is paid if he happens to be saving you children or your property. I know that the cry is always made that they sit in the station house with nothing to do at all and get enough pay. This is all right, I guess, but we are all too willing to let them sit at the station house just as long as we know that our house, our wives, our mothers and children are protected, that the firemen are ready to go out.

I am not going to debate at length the bill, but just wish to say that being a representative of a county which has three third class cities I have received no communication against the bill. I have been in touch with at least two mayors and some members of the council during the past week, and nothing was said about the bill. Assuming that those persons who represent the third class cities would be more qualified to speak upon the wishes of those cities, I ask the House to vote for the bill.

Mr. YESTER. Mr. Speaker, I represent only a third class city, and I want to say at this time that I believe it should be left up to Council of the third class cities as to what they shall pay firemen. They know better than anybody else. One city may pay seven thousand and another city one hundred twenty-five thousand. I don't see how we can legislate the pay of firemen. There are certain third class cities that have volunteer firemen, paying them nothing, so what are you going to do with those firemen? I would like to ask the members to vote this bill down because I do not think it is a fair bill, as it has been presented by several members who do not have a third class city in their district, and I think the members from the third class cities should be recognized.

Mr. AUKER. Mr. Speaker, I rise to oppose very vigorously this bill. In the first place it is a typical home rule bill—it is a bill against home rule if any bill ever was or ever will be.

Now, as regards increase in salaries of the firemen, I think as a matter of general principle, that firemen as well as other civil employes should be entitled to increments over the basic salary with which they started. Just what the increment may be each year is, of course, I say and the proponents of home rule say, a matter entirely for the local communities to handle.

I know the argument has been raised that the councilmen raised their own salaries, and they raised the salaries of Mayors and City managers. That is all true. But if the firemen wish to make an issue of it, it should be a local election issue. They have the organization and they have the ability to go out among the people in their various communities and go after this increase, and if one council will not give it to them, then let them elect councilmen in their own communities who will give them a fair increment each year, based on the financial condition and the financial ability of the municipality to pay increments. We asked earlier that this bill be given a public hearing in order that the cities affected would have a chance to come down here and present their side of the case, as to just how seriously it was going to affect the financial condition on these various communities.

There are only two places where you can get these increases. Cities have only two sources of taxation, outside of the city of Philadelphia, of course, which has a system of taxing wages. We are not going into that argument today, but cities of the third class have only two ways of raising money, one of which is by taxing real estate and the other is by a small personal tax which returns very little.

You can raise the money, of course, for these increases to the firemen if you dig into the budgets and do away with certain vital city services that are now furnished to the communities. That of course you can do, but I venture to say that there isn't one fireman, there isn't one citizen in any of those cities that would vote to do away with any of the vital city services furnished today under the budget and set up by the third class cities. So, not being willing to do that, they only have one source left and that is to put an increase in tax on real estate. Let us follow that through to the logical conclusion. If we are going to do this for the firemen, if we are going to be fair to the policemen, if we are going to be fair to every other civil service or other employee of the third class cities, we have the right to do it for them, and I ask where are we going to end? We started back in 1910 to legislate here in Harrisburg providing increments for teachers. That is fine—I do not think the teachers get paid enough, but the local school districts have to pay it,

and in fact when the local school districts got up against hard times and the depression years we had in the last ten years, local school districts went bankrupt, and that left only one source of additional taxation which was real estate, and real estate couldn't stand the burden, and the taxes could not be paid. Now here we are again on the same proposition. We in the legislature sit down here and say in effect, "We don't care where you get the money, but you have got to get it." I say if the Legislature wants to pass this kind of a bill, let them put the bill back into committee and furnish an appropriation by the state. I would like to repeat that statement, Mr. Speaker, and members of he House, if the Legislature wants to pass this kind of a bill helping the firemen let them put into the bill a provision carrying an appropriation from the State to help the cities pay those firemen.

As I said before I think the firemen ought to have increase from time to time; there is no argument on that at all, but how it is to be obtained of course is another matter.

Here we are attempting to pass one law, Mr. Speaker, that effects forty-six third class cities in Pennsylvania with a population of some million and a half. These forty-six third class cities all have different populations. It runs from eleven thousand in Arnold to one hundred forty thousand in Erie. The number of firemen employed in third class cities run from three in Arnold to one hundred forty in Erie. Based on the population figures we have different real estate taxes and different real estate assessments. In other words the city of Arnold of course, would only hav small real estate assessments as compared with the city of Erie which would have a very large real estate assessment. Then again the financial condition and the economic condition surrounding one third class city may be entirely different from other third class cities and may be different from other cities in Pennsylvania. In other words, the economic conditions and financial conditions of all these third class cities vary materially from each other.

To illustrate how vicious this bill is, and how radical it is as affecting these different communities with different populations, I have compiled here very briefly seven or eight different classes.

Let us take the first city of Arnold, with a population of 11,375, and the city of New Kensington with a population of 16,762. They each have three paid firemen. It is going to cost the city of Arnold the sum of five hundred sixty dollars each year of an increase, and the city of New Kensington one hundred thirty dollars. Now what is fair about that? Here is the city of Arnold with it's five thousand less population than the city of New Kensington, yet it is going to cost the city of Arnold four hundred dollars more to pay these firemen than another city that has five thousand more population, as I said before with a much bigger real estate assessment to back up these increases.

Then take the city of Beaver Falls with a population of 17,147 and Meadville with a population of 16,698. The city of Beaver Falls, mind you, has only four paid firemen and the city of Meadville thirteen paid firemen. The increase in the city of Beaver Falls with only four firemen is one thousand two hundred dollars, and the increase in the city of Meadville with thirteen paid firemen is only twice as much. Here is a city that has three times as many paid firemen, yet it is going to cost them only twice as much; the city of Meadville will pay two thousand four hundred sixty-three dollars. Now, that isn't fair. This shows how radical this bill is.

Let us take the city of Duquesne with a population of 21,396 and the city of Butler with a population of 23,568. I am showing you these different brackets, comparing the number of firemen that each city employs and taking them according to the population in each one. The city of Duquesne has sixteen paid firemen, now mark this carefully—the city of Butler has twenty-one paid firemen. It is going to cost of the city of Duquesne, with sixteen paid firemen on the one thousand dollar increase and the city of Butler with twenty-one paid firemen only five more, seven thousand nine hundred dollars of an increase each year or six times as much with only five more paid firemen. What is fair about that? That shows again how radical is this legislation.

Let us take the city of Easton with a population of 34,468, the city of Williamsport with a population of 45,729, and the city of New Castle with a population of 48,674. The city of Easton has thirty-four paid firemen. Williamsport has forty-eight and New Castle has forty-four. It will cost Easton an annual increment each year of $6,920; Williamsport each year $16,208, nearly three times as much, with only fourteen more paid firemen. The city of New Castle with forty-four paid firemen, will have to pay an increment of $13,452.

Now let us take the two cities of Altoona and Harrisburg. Altoona has 82,000 population and Harrisburg has 80,339 population—and might I repeat that the real estate assessments in all these cities is in direct proportion, to the population. That is of necessity, a well known fact; it would have to be. Altoona has eighty-three paid firemen and Harrisburg has sixty-six. It will cost the city of Altoona $15,052, with seventeen more paid firemen than has the city of Harrisburg, it will cost the city of Altoona $15,000 and the city of Harrisburg $21,000 annual increase each year.

The city of McKeesport with 54,000 population has sixty-two firemen, practically the same number of firemen as the city of Harrisburg and will only have an increase of $4,905 or about one-fourth of what it will cost Harrisburg.

Let us take the cities of Wilkes-Barre and Erie. Wilkes-Barre has a population of 86,626 while Erie has a population of 115,967. Wilkes-Barre has one hundred nineteen firemen and Erie has one hundred forty paid firemen. And Erie with its immense population, greater than any other third class city, it will only cost them $8,620 increment while it will cost Wilkes-Barre $13,810 increment each year, almost twice as much.

May I bring to the attention of the members of the House the fact that there are ten third class cities in Pennsylvania that have no paid firemen who are in no way affected by this act.

I haven't had a chance to look into the constitutionality of this act. On that basis there may be some grounds that the law may not be constitutional. I wouldn't want to make a definite statement one way or the other on that point. But we do know this, and I have tried to set these facts up for you, here is one law affecting all these forty-six third class cities, ranging in population from eleven thousand to one hundred nineteen thousand with paid firemen ranging from three to one hundred nineteen, all hav-

ing different financial positions, all having different economic conditions, all having different working conditions, all different classes of people, and yet we are attempting down here to set up one law that will legislate for the group as a whole. This to my mind, Mr. Speaker, is just plain ridiculous. As I said before, I want to drive this point home if I can, here we are starting with firemen, and there is also a policemen's bill. Where are we going to stop? Next year there will be another bill to increase the pay of all of our city employees with a certain increment each year. It is going to go on year after year. Where is it going to stop? We had a teachers' increments bill, and we come down here year after year during each legislative session and pass deficiency appropriation bills, and in 1937 and 1938 the school districts had to close the schools because of this increment. Because the state could not help them.

We are getting ourselves into that same mess, and I am arguing, I am pleading and I am hoping that the Members will not vote for this bill. I am asking all my colleagues in the House to vote against this bill.

Mr. HEATHERINGTON. Mr. Speaker and members of the House, in answer to the three gentlemen, Mr. Dix, Mr. Yester, and Mr. Auker, I notice in the Legislative Journal that when the bill to raise the pay for the police and firemen in the city of Philadelphia was before the House all of them voted for the bill.

Also in answer to Mr. Yester in the city of McKeesport last Friday evening at a special meeting of council, Councilman George F. Young, director of the Department of Finance and Accounts was in conference with the mayor and other officials several times in the past few days, discussing the possibility of a raise in wages. Mr. Young disclosed the proposal for higher wages for the municipal workers, and a council meeting, when Councilman Rosenberg announced that the employes in his department were not satisfied with four dollars and four dollars and twenty-five cents a day. The city controller, John W. Montgomery, at that time stated that a ten per-cent raise would be entirely reasonable because most of our city employes are underpaid.

Mr. Speaker, in regard as to whether we should come down here and ask legislation for the firemen I have here an act, No. 149, passed in this House and in the Senate and signed by the Governor on June 27th, 1913, at which time they raised the salaries of councilmen of these same third class cities, from three thousand dollars up to four thousand five hundred dollars, also the mayors in the same bill had their salaries raised from three thousand five hundred dollars up to five thousand two hundred dollars.

Mr. Speaker and members of the House, I ask you in your consideration of this bill to use your same good judgment that you used when you voted for the Philadelphia firemen and policemen, and the same judgment that the men who were in this House at the time they raised the salaries of the mayors and councilmen, and vote "aye" on this bill.

Mr. YESTER. Mr. Speaker, Mr. Heatherington said that I voted for the Philadelphia bill. I did. That was one city, and I believe if it is for one city it is all right. I am not opposed to raising the wages of firemen. He said the councilmen in the city of McKeesport were considering it. I favor that. But I do not favor coming down here and making legislation involving one set of figures, whether it affects cities of ten thousand or one hundred twenty-five thousand population. I am absolutely not opposed raising wages of firemen, but I do think it should be done by the councilmen who understand the conditions. You heard that the city of McKeesport is figuring on raising the wages of its firemen. I am not opposed to that. The city of Philadelphia is a first class city. If we were to introduce a bill here and arranging the third class cities of ten thousand to twenty-five thousand, from twenty-five to fifty thousand, I would not oppose a bill like that, but to bring a bill here for third class cities arranging them from ten thousand to one hundred twenty-five thousand in the same bill, I cannot see where the fairness is.

Mr. WALTER E. ROSE. Mr. Speaker and members of the House, I would like to make a few observations on this bill. The question of home rule has been brought into this argument and used by both sides. I believe the Legislature should not have to set the salaries of employes of any third class city, but that it should be left up to the residents of that city, the residents as distinguished from the Council and Mayor. I agree that is the way it should be, but it cannot be as long as some people use home rule as a sword for their own good on other questions. You all have a letter on that subject. You all have a letter on your desks from W. E. Greenwood, President of the League of Third Class Cities. It was just a few weeks ago that we had a public hearing in the Senate when the question of a City Charter for third class cities was taken up. This same Mr. Greenwood came and opposed it, and I might say he was not fair in his answers to my argument. He misquoted me. He said that I made statements that I did not make and I had to depend upon the Senators, upon memory as to what I said rather than upon his claim for what I said. The argument that we cannot set one price for a city ranging in population from ten thousand to one hundred and ten thousand or one hundred and twenty thousand is true, but the solution lies in passing a bill allowing for third class cities. Then each community can finally settle all questions as to rule in their homes and need not come down to the Legislature and ask for something they want when they raise this great shield of home rule to oppose us. I say as long as the League of Third Class Cities is going to regard itself as the third class cities instead of the population of the third class cities and as long as they have home rule in the sections, and as long as they do not have city charter for each city, then I say we must legislate on the questions as they are presented. Until we have a real home rule for these third class cities, under a third class city charter, I believe it is our duty to step in on all these minor questions, and some day they may see the light and allow third class cities to find their own solutions for these questions and remove consideration of all these questions from us.

Therefore, Mr. Speaker, I ask all the Members to vote for this bill.

Mr. DIX. Mr. Speaker, I understand from the gentleman on the other side that I supported a bill that would raise the salaries of the Philadelphia policemen. If I did so, it was certainly under a misapprehension or else my record was not put correctly in the Legislative Journal. I would like to have that record amended to show that I voted "No" on that particular bill.

I have always been opposed to the Legislature setting salaries in any city, or municipality where they do not provide the funds for that increase of salary or a large proportion of it. Any bill that comes into this house that does not provide the funds for this purpose. It is my intention to vote against and to do what I can for the principle of home rule, which principle is certainly being violated in its worst form when we propose to tax people and then not allow them to be represented in that taxation.

I do not intend to prolong this argument, but there are some things that have been said with regard to salaries which I think should be answered. I want to say this, that the great majority of these forty-five or forty-six third class cities provide very excellent salaries. The great majority of these cities provide excellent salaries.

I would like to cite just an average third class city. Here is a city that has fifty paid employes in the fire department. The chief receives two thousand five hundred dollars, and the average salary of these fifty employes in the fire department runs from fifteen hundred dollars to two thousand dollars. Work of this type is not arduous, it is mostly a sit-down job, it is only for emergency purposes, and we all know that where they have volunteer fire companies where they are not paid anything, that these firemen render excellent service, in fact they render service comparable to that of the paid fire department.

I would just like to add a few more words as far as I am concerned Mr. Speaker, and I will not delay this vote any further.

Members of the Assembly, I submit that as state Representatives, it is none of our business what the cities and boroughs do in the way of paying or promoting their employes. I repeat it is none of our business. If we are going to assume the functions of home rule, let us do a real job of it and be done with it once and for all. Let us legislate for all salaries both public and private. We have just as good a right to regulate private salaries as we do to regulate public salaries. There is nothing in this bill to indicate that the state will share the expense of paying for the increase in wages of the third class cities firemen. Local firemen and policemen perform no state function whatsoever and we have no inherent right to legislate against the will of the citizens of third class cities. We have no right to say to them or to any other city employes that you shall receive a certain wage or salary and then say to the taxpayer, "You foot the bill." I thank you very much.

Mr. AUKER. Mr. Speaker, I will only take about two or three minutes and then I will be through.

There have been only two arguments advanced so far as I can see that have been used in favor of the bill. One of them is that at a previous session of the Pennsylvania Legislature, they passed a bill raising the salaries of councilmen and mayors or allowed them to be raised. That is true. If that was done it was a big mistake that such a law was ever passed, but if we make one mistake, why repeat the same mistake?

The second argument was in view of this so-called Home Rule Charter bill which is resting in the Senate very peacefully, and as far as I am concerned, and from what I understand of the bill, I hope it is very deeply buried there, because it will materially affect the laws affecting all third class cities, and make it impossible to enact laws affecting third class cities as a unit.

Those are the only two arguments which have been used in favor of the bill. I haven't heard one argument concerning the fact that it increases taxes on real estate. A vote for this bill cannot help but be, a vote to increase taxes on exery home owner in every third class city. That must follow as a matter of course, because that is the only place they are going to get the money.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Dalrymple, George E. Jones and Dix asked for a verification of the roll.

The roll was verified and was as follows:

YEAS 141

Achterman,	Finestone,	Malloy,	Reese, R. E.,
Allmond,	Finnerty,	Marks,	Regan,
Baker,	Fleming,	Maxwell,	Reynolds,
Balthaser,	Fletcher,	McClanaghan,	Rhea,
Baugher,	Flynn,	McDermott,	Rooney,
Bentley,	French,	McFall,	Rose, S.,
Bentzel,	Gallagher,	McGrath,	Rose, W. E.,
Boies,	Gates,	McLanahan,	Rosenfeld,
Boney,	Gerard,	McLane,	Rush,
Bower,	Goodwin,	McSurdy,	Sarraf,
Bradley,	Gross,	Melchiorre,	Scanlon,
Breth,	Gryskewicz,	Mihm,	Schwab,
Brown,	Habbyshaw,	Modell,	Shaffer,
Brunner, P. A.,	Haberlen,	Monks,	Shaw,
Burns,	Haines,	Mooney,	Shepard,
Burris,	Hamilton,	Moran,	Skale,
Chervenak,	Harkins,	Moul,	Stank,
Chudoff,	Harmuth,	Munley,	Tarr,
Cochran,	Harris,	Nagel,	Tate,
Cohen, M. M.,	Heatherington,	Nunemacher,	Thompson, E.,
Cohen, R. E.,	Hering,	O'Brien,	Thompson, R.,
Cook,	Hirsch,	O'Connor,	Vincent,
Cooper,	Holland,	O'Dare,	Vogt,
Cordier,	James,	O'Mullen,	Voldow,
Corrigan,	Jefferson,	O'Neill,	Voorhees,
Croop,	Jones, P. N.,	Owens,	Watkins,
Cullen,	Kline,	Petrosky,	Weiss,
Dalrymple,	Kolankiewicz,	Pettit,	Welsh, E. B.,
DiGenova,	Krise,	Polaski,	Welsh, M. J.,
Dolon,	Lee, E. A.,	Polen,	Williams,
D'Ortona,	Lee, T. H.,	Powers,	Wolf,
Duffy,	Lesko,	Prosen,	Woodside,
Eckels,	Levy,	Rausch,	Wright,
Elliott,	Longo,	Readinger,	Young,
Falkenstein,	Lovett,	Reese, D. P.,	Kilroy, Speaker

NAYS 51

Auker,	Greenwood,	McMillen,	Trout,
Boorse,	Cyger,	Muir,	Turner,
Bretherick,	Hare,	Rank,	Van Allsburg,
Brunner, C. H.,	Helm,	Reagan,	Wagner,
Cadwalader,	Hewitt,	Riley,	Weingartner,
Dennison,	Imbrie,	Royer,	Wilkinson,
Dix,	Jones, G. E.,	Serrill,	Winner,
Early,	Knoble,	Simons,	Wood, L. H.,
Elder,	Leisey,	Snyder,	Wood, N.,
Ely,	Lyons,	Sollenberger,	Woodring,
Fiss,	McClester,	Sorg,	Yeakel,
Foor,	McDowell,	Stambaugh,	Yester,
Gillette,	McKinney,	Stockham,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. WOODRING filed the following reasons for his vote:

With the greatest reluctance I am compelled to vote in the negative on House Bill 751, Printer's No. 264.

The cause of the firemen of Third Class Cities is a worthy and meritorious one. The firemen are woefully underpaid. Those faithful servants who risk their very lives in the protection of our homes, our personal property, and our loved ones ought to be fairly compensated for their services. The instant Bill, however, should be defeated for several reasons: 1. The bill provides for additional expenses without providing for the funds with which these expenses could be paid. 2. The bill is a glaring example of the elimination of home rule. 3. The bill is a usurpation of authority which authority is properly vested in the Councils of the Cities of the Third Class.

Personally, I hope and trust that all of the firemen of Third Class Cities may and will receive adequate salary increase. I hope that members of the respective Councils may recognize the fairness of the request. In the absence of such action. I recommend that a bill be introduced to increase salaries which bill would include an appropriation clause so that the additional amount could be provided from state funds. To such bill I would lend my enthusiastic support.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon former members, the gentleman from Berks, Mr. Warren K. Hess, the gentleman from Delaware, Mr. Thomas Weidemann and the gentleman from Allegheny, Mr. John D. Scorza.

Mr. MIHM. Mr. Speaker, I also wish to call your attention to the presence in the gallery, a former member of this House, Mr. Clair E. McGinnis, from Allegheny County, who is sitting in the gallery with his beautiful bride of almost a week.

The SPEAKER. The Chair thanks the gentleman from Allegheny, Mr. Mihm, for calling our attention to the presence of Mr. McGinnis.

RECONSIDERATION OF VOTE

Mr. HEATHERINGTON. Mr. Speaker, I move that the vote by which House Bill No. 393, Printer's No. 235, entitled:

An Act to amend sections one and two of the act approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition.

was defeated on final passage on Tuesday, April 15th, be reconsidered.

Mr. MORAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Heatherington, vote on the final passage of this bill?

Mr. HEATHERINGTON. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Moran vote on the final passage of this bill?

Mr. MORAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. Fleming and Mr. Cooper and were as follows:

YEAS 142

Achterman,	Finestone,	Leydic,	Reynolds,
Allmond,	Finnerty,	Longo,	Rose, S.,
Auker,	Fiss,	Malloy,	Rose, W. E.,
Baker,	Flynn,	Marks,	Rosenfeld,
Balthaser,	French,	Maxwell,	Royer,
Baugher,	Gallagher,	McClanaghan,	Rush,
Bentley,	Gerard,	McDermott,	Scanlon,
Bentzel,	Gillette,	McDowell,	Schwab,
Boies,	Goodwin,	McFall,	Serrill,
Boney,	Greenwood,	McGrath,	Shaffer,
Breth,	Gross,	McIntosh,	Shaw,
Brown,	Gryskewicz,	McLane,	Shepard,
Brunner, C. H.,	Gyger,	McSurdy,	Skale,
Brunner, P. A.,	Habbyshaw,	Melchiorre,	Snyder,
Burns,	Haberlen,	Mihm,	Stank,
Burris,	Haines,	Modell,	Stockham,
Cadwalader,	Hall,	Monks,	Tate,
Chervenak,	Hamilton,	Mooney,	Trout,
Chudoff,	Hare,	Moran,	Turner,
Cohen, R. E.,	Harkins,	Moul,	VanAllsburg,
Cordier,	Harmuth,	Munley	Vincent,
Corrigan,	Heatherington,	Nunemacher	Vogt,
Croop,	Hering,	O'Brien,	Voldow,
Cullen,	Herman,	O'Connor,	Wagner,
Dennison,	Hirsch,	O'Mullen,	Watkins,
DiGenova,	James,	O'Neill,	Welsh, E. E.,
Dix,	Jefferson,	Owens,	Welsh, M. J.,
Dolon,	Jones, P. N.,	Petrosky,	Wilkinson,
D'Ortona,	Keenan,	Pettit,	Williams,
Duffy,	Kline,	Polaski,	Woodring,
Early,	Knoble,	Polen,	Wright,
Eckels,	Kolankiewicz,	Powers,	Yeakel,
Elder,	Komorofski,	Prosen,	Yester,
Elliott,	Krise,	Readinger,	Young,
Ely,	Lee, T. H.,	Reese, R. E.,	Kilroy, Speaker.
Falkenstein,	Lesko,	Regan,	

NAYS 10

Bower,	Fleming,	McKinney,	Thompson, R. L.,
Cook,	Gates,	Rhea,	Voorhees,
Cooper,	Holland,		

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. VOLDOW. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 125. (HOUSE BILL No. 1372).

An Act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class and county institution district) (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

Referred to the Committee on Municipal Corporations.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 227, as follows:

An Act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons engaging in the care preparation and embalming of the bodies of deceased persons creating a State Board of Embalmers setting forth its powers and duties and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following terms as used in this act shall unless the context indicates otherwise have the following meanings

(a) The word "embalmer" shall include any person engaged in the profession of embalming or the preservation in any manner of dead human bodies Any person shall be regarded as transacting the practice of embalming within the meaning of this act who shall hold himself out as an embalmer or engaged in the preservation of the dead human body or who shall use in connection with his name the word "embalmer" or any other title intending to imply or designate him as an embalmer or as one engaged in the profession of embalming or in the preservation of the dead human body

(b) The word "board" shall mean the State Board of Embalmers of this Commonwealth

(c) The word "department shall mean the Department of Public Health of this Commonwealth

(d) The term "student apprentice" shall mean any person operating under or with an embalmer for the purpose of learning such profession to the end that he or she may become a licensed embalmer

Section 2 Any person after this act becomes effective desiring to operate as an embalmer in this Commonwealth shall make application for examination and licensure to the board upon a form furnished by it and shall accompany the application by such fee as may be fixed by the department whereupon the board shall fix a time and place for the examination of the applicant and shall notify the applicant thereof Persons or corporations holding licenses under the existing laws as well as persons who have been engaged in the profession of embalming continuously for a period of five years prior to the passage of this Act and who shall produce satisfactory proof that he or she has embalmed at least twenty-five dead human bodies shall be entitled to receive a license from the board to engage in the profession of embalming without examination

Section 3 An applicant shall not be entitled to an examination if

(a) The applicant is not a citizen of the United States

(b) The applicant is not at least twenty-one years of age

(c) The applicant is not a graduate of an approved school of embalming

(d) The applicant has not had practical experience in the profession of embalming for two years prior to filing his application as a student apprentice and shall have completely embalmed at least twenty-five dead human bodies

(e) The applicant is not a graduate of an approved high school of this Commonwealth or has an education equivalent thereto under the rules and regulations of the Department of Public Instruction

Section 4 If the board shall find upon due examination that the applicant is of good moral character and is possessed of skill and knowledge of sanitation preservation of the dead disinfecting the bodies of deceased persons the apartment clothing and bedding in case of death from infectious or contagious diseases and has sufficient knowledge experience and training to properly conduct the profession of embalming in all its phases the board shall issue to said applicant upon payment of such fee as may be fixed by the department a license to operate as an embalmer and shall register such applicant as a duly licensed embalmer

Section 5 Such license shall be issued by bear the seal of the Department of Public Health and be signed by the president and secretary of the board Every licensee shall register the fact of the issuance of the license with the board of health department of health or health officer of the municipality in which such licensee desires to operate and shall display such license conspicuously in the place of business of the licensee

Section 6 The Board of Embalmers of the Commonwealth of Pennsylvania shall consist of five members to be appointed by the Governor with the advice and consent of the Senate The term of office of each member shall be four years and until his successor be appointed and qualified Three members of said board shall have had at least Ten years experience as practical embalmers one member thereof shall be a qualified and licensed practicing physician of this Commonwealth and the fifth member shall be a recognized instructor in pathology and bacteriology of a recognized school of this Commonwealth Any vacancies occurring in the board shall be filled by the Governor for the unexpired term only In the original appointment of the members of the board one member the instructor in pathology and bacteriology shall be appointed for the term of one year one other member thereof a qualified and licensed practicing physician of this Commonwealth shall be appointed for the term of two years one other member thereof a practical embalmer qualified as aforesaid shall be appointed for a term of three years and the remaining two members thereof also qualified as aforesaid shall be appointed for a term of four years

Section 7 Every person appointed to serve on said board shall within thirty (30) days after receiving notice of his appointment take and subscribe to an oath before any officer authorized to administer oaths in this Commonwealth for the faithful performance of duty and shall file the same with the Secretary of the Commonwealth Said board shall elect from its number a president and a secretary who shall serve for one year and until their successors shall be elected and qualified The secretary shall receive such compensation for his services as may be determined by the board and shall give such bond for the faithful performance of his duties as said board may determine Said board may also appoint an agent or agents whose title shall be "Inspector of the Board of Embalmers of the Commonwealth of Pennsylvania" who shall hold office during the pleasure of said board and who shall during his or their continuance in office be authorized to serve any papers or process issued by the board or any officer or member of the board under authority of this act and who shall also have power to enter the office or establishment or place of business of any embalmer or any office or establishment where embalming is carried on for the purpose of inspecting said premises and the license and registration of the embalmers operating therein The said agent or agents shall be paid such compensation as the board may determine Each member of the said board shall receive as compensation ten dollars ($10) for each day that he attends a session of said board and shall also be paid the actual traveling expenses in and about the business of said board

Section 8 Original licenses under this act shall be granted only to individuals upon the qualification and examination of the individual applicant and shall specify by name the person to whom it is issued and shall designate the particular place at which the profession of embalming shall be carried on A license so issued shall authorize the conduct of such profession at the particular place of business so designated and no other and by the particular person designated and only one license shall be granted to or held by any individual An embalmer so licensed may change his or her place of business upon registration of that affect with the board This act shall not be construed as prohibiting two or more registered embalmers from operating a joint or partnership business

if the business be conducted under the names of all such licensed embalmers but no embalmer granted a license under this act shall conduct business under any other name than the name appearing on his or her license

Section 9 All embalmers' licenses granted under this act shall expire on the first day of September following their issuance or renewal and shall become invalid unless renewed as hereafter provided It shall be the duty of the board on or before the first day of June of each year to mail to every licensed embalmer a blank application for renewal of license Renewal may be affected at any time during the month of August following by the filing of such application with the board together with such renewal fee as may be fixed by the Department and the approval of the board Provided that the board may at its discretion renew the license of any embalmer who has failed to make application for renewal before September first

Section 10 The board by a majority vote thereof may refuse to grant refuse to renew suspend or revoke a license to any applicant or licensee for the following reasons

(a) The practice of any fraud or deceit in obtaining or attempting to obtain a license

(b) Violation of the health laws of this Commonwealth

(c) The conviction of a crime involving moral turpitude

(d) The use of misleading advertising

(e) Gross incompetency negligence or misconduct in the carrying on of such profession

(f) Violation of this act or the non-compliance with its provisions or the rules and regulations of the board

(g) Loaning borrowing or using the license of another or of knowingly aiding or abetting in any way the granting of an improper license

Section 11 No license shall be refused suspended or revoked until after a hearing by the board with not less than ten (10) days' notice thereof to the applicant or licensee at which hearing the applicant or licensee shall have the right to appear personally and by council with the right of cross-examination and of producing evidence and witnesses A suspended or revoked certificate of licensure shall be immediately returned to the board and the board or its representatives are hereby empowered to seize and retain suspended or revoked certificates of licensure

Section 12 Any applicant or licensee whose license has been refused suspended or revoked by the board shall within thirty (30) days have the right of appeal to the court of common pleas of Dauphin County where the matter shall be heard by the Court without a jury The action of said court shall be final

Section 13 Every Student apprentice shall register with the board annually in such manner as may be provided by the board and shall pay such registration fee as shall be fixed by the department The secretary of the board shall keep a separate register for student apprentices containing their names ages residence where they attend school the licensed embalmers with whom they are associated and such other information as the board may desire Should any student apprentice so registered as a student of any licensed embalmer change his or her preceptor such student apprentice shall immediately re-register and pay such additional fee as may be fixed by the department Every embalmer with whom a student apprentice is registered shall immediately notify the board of any termination of such relation

Section 14 No person shall operate as an embalmer in this Commonwealth unless he or she hold a license so to do as provided in this act

The provisions of this section shall not apply to

(a) Persons acting under orders of commissioned medical officers of the Army or Navy or Marine force of the United States

(b) Persons disposing of bodies of deceased persons lawfully placed at the disposition of legally organized medical surgical or other institutions for the benefit of science

(c) Persons disposing of the bodies of deceased persons under the authority and direction of the Department of Health of this Commonwealth in times of actual epidemic or public calamity

(d) Estates of deceased licensees when the profession is carried on under the supervision of a licensed embalmer for such period and under such rules and regulations as may be prescribed by the board

Section 15 The board shall be charged with the enforcement of this act It shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the profession of embalming

Section 16 Any person persons co-partnership or corporation heretofore licensed to practice embalming may have his her their or its license suspended or revoked for any cause for which a license granted under this act may be suspended or revoked

Section 17 All fees fines and penalties specified and imposed by this act shall be paid into the State Treasury through the Department of Revenue

Section 18 Any person violating the provisions of section fourteen of this act shall be guilty of a misdemeanor and upon conviction thereof before any court of competent jurisdiction shall be sentenced to pay a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or undergo imprisonment not exceeding one (1) year or both at the discretion of the court for each such offense

Section 19 This act specifically repeals clause (a) of section one (1) of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizen of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registation of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" in so far as the word "undertaker" shall include any person engaged in the profession of embalming or the care preparation and embalming of the bodies of deceased persons in his or her own name and on his or her own account when such person shall use the title of "embalmer"

All other acts or parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ELLWOOD B. WELSH. Mr. Speaker, on March 26th, almost a month ago the Members of the Committee on Professional Licensure held a public hearing on the bill which is now before us. In that hearing the sentiments of those who are in favor of this bill and the feelings of those who are opposed to it were fully aired. The members of the Committee have weighed everything relating to the makeup of the arguments for and against the bill.

In discussing House Bill 227, I do so with a sincere conviction that it is a good bill and that being a good bill, it ought to be passed.

Is it not a fact that throughout the long struggle of man, brain power, not physical strength has been responsible for his survival. Science tells us that in the early days man did not have enough sheer strength to best the animals or climate around him. He could no more conquer a gorilla with bare hands or live without clothes and shelter in biting winter than can we today. But he learned

how to use a club and throw stones at animals to kill them, and, perhaps, greater than all, he learned how to build a fire. It was the use of his mind tha tenabled him to rise above the level of the other animals surrounding him.

In his realization of the fact that he had a mind, it was natural for him to form the concept that he had a spirit. It was his early conclusion that the body and spirit were interrelated and that when the body was interred in the earth, it symbolized but a temporary separation. Some day—some day, thought he, the spirit will cease to roam in far places and will return to its original abode in the body, causing the heart to again beat, the body to stand erect, the eyes to sparkle, the lips to smile and the tongue to speak.

In his crude fashion he was quick to infer that even though he could not lay hold of the departed spirit, he could do something to preserve the remaining body and those who know tell us that early peoples, believing that dead men needed material things in the next world, buried their belongings with them, and made a rudimentary effort to preserve the body.

A crowning example of this is to be found in the opening of the tomb of King Tut, a not so great nor powerful Egyptian King. After three thousand years the old fellow was found in a fair state of preservation. The door leading to his resting place was guarded by the statues of two servants, the coffin containing the mummy of the King was of solid gold. Fine linens and garments were found as well as the King's chariot, his throne and many of his household effects.

In line with the early chain of reasoning the ancient art of embalming came into use. It was a process of filling and surrounding the body with aromatic and antiseptic substances in order to preserve it for the day of resurrection and to prevent corruption.

As time marched on we have learned that bodies of the dead can be preserved for a long time by embalming. The body of Edward I was buried in Westminster Abby in 1307, and, 463 years later it was uncovered and found to be in a perfect state of preservation. Canute, an eleventh century King of England, Denmark and Norway, who once ordered his throne to be placed at the edge of the water as the tide was rising, and commanded the water to go back, and, when it continued to roll over his feet despite his orders, told his followers that only God rules land and sea, was buried in 1036, and, 740 years later was found in a very fresh state of preservation. Many of you here today have a vivid recollection of the search for the body of Paul Jones, whose name shines un-dimmed in American Naval History, who died in Paris in 1792. 113 years later, when his remains were re-buried on the grounds of the United States Naval Academy at Annapolis, it was found to be in an excellent state of preservation.

I mention these facts to show that there is a significant relation between the past and the present and that the whole panarama is disclosed in House Bill 227.

For many years prior to the passage of the Act of 1931, and its amending act of July 19, 1935, in this Commonwealth, an Undertaker and an Embalmer were looked upon as two separate callings. The formation of strong Undertaking Associations carrying on an aggressive lobby, worked to destroy this separate identity and reached their objective with the passage of the 1931 Act, which defines an Undertaker as any one engaged in the business or profession of Undertaking, or the care, embalming, disposition or burial of the bodies of deceased, in his or her name and on his or her own account, whether such person shall use the title of Undertaker, Undertaker and Embalmer, Embalmer, Funeral Director, Mortician or other term.

By this act, all true Embalmers were relegated to their present subservient position in Pennsylvania. Many men of mature age, married and with dependent families, men of skill and training, often the equal of their ancient Persian, Peruvian and Egyptian forebearers, are reduced to a mere existence. They cannot practice their art without the say-so of those who are questionably protected by the present law.

In the session of the Assembly of 1939, the members were given their oath of office by the Honorable Judge Wickersham of the Dauphin County Court. This snowy-haired man of the law speaks to us regarding the substance of the Bill now under consideration, in the case of Magill vs the Department of Public Instruction, in these words:

> "Embalmers should be licensed and regulated so that there may be the assurance that they are competent to determine that life is extinct before performing their offices and so they may likewise preserve the Sanitary precautions necessary in handling dead human bodies."

In the case of the State of Wisconsin vs. White, the Court made this clear-cut distinction between an Undertaker and an Embalmer, when it stated:

> "An Embalmer is to be distinguished from an Undertaker in that he neither buries, nor takes charge of funerals, nor dresses the body, nor procures the coffin, nor performs the other functions of an Undertaker. His sole function is to so treat the body as to disinfect and preserve it. Chapter 464, Laws of 1921, which requires an Undertaker to procure an Embalmers' license, is invalid and cannot be sustained as essential to the public health, safety, convenience or comfort, since the two callings are too vitally different to permit them being put under one classification."

On this score it can be seen that whilst the Legislature may have lost sight of the fact that undertaking and embalming are two distinct and vitally different callings, the Court in the cases which I have cited, and in many other instances, has recognized the clear distinction between the two callings.

In most states the law distinguishes between an Embalmer and a Funeral director in this respect, in that the Embalmer is one who sells nothing but his service and skill, whereas, the Funeral Director is classed as a retail dealer. In our own state the Supreme Court, in the case of the Commonwealth vs Dinnien, had this to say:

> "The Court Below sustained the Commonwealth's Contentions that the appellant is subject to the tax (mercantile license tax) because in the conduct of his business, he supplies and sells at a profit, caskets, clothes, or shrouds and gloves. He is a retail vendor of or dealer in goods."

The majority of States in these United States grant separate licenses to embalmers. In California, for instance, the law speaks of a Funeral Director as a person, partnership, association, corporation or other organization engaged in or conducting or holding himself or itself out as engaged in each of the following:

> (a) Preparing for the burial or disposal and directing and supervising for burial or disposal of dead human bodies.

(b) Maintaining a funeral establishment for the preparation for the disposition or for the care of dead human bodies.

(c) Using in connection with his or its name or funeral establishment, the words "Funeral Director" or "Undertaker" or "Mortician" or any other title implying that he or it is engaged as a funeral director."

The same law speaks of an Embalmer as follows:

An Embalmer is a person engaged in or holding himself out as engaged in the following practices:

(a) Disinfecting or preserving human bodies.

(b) Preparing for the transportation by railroad, Express company or common carrier of human bodies dead of contagious or infectious disease.

You will notice that the California Law speaks of an undertaker being a person, corporation, partnership, association or person, but, clearly and specifically it speaks of an embalmer in one class, "A person engaged in or holding himself out as engaged in."

My fellow Legislators I ask you to vote for House Bill 227, because

1. It will immediately remove the impossible conditions created by the Act of June 10, 1931, and its amendment.
2. It will restore the embalmer his right to work.
3. It will better safeguard the health and life of the citizens of this Commonwealth, by placing the carrying on by anyone of embalming dead human bodies, under the strict supervision and regulation of a Competent and authorative licensing board.
4. It will create additional revenue for the Commonwealth, in that thousands of embalmers now unlicensed, will be obliged to pay a license fee for his original license or any renewal thereof.
5. It will place this Commonwealth in equal position with all other States, which license and regulate embalming separately from undertaking.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 22

Chudoff,	Hall,	Mooney,	Scanlon,
Cohen, R. E.,	Harmuth,	O'Dare,	Shepard,
Cooper,	Levy,	Rooney,	Tate,
DiGenova,	Lovett,	Rose, S.,	Turner,
Falkenstein,	Mihm,	Rush,	Yester,
Gerard,			

NAYS 148

Achterman,	Gallagher,	McClester,	Sarge,
Allmond,	Gates,	McDermott,	Sarraf,
Auker,	Goodwin,	McDowell,	Schwab,
Baker,	Greenwood,	McFall,	Serrill,
Balthaser,	Gross,	McGrath,	Shaffer,
Baugher,	Gryskewicz,	McIntosh,	Shaw,
Bentley,	Gyger,	McLanahan,	Skale,
Bentzel,	Habbyshaw,	McLane,	Snyder,
Boies,	Haberlen,	McMillen,	Stambaugh,
Borey,	Haines,	McSurdy,	Stank,
Boorse,	Hamilton,	Melchiorre,	Stine,
Bower,	Hare,	Modell,	Stockham,
Bradley,	Harkins,	Monks,	Tarr,
Brunner, P. A.,	Harris,	Moran,	Thompson, E. F.,
Burris,	Heatherington,	Moul,	Thompson, R. L.,
Cadwalader,	Helm,	Muir,	Trout,
Chervenak,	Hering,	Munley	VanAllsburg,
Cochran,	Hewitt,	Nagel	Verona,
Cohen, M. M.,	Hirsch,	Nunemacher	Vincent,
Cook,	Holland,	O'Brien,	Vogt,
Cordier,	Imbrie,	O'Connor,	Voldow,
Croop,	James,	O'Mullen,	Voorhees,
Dalrymple,	Jefferson,	O'Neill,	Watkins,
Dennison,	Jones, P. N.,	Owens,	Weingartner,
Dix,	Keenan,	Petrosky,	Weiss,
Dolon,	Kline,	Polaski,	Welsh, E. E.,
D'Ortona,	Knoble,	Polen,	Welsh, M. J.,
Duffy,	Komorofski,	Powers,	Wilkinson,
Early,	Krise,	Rank,	Williams,
Eckels,	Lee, E. A.,	Rausch,	Winner,
Elder,	Lesko,	Readinger,	Wolf,
Ely,	Leydic,	Reese, D. P.,	Wood, L. H.,
Fiss,	Lichtenwalter,	Regan,	Wood, N.,
Fleming,	Longo,	Rhea,	Woodside,
Fletcher,	Lyons,	Riley,	Wright,
Flynn,	Malloy,	Rose, W. E.,	Young,
Foor,	Marks,	Rosenfeld,	Kilroy, Speaker
French,	Maxwell,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 993, as follows:

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 589) entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties" by changing the provisions as to fees charged apprentices and students requiring all barber shops to be registered transferring the administration of certain provisions of said act to the State Board of Barber Examiners and prescribing additional penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three four and five of the act approved the nineteenth day of June one thousand nine hundred and thirty-one (P. L. 589) entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties" which title and sections were last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) are hereby further amended to read as follows

Section 3 Any person not holding a certificate of registration under the provisions of the preceding section and desiring to obtain a license under this act shall make application under oath or affirmation in such form as the [department] State Board of Barber Examiners hereinafter referred to as the board shall prescribe Such application shall be accompanied by an affidavit which shall be made by a practicing physician and shall set forth that the applicant was examined that a test of his or her blood was made and that he or she is free from all contagious and infectious disease The applicant at the time of filing such application and affidavit shall pay to the [department] board an examination fee of five dollars or such other fee as may be fixed by the [department] board and shall present himself or herself at the next examination of applicants as hereinafter provided The [department] board shall thereupon proceed to examine such person after being satisfied that he or she is a citizen of the United States above the age of sixteen years free from contagious and infectious disease has a certificate showing graduation from an eighth grade school or its equivalent and has either (a) studied the occupation for a period of two years covering a period of at least 2500 hours as a registered apprentice under a qualified and practicing

barber as hereinafter provided or (b) studied the occupation and trained as a registered student in a registered and properly appointed and conducted barber school under the instruction of a registered teacher for a period of at least six months and served at least eighteen months covering a period of at least 1500 hours as an apprentice with a registered barber Under no circumstances shall student or apprentice receive wages directly or indirectly for service rendered If the [department] board is satisfied as a result of the examination the applicant is possessed of requisite skill in said occupation to properly perform all the duties thereof including his or her knowledge and ability in the antiseptic preparation of tools shaving hair cutting and all the duties and services incident thereto and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation and the knowledge of the Barber's Licensing Laws and rules and regulations of the [department] board adopted thereunder [it] the department shall enter his or her name in the register hereinafter provided for and shall issue a certificate of registration to him or her authorizing him or her to practice such occupation or to teach in registered barber schools as the case may be

For any person to be registered as a teacher in a barber school he must be at least twenty-three years of age a graduate from an approved high school or its equivalent and have had either (a) at least five years' experience as a registered barber in a registered barber shop or (b) training in a registered barber school of at least fifteen hundred hours in not less than ten months and in addition thereto two years' experience as a registered barber or in lieu of subsections (a) and (b) hereof fifteen years' experience as a barber five years of which experience shall have been as a registerd barbr in a registered barber shop in this State The examination for a teacher's certificate shall differ from the examination for a barber's certificate in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of barbering including ability to teach properly the various practices and theories of barbering physiology hygiene elementary chemistry relating to sterilization and antiseptics massaging and manipulating the muscles of the face neck scalp hair cutting bobbing shaving and trimming the beard dyeing the hair and the barber laws of this State and the rules and regulations adopted by the [department and advisory committee] board The registration fee for teachers shall be five dollars and the annual renewal fee shall be five dollars

Every person now owning or managing or who shall hereafter own or manage a barber shop which has not been heretofore registered shall file with the board an application for the registration of such barber shop which applications shall set forth the name and address of the owner of the barber shop and the address of the barber shop for which registration is sought The applicant at the time of filing the application shall have been a resident of the State for a period of at least six months and shall pay to the department the sum of two dollars

Section 4 (a) Any person who is at least eighteen years of age and of good moral character and temperate habits and has a certificate showing graduation from an eighth grade school or an equivalent education as determined by an examination conducted by the [department] board and either (1) Has a license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by this act or (2) can prove by sworn affidavits that he has practiced as a barber [in another state or country] for at least five years prior to making application in this State shall upon the payment of the required fee be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering Should he fail to pass the examination upon payment of the required fee he may take one other examination if he so desires In no event shall he or she be permitted to practice barbering until he or she has received a certificate of registration as a registered barber

Section 5 Nothing in this act shall prohibit any person from serving as an apprentice in such occupation under a registered barber of this Commonwealth or from serving as a student in any barber school for the training of students in said occupation under the training of a duly registered teacher authorized to teach such occupation in this Commonwealth Provided That such apprentice or student shall apply to the [department] board to have his or her name registered with the department in a book which shall be kept by the department and secure a permit upon the payment of a fee of [one dollar] two dollars which permit shall be valid for two years to practice as an apprentice under a duly registered barber or student under a duly registered teacher such permit to be displayed in front of his or her working chair Students upon graduation from a registered barber school and having served eighteen months' apprenticeship in a barber shop and apprentices upon completion of two years' apprenticeship in a barber shop as hereinbefore specified shall make application for examination at the next regular period specified in this act In case the applicant fails to pass such examination he or she shall secure a new apprentice permit upon the payment of a fee of one dollar which shall be valid until the next succeeding examination

Apprentice permits not exceeding two to practice as an apprentice barber may be issued at the discretion of the [department] board

Section 2 Section six of said act is hereby amended to read as follows

Section 6 The [department] board shall hold public examinations [on the first Tuesdays] in March June September and December in the cities of Philadelphia Pittsburgh Scranton Harrisburg and Erie [at such hours] on such dates as the board shall prescribe

Section 3 Section eight of said act as amended by the act approved the ninth day of May one thousand nine hundred and thirty-five (P. L. 158) is hereby further amended to read as follows

Section 8 The certificate shall be renewed on or before the first day of [January] April in each year and the holders of said certificates of registration shall pay to the department the sum of two dollars or such other sum as may be fixed by the department for a renewal card Any holder of a certificate of registration who shall fail to apply for a renewal of his or her certificate on or before the first day of [January] April in each year and who continues the practice of barbering or any of its branches shall on conviction thereof before any magistrate alderman or justice of the peace be subject to a fine of not more than ten dollars to be collected by summary conviction as like fines are collected by law or in case of non-payment of the fine to undergo an imprisonment for a period not exceeding ten days Any such person shall have the right of appeal as in other cases of summary conviction

Section 4 Sections nine and ten of said act as last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) are hereby further amended to read as follows

Section 9 The [department] board may suspend or revoke any permit or certificate of registration granted [by it] under this act to any person who (a) habitually indulges in the use of ardent spirits narcotics or other stimulants to such an extent as in the opinion of the [department] board incapacitating such persons from the duties of a barber (b) has or imparts any contagious or infectious disease to any recipient of such person's services as a barber (c) performs work in an unsanitary or filthy manner or place of business (d) who is grossly incompetent (e) who conducts [his] the busines of barbering on Sundays (f) who displays any price list or signs pertaining to prices for barber services in or upon any part of premises of a barber shop in such manner that such list shall be visible from the outside of the barber shop (g) unethical or dishonest practice or conduct (h) employing an unlicensed person Before any such permit or certificate shall be suspended or revoked for any of the reasons contained in this section the holder thereof shall

have notice in writing of the charge or charges against him or her and shall at a day specified in said notice which shall be at least five days after the service thereof be given a public hearing before a duly authorized representative of the [department] board with a full opportunity to produce testimony in his or her behalf and to confront the witness against him or her Any person whose permit or certificate of registration has been so suspended or revoked may after the expiration of ninety days on application have the same reissued to him or her upon satisfactory showing to the board that the disqualification has ceased except where such certificate was suspended or revoked for having or imparting any contagious or infectious disease in which case a new certificate shall not be issued for a period of at least one year and then only after the provisions of this act have been fully complied with by such person in the same manner as if he or she had never been registered

Section 10 The [department] board may adopt reasonable rules and regulations prescribing the safety and sanitary requirements of each barber shop or barber school [in cooperation with the Department of Health] and shall cause the rules and regulations so approved to be printed in a suitable form and may transmit a copy thereof to the proprietor or person operating such barber shop or school which shall at all times be kept conspicuously displayed in such shop or school It shall be unlawful for any person to open either a new barber shop or move his shop to another place or take over as owner as existing barber shop unless the shop has a minimum length of at least ten feet for a one chair shop fifteen feet for a two chair shop and five feet additional in length for each additional chair unless the shop has a minimum width of not less than twelve feet when waiting chairs are not opposite or in line with barber chairs unless the shop has a minimum width of sixteen feet when waiting chairs are opposite or in line with barber chairs or until he or she has filed an application with the [department] board for the inspection [and] approval and registration of such shop It is further provided that no barber shop may open for business until said inspection has been had and the shop approved It shall be unlawful for any person to sleep in or for any owner or manager to permit any person to sleep in or use for residential purposes any room used as a barber shop or a school of barbering All rooms used for such purposes shall be used for barbering purposes [exclusively Any officer or duly authorized agent of the department] manicuring shoe shining and such allied business as may be approved by the board Any member of the board and any barber inspectors or investigators may enter and make reasonable examination of any barber shop or barber school during the business hours for the purpose of ascertaining the sanitary conditions thereof and ascertaining whether the shop or school and all persons working therein are properly licensed and registered Any barber shop barber school or tools appliances and furnishings in use therein kept in an unclean and unsanitary condition as to be a danger to health or to the creation and spreading of infectious and contagious diseases is hereby declared to be a public nuisance and the [department] board may suspend or revoke the certificate of the proprietor thereof or any person operating in such barber shop or school or the permit hereinafter required for such shop or school or both the certificate and permit

Section 5 Section eleven of said act is hereby amended to read as follows

Section 11 The department shall keep a register in which shall be entered the places to which and the names of all persons to whom certificates of registration or permits for serving apprenticeship or as students are issued under this act which register shall be open to public inspection during the business hours of the department

Section 6 Sections twelve thirteen and fifteen of said act as last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) are hereby further amended to read as follows

Section 12 In no barber shop shall there be more than one apprentice who must be at all times under the supervision of a barber authorized under this act to practice such occupation All barber schools shall keep prominently displayed at every entrance to said school a sign reading "Barber School" Any copartnership corporation or person desiring to operate or conduct a barber shop or barber school shall first secure from the department a permit or registration certificate to do so and shall keep the same prominently displayed The fee for registration of each barber school shall be fifty dollars and the annual renewal fee therefor shall be twenty-five dollars The [department] board may pass upon the qualifications appointments and course of study in said school which shall be not less than six months All barber schools shall have not less than one registered teacher for every twenty students and in no case less than one full-time teacher who shall be in attendance at all times during the hours the school is open for instruction

No school of barbering shall be granted a certificate of registration unless it requires as a prerequisite to admission thereto graduation from an eighth grade school or its equivalent as determined by an examination conducted by the [department] board and it shall attach to its staff as a part-time teacher a person licensed by the Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours which shall not be less than seven nor more than eight hours per day the school is open for instruction shall establish grades and hold examination before issuance of diplomas and shall be required to maintain a course of study requiring not less than [one thousand hours for completion in not less than] six months and shall comprise all of the subjects pertaining to barbering the barber laws of this State and the rules and regulations adopted by the [department] board and shall include practical demonstrations and theoretical studies and studies in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof

No school of barbering shall permit its students to practice barbering on the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after first being properly informed that the operator is a student No school of barbering shall directly or indirectly charge any money whatsoever for treatment by its students or for materials used in such service or treatments

Section 13 To shave or trim the beard to cut hair to shape the eyebrows to give facial and scalp massaging facial and scalp treatment with any preparations made for this purpose either by hand or by mechanical or electrical appliances to singe and shampoo the hair or apply any makes of hair lotions or hair tonics and to dye hair of any person for compensation direct or indirect the person performing such service shall be construed as practicing the occupation of barber within the meaning of this act No person shall practice or attempt to practice barbering for compensation directly or indirectly in any place other than a registered barber shop except that any registered barber in a registered barber shop may furnish barber services to persons at their place of residence or in institutions in cases of sickness incapacitation confinement and other emergencies Provided however That nothing contained in this section shall be construed to include hospitals or colleges and private schools for children so-called beauty shops or hair-dressing parlors or schools of beauty culture except that it shall be unlawful and a violation of this act for any person to employ or to accept employment in any such shops parlors or schools who has been refused a certificate by the [department] board

Section 15 Any barber apprentice or student who shall practice the occupation of barber while suffering from contagious or infectious disease or who shall knowingly serve any person afflicted with such disease shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars

or undergo an imprisonment not exceeding thirty days or both at the discretion of the court.

Any barber apprentice or student who shall infect any person or who shall impart any contagious or infectious disease by reason of carelessness or negligence in the practice of such occupation shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo imprisonment not exceeding six months or both at the discretion of the court

Nothing contained in this act or the act to which this is an amendment shall be construed as prohibiting any municipality from adopting appropriate ordinances not inconsistent with the provisions of this act or the rules and regulations adopted thereunder as may be deemed necessary to promote the public health and safety and regulate the conduct of barber shops and schools and any municipality shall have power by proper ordinances to fix the days and hours during which barber shops in the said cities may be open for business [Provided however That in any such ordinance provisions shall be made that a designated local health or police official may upon application of the proprietor of any barber shop and upon proof that barber service to the public so requires issue a permit effective for a limited time for the operation of a particular barber shop at such times outside of any beyond those fixed in the said ordinances as is required by temporary public necessity with the power to renew the said permit upon further proof of public necessity] All municipalities having proper ordinances shall have power to enforce the provisions of this act and its amendments

It shall be unlawful

(a) To own manage operate or control any barber shop unless continuously hot and cold running water be provided for therein except in communities lacking such facilities

(b) To own manage operate or control any barber school or part or portion thereof whether connected therewith or in a separate building wherein the practice of barbering is engaged in or carried on unless all entrances to the place wherein the practice of barbering is so engaged in or carried on shall display a sign indicating that the work is done by students exclusively

(c) To own manage control or operate any barber shop unless the same displays a recognized sign indicating that it is a registered barber shop which shall be clearly visible at the main entrance to said shop

(d) For the owner of any barber shop to display a permit or certificate of registration of any barber not employed in such shop

The [department and advisory committee] board shall have power to make such other rules and regulations and prescribe such other sanitary requirements as shall be deemed necessary to carry out the provisions of this act

The department shall employ at least five inspectors or investigators who shall be qualified barbers or any other investigators or inspectors of barber shops and barber schools who have been practicing barbering in the State of Pennsylvania for a period of five years immediately preceding their appointment and must be a citizen of the United States shall be required to devote their entire time to the inspection of barber shops barber schools and to the enforcement of the provisions of this act

Any person who shall violate any of the provisions of this act except as herein otherwise provided shall upon summary conviction thereof be sentenced to pay a fine of not less than ten dollars nor more than ninety dollars or to undergo an imprisonment of not less than ten days nor more than sixty days or both at the discretion of the court Any such person shall have the right of appeal as in other cases of summary conviction

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 132

Achterman,	Gerard,	McIntosh,	Sarraf,
Allmond,	Goodwin,	McLane,	Scanlon,
Auker,	Greenwood,	McSurdy,	Schwab,
Balthaser,	Gryskewicz,	Melchiorre,	Shaffer,
Bentzel,	Haberlen,	Mihm,	Shepard,
Boney,	Haines,	Modell,	Snyder,
Boorse,	Hamilton,	Monks,	Sollenberger,
Bower,	Harmuth,	Mooney,	Sorg,
Bradley,	Heatherington,	Moran,	Stambaugh,
Brunner, P. A.,	Hering,	Moul,	Stank,
Burns,	Herman,	Munley	Stine,
Burris,	Hirsch,	Nunemacher	Stockham,
Cadwalader,	Jefferson,	O'Brien,	Tarr,
Chervenak,	Jones, G. E.,	O'Connor,	Tate,
Chudoff,	Jones, P. N.,	O'Dare,	Thompson, R. L.,
Cohen, M. M.,	Keenan,	O'Mullen,	Turner,
Cohen, R. E.,	Kline,	O'Neill,	VanAllsburg,
Cook,	Knoble,	Petrosky,	Vincent,
Cooper,	Komorofski,	Pettit,	Vogt,
Cordier,	Krise,	Polaski,	Voldow,
Croop,	Lee, E. A.,	Polen,	Watkins,
Dalrymple,	Lesko,	Powers,	Weingartner,
DiGenova,	Levy,	Prosen,	Weiss,
Dolon,	Lichtenwalter,	Rausch,	Welsh, E. B.,
D'Ortona,	Longo,	Readinger,	Welsh, M. J.,
Duffy,	Lovett,	Reese, R. E.,	Williams,
Early,	Malloy,	Regan,	Winner,
Elliott,	Marks,	Reynolds,	Wolf,
Finestone,	Maxwell,	Rhea,	Woodring,
Finnerty,	McClanaghan,	Rooney,	Wright,
Flynn,	McDermott,	Rose, S.,	Yester,
French,	McFall,	Rosenfeld,	Young,
Gallagher,	McGrath,	Rush,	Kilroy, Speaker
Gates,			

NAYS 39

Baker,	Gross,	Leydic,	Sarge,
Baugher,	Gyger,	McDowell,	Skale,
Bentley,	Habbyshaw,	McMillen,	Trout,
Boles,	Hall,	Muir,	Wagner,
Brown,	Hare,	Reese, D. P.,	Wilkinson,
Cochran,	Harkins,	Rose, W. E.,	Wood, N.,
Dix,	Harris,	Royer,	Woodside,
Ely,	Holland,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes a former member of the House, the gentleman from Berks, Mr. Chester A. Mohn.

MR. TURNER IN THE CHAIR

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 671, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Gov-

ernor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 So much as relates to the Department of Public Instruction of section two hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of departments boards and commissions and prescribing the all deputies and other assistants and employes in certain manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (P. L. 1865) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

* * * * *

In the Department of public Instruction

State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Barber Examiners
State Board of Veternary Medical Examiners
State Board of the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers

Section 2 Article four of said act is hereby further amended by adding at the end thereof a new section to read as follows

Section 453 State Board of Barber Examiners The State Board of Barber Examiners shall consist of the Superintendent of Public Instruction ex officio and five members Each member of the board at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania shall have been a registered barber under the laws of this Commonwealth and shall have continuously followed the occupation of barbering in the Commonwealth for a period of at least five years next preceding his appointment

The board shall elect one of its members as chairman and shall elect a secretary who need not be a member of the board

Three members of the board shall constitute a quorum and any action or order of the board shall require the approval of at least three members

The secretary shall have such powers and shall perform such duties not contrary to law as the board shall prescribe The Secretary shall have power and authority to designate from time to time one of the clerks appointed by the board

The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars ($15.00) per diem for each day actually devoted to the work of the board and the Secretary shall receive such reasonable compensation as shall be determined by the board with the approval of the Superintendent of Public Instruction

Section 3 Section one thousand three hundred ten of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (P. L. 1865) is hereby further amended to read as follows

Section 1310 Professional Examining Boards The professional examining boards within the Department of Public Instruction shall respectively exercise the rights and powers and perform the duties by law vested in and imposed upon them provided however that all certificates and official documents of such examining boards shall be issued by the Department of Public Instruction but may be signed by the members of the appropriate board or any of them as determined by such board

Subject to the preceding provisions of this section and to any other inconsistent provisions in this act contained

The State Board of Medical Examination and Licensure shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Dental Council and Examining Board shall continue to exercise the powers and perform the duties by

law vested in and imposed upon the said board the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania

The State Board of Optometrical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Board of Optometrical Education Examination and Licensure

The State Board of Osteopathic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania

The Osteopathic Surgeons' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners for Registration of Nurses shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Barber Examiners shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Veterinary Medical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examination of Public Accountants shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners of Architects shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The Anthracite Mine Inspectors' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Mine Inspectors' Examining Board created by the act approved the ninth day of June one thousand nine hundred and eleven (P. L. 760) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" and the amendments and supplements thereto

The State Registration Board for Professional Engineers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

Section 4 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agred to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—133

Achterman,	Gallagher,	McLanahan,	Rosenfeld,
Allmond,	Gerard,	McLane,	Rush,
Auker,	Greenwood,	McSurdy,	Sarraf,
Balthaser,	Gryskewicz,	Melchiorre,	Scanlon,
Baugher,	Cyger,	Mihm,	Schwab,
Bentzel,	Haberlen,	Modell,	Shaffer,
Boles,	Haines,	Monks,	Shaw,
Boney,	Hamilton,	Mooney,	Shepard,
Boorse,	Harkins,	Moran,	Snyder,
Bower,	Heatherington,	Moul,	Sorg,
Bradley,	Hering,	Munley	Stank,
Brown,	Herman,	Nunemacher	Stockham,
Brunner, P. A.,	Jefferson,	O'Brien,	Tarr,
Chervenak,	Jones, G. E.,	O'Connor,	Tate,
Chudoff,	Jones, P. N.,	O'Dare,	Thompson, E. F.,
Cohen, M. M.,	Keenan,	O'Mullen,	Thompson, R. L.,
Cohen, R. E.,	Kline,	O'Neill,	Turner,
Cooper,	Knouse,	Owens,	VanAllsburg,
Cordier,	Kolankiewicz,	Petrosky,	Vincent,
Croop,	Krise,	Pettit,	Vogt,
Dalrymple,	Lesko,	Polaski,	Voldow,
DiGenova,	Lichtenwalter,	Polen,	Watkins,
Dix,	Longo,	Prosen,	Weingartner,
Dolon,	Lovett,	Rausch,	Weiss,
D'Ortona,	Malloy,	Readinger,	Welsh, M. J.,
Duffy,	Marks,	Reese, D. P.,	Williams,
Early,	Maxwell,	Reese, R. E.,	Wolf,
Elliott,	McClanaghan,	Regan,	Wood, L. H.,
Finestone,	McClester,	Reynolds,	Woodring,
Finnerty,	McDermott,	Rhea,	Wright,
Fletcher,	McFall,	Riley,	Yester,
Flynn,	McGrath,	Rooney,	Young,
Foor,	McIntosh,	Rose, S.,	Kilroy, Speaker
French	McKinney,		

NAYS—23

Dennison,	James,	Rank,	Trout,
Ely,	Lee, E. A.,	Rose, W. E.,	Wagner,
Habbyshaw,	Leydic,	Royer,	Wilkinson,
Hall,	McDowell,	Sarge,	Wood, N.,
Hare,	McMillen,	Serrill,	Woodside,
Harris,	Muir,	Skale,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1207. (Senate Bill No. 285), Printer's No. 105, was passed over at the request of the Speaker, pro tempore.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1228, as follows:

An Act to amend sections three and four of the act approved the fifth day of June one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trademark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" exempting the sale of books to libraries from the provisions of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three and four of the act approved the fifth day of June one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" are hereby amended to read as follows

Section 3 This act shall not apply to any contract or agreement between wholesalers or between producers or between retailers as to sale or resale prices nor shall the provisions of this act apply to or fix or limit prices at which any books may be sold or offered for sale to a library located in this State

Section 4 The following terms as used in this act are defined as follows

"Producer" means grower baker maker manufacturer or publisher

"Commodity" means any subject of commerce

"Library" means the following non-profit organizations administering a collection of books for non-profit purposes The national and state governments counties cities boroughs towns townships school districts vocational school districts universities colleges schools archives offices museums and literary educational professional scientific fine arts and religious societies

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boies,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel	Trout,
Cohen, R. E.,	Herman,	Nunemacher	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher.	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 499, as follows:

An Act to amend section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by preventing the reduction in pay or position of any police officer or firemen by reason of any superannuation classification

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" is hereby amended to read as follows

Section 18 No officer clerk or employe in the classified civil service of such city shall be removed discharged or reduced in pay or position except for just cause which shall not be religious or political Further no such officer clerk or employe shall be removed discharged or reduced except during the probationary period until he shall have been furnished with a written statement of the reasons for such action and been allowed to give the removing officer such written answer as the person sought to be removed may desire In every case of such removal or reduction a copy of the statement of the reasons therefor and of the written answer thereto shall be furnished to the civil service commission and entered upon its public records

No police officer or fireman except those dismissed during probationary period shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense Such charges may be filed by any superior officer or by any citizen or taxpayer and shall within thirty days after filing be heard investigated and determined by the commission or by one of the commissioners or by some person or board appointed by the commission to hear investigate and determine the same Where one person is appointed by the commission to hear such charges he shall be a person learned in the law Where a board is appointed to hear such charges at least one member of such board shall be learned in the law The hearing shall be public and the accused and his counsel shall have the right to be heard

The finding and decision of the commission or commissioner or of such person or board when approved by the commission shall be certified to the appointing authority and shall be forthwith enforced by such authority

Provided however That nothing herein contained shall permit the reduction in pay or position of any police officer or fireman by reason of any superannuation classifications

Nothing herein contained shall limit the power or any superior officer to suspend a subordinate for a reasonable period not exceeding thirty days pending hearing and decision Every such suspension shall be without pay Provided however That the commission shall have authority to investigate every such suspension and in case of its disapproval it shall have power to restore pay to the employe so suspended

All papers filed in any hearing under this section shall be public records of the commission

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. D'ORTONA. Mr. Speaker, in asking your support of House Bill No. 499 I wish to present a few pertinent facts.

For the past year it has ben the practice that, when a policeman or fireman reaches the age of sixty years he has in many instances been reduced in rang from first class to second class, such reduction in rank carrying with it a reduction in pay of five hundred and ninety dollars per year per person.

At this time such artificial standards of demotion may prove a hardship with a stepped-up industrial program. With the taking of younger men for defense needs the Police and Fire Bureaus face an added responsibility and the need for experienced men will become greater.

Such demotions, forcing experienced members of the police and fire forces to do the same work at greatly reduced pay would be both unfair and unwise. A much fairer and wiser solution would call for a physical examination to determine the man's fitness to carry a full

schedule of work and no such demotion should occur unless such examination demonstrates that the man is not fit to do the work.

This would be the fair and equitable course to pursue and would ensure that these men who have so faithfully served their city would not suffer an unjust demotion due simply to their having reached the age of sixty years.

So therefore, Mr. Speaker and Members of the House, I ask support of this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flynn,	Marks,	Rosenfeld,
Allmond,	Foor,	Maxwell,	Royer,
Auker,	French,	McClanaghan,	Rush,
Baker,	Gallagher,	McClester,	Sarge,
Balthaser,	Gates,	McDermott,	Sarraf,
Baugher,	Gerard,	McDowell,	Scanlon,
Bentley,	Gillan,	McFall,	Schwab,
Bentzel,	Gillette,	McGrath,	Serrill,
Boies,	Goodwin,	McIntosh,	Shaffer,
Boney,	Greenwood,	McKinney,	Shaw,
Boorse,	Gross,	McLanahan,	Shepard,
Bower,	Gryskewicz,	McLane,	Simons,
Bradley,	Gyger,	McMillen,	Skale,
Breth,	Habbyshaw,	McSurdy,	Snyder,
Bretherick,	Haberlen,	Melchiorre,	Sollenberger,
Brown,	Haines,	Mihm,	Sorg,
Brunner, C. H.,	Hall,	Modell,	Stambaugh,
Brunner, P. A.,	Hamilton,	Monks,	Stank,
Burns,	Hare,	Mooney,	Stine,
Burris,	Harkins,	Moran,	Stockham,
Cadwalader,	Harmuth,	Moul,	Tarr,
Chervenak,	Harris,	Muir,	Tate,
Chudoff,	Heatherington,	Munley,	Thompson, E. F.,
Cochran,	Helm,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nunemacher,	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor	VanAllsburg,
Cooper,	Holland,	O'Dare,	Vincent,
Cordier,	Huntley,	O'Mullen,	Vogt,
Corrigan,	Imbrie,	O'Neill,	Voldow,
Croop,	James,	Owens,	Voorhees,
Cullen,	Jefferson,	Petrosky,	Wagner,
Dalrymple,	Jones, G. E.,	Pettit,	Watkins,
Dennison,	Jones, P. N.,	Polaski,	Weingartner,
DiGenova,	Keenan,	Polen,	Weiss,
Dolon,	Knoble,	Powers,	Welsh, E. B.,
D'Ortona,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Duffy,	Komorofski,	Rank,	Wilkinson,
Early,	Krise,	Rausch,	Williams,
Eckels,	Lee, E. A.,	Readinger,	Winner,
Elder,	Lee, T. H.,	Reagan,	Wolf,
Elliott,	Leisey,	Reese, D. P.,	Wood, L. H.,
Ely,	Lesko,	Reese, R. E.,	Wood, N.,
Falkenstein,	Levy,	Regan,	Woodring,
Finestone,	Leydic,	Reynolds,	Woodside,
Finnerty,	Lichtenwalter,	Rhea,	Wright,
Fisher,	Longo,	Riley,	Yeakel,
Fiss,	Lovett,	Rooney,	Yester,
Fleming,	Lyons,	Rose, S.,	Young,
Fletcher,	Malloy,	Rose, W. E.,	Kilroy, Speaker

NAYS—1

Dix,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 796, as follows:

An Act authorizing the payment of taxes in cities of the first class by partial or installment payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All taxes heretofore or hereafter assessed and levied within the limits of any city of the first class for city or school purposes may hereafter at the discretion of the taxable against whom the tax is charged be paid by installments or partial payments and the receiver of taxes shall accept from any taxable at any time amounts of not less than five dollars as payment on account of the taxes or any of them owned by such person and shall give a receipt therefor showing such partial payment and the specific tax on which such payment is credited

Section 2 When any partial payment of a tax is made to the receiver of taxes as herein provided the taxpayer shall be entitled to the discount or shall pay the penalty on the amount of such partial payment which is provided by law for the payment of such taxes during the period when such partial payment is made

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boies,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel,	Trout,
Cohen, R. E.,	Herman,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher,	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 60, as follows:

An Act validating compromise agreements and private sales made by the county commissioners of real estate purchased by them at county treasurers' sales whether or not such agrements and sales were made in compliance with the acts of assembly relating thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever the county commissioners of any county have heretofore purchased any real estate at a county treasurer's sale and thereafter agreed with any person to accept in compromise of the amount of taxes penalties interest and costs due thereon any sum less than the whole of such amount due or thereafter sold such real estate or any part thereof at private sale and have in pursuance of such agreement or sale conveyed such real estate to the person or persons with whom such agreement or sale was made and such compromise agreement or sale has been approved or confirmed by the court of common pleas of the proper county all such compromise agreements sales and conveyances are hereby ratified confirmed and validated and declared to be effectual to vest in the purchaser or person to whom such conveyance was made such title as the county commissioners had the right to convey notwithstanding any defect whatsoever in the procedure under which such agreement sale or conveyance was made and whether or not the provisions of the act or acts of assembly relating to such compromise agreements or private sales were compiled with Provided however That this act shall not apply to any case heretofore judicially adjudicated

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boles,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chadoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel	Trout,
Cohen, R. E.,	Herman,	Nunemacher	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhen,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher,	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Delaware, Mr. Turner, for presiding.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1187, as follows:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania Quarantine Station property and ceding to the United States jurisdiction over said land

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Property and Supplies with the approval of the Governor of the Commonwealth of Pennsylvania is hereby authorized to convey as a donation to the United States of America title to the land and buildings on the Delaware River below Philadelphia Pennsylvania which comprise the Marcus Hook Pennsylvania Quarantine Station property and which is now leased to the United States by the Department of Property and Supplies of the Commonwealth of Pennsylvania at a rental of one dollar ($1.00) per annum

The description of the property to be conveyed and jurisdiction ceded to the United States of America shall be such as the proper officials of the Commonwealth and the United States Government may agree upon

Section 2 The Governor of the Commonwealth of Pennsylvania is authorized to furnish the Attorney General of the United States without cost to the United States such evidences of a valid title to the aforesaid land as may be necessary to permit the said Attorney General to approve said title

Section 3 The consent of the Commonwealth of Pennsylvania is hereby given in accordance with the seventeenth clause eighth section of the first article of the Constitution of the United States to the acquisition by the United States of the aforesaid land and exclusive jurisdiction in and over the aforesaid land when acquired by the United States is hereby ceded to the United States for all purposes except the service thereon of all civil and criminal processes of the courts of this Commonwealth but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands

and so long as the said lands shall remain the property of the United States and no longer the same shall be and continue exempt and exonerated from all State county and municipal assessment taxation or other charges which may be levied or imposed under the authority of this Commonwealth

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman advise why this transfer is being made? What is the purpose?

Mr. ACHTERMAN. Mr. Speaker, I understand that the Federal government is desirious of constructing a new quarantine station at Marcus Hook, and is desirous of securing title to the land. I also understand in the event that title is not acquired, the site of the station will very likely be changed.

Mr. TURNER. Mr. Speaker, what department of the state government has approved it?

Mr. ACHTERMAN. I don't know, Mr. Speaker, that any particular department has approved it. However, may I state that transfer of the title can only be made with the approval of the Governor, under the bill.

Mr. TURNER. That is all, Mr. Speaker.

Mr. RUSH. Mr. Speaker, the quarantine station located at Marcus Hook at the present time, the State now owns the ground and the buildings and they are leased to the Federal government for the sum of one dollar a year on a 99 year lease. The present buildings are falling down and are badly in need of repairs. Under the present terms of the lease the Federal government cannot and will not repair those buildings and they desire to acquire the title to the ground so that they can build a new station and rebuild the present buildings.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boles,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Cyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel	Trout,
Cohen, R. E.,	Herman,	Nunemacher	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Malley,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher,	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes a former member of the House, the gentleman from Cumberland, Mr. William R. Shearer.

The Chair also welcomes another former member of the House, the gentleman from Montgomery, Mr. Frederick C. Peters

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 730, as follows:

An Act further regulating the trials of criminal cases and imposing certain duties on trial judges in the trial of such cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 On the trial of any person accused of the commission of any crime in any court of record of this Commonwealth it shall be the duty of the trial judge to require both the prosecuting or district attorney and the defendant's attorney or attorneys to conduct such trial from the same side of the bar or rail which separates the rostrum of the trial judge from the rest of the court room

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boies,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chieffo,	Heatherington,	Muir,	Thompson, E. F.,
Corbran,	Helm,	Munley	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel	Trout,
Cohen, R. E.,	Herman,	Nunemacher	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher	Lyons,	Rose, W. E.,	Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 869, as follows:

An Act to amend the act approved the fifteenth day of July one thousand nine hundred thirty-six (P. L. First Extraordinary Session 47) entitled "An act to enable persons associations partnerships and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confessions of judgments regulating the assignment and release of such mortgages and designating the operation and effect of the lien of such mortgages" by extending enlarging and removing the limitations from the class of those who may become chattel mortgages by making further provision respecting fees of recorders of deeds in connection with chattel mortgages extension of the lien of said mortgages and defaults of said mortgages and by defining violations and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifteenth day of July one thousand nine hundred thirty-six (P. L. First Extraordinary Session 47) entitled "An act to enable persons associations partnerships and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confessions of judgments regulating the assignment and release of such mortgages and designating the operation and effect of the lien of such mortgages" is hereby amended to read as follows

Section 1 That any person association partnership or corporation may enter into an agreement [with and borrow funds from the Government of the United States or any department agency or instrumentality thereof including among others the Reconstruction Finance Corporation and the R F C Mortgage Company on the security of the obligation of the borrower and] for the repayment of any funds [so] borrowed or of any then existing indebtedness [to the United States or any department agency or instrumentality thereof may be] evidenced by a bond containing a confession of judgment secured by a chattel mortgage upon any chattel or chattels of any kind or description Such mortgage shall be a lien against the chattel or chattels thereby conveyed and shall be good and available in law against any subsequent purchasers or execution creditors upon the recording thereof as hereinafter directed Such mortgage must be in writing signed by the mortgagor or his agent duly authorized and constituted and duly acknowledged by some person authorized to take acknowledgment of deeds Provisions contained in such chattel mortgage that property of the same class as is covered by the chattel mortgage shall be included in the mortgage lien if acquired by the mortgagor subsequent to the execution of the chattel mortgage and prior to its extinguishment and provisions that the chattel mortgage may secure future advances to be made by the mortgagee at his option within a period of three (3) years from the execution of such chattel mortgage but not to exceed in the aggregate an amount stated in said chattel mortgage and that all advances so made shall be secured by such chattel mortgage equally and to the same extent as the amount originally advanced on the security of such mortgage and that all such future advances shall be a lien upon the property therein described from the time of the recording of such chattel mortgage good and valid against and superior to all rights of subsequent creditors purchasers mortgagees and other lienors and encumbrances and any of them and provisions that the chattel mortgage may include replacements of any of the mortgaged property therein described shall be valid and binding

Section 2 Section two of said act is hereby amended to read as follows

Section 2 The chattel mortgage mentioned in the preceding section when executed and acknowledged as hereinbefore provided shall be recorded in the office for the recording of deeds for the county in which the mortgaged property is actually located at the time of the execution of such chattel mortgage and such recorder is hereby required to index and to record the same at length in a book to be by him kept in his said office to be provided at the expense of said county and to be called "Chattel Mortgage Book" and he shall duly certify the record of all such instruments in the manner provided by law for mortgages on real estate and such recorder shall be entitled to charge and receive for services rendered hereunder such fees as are provided by law for services rendered with respect to mortgages on real estate the following fees

For recording each chattel mortgage seventy-five cents ($.75)

For noting assignment on the margin of the page on which the chattel mortgage is recorded twenty-five cents ($.25)

For noting release or satisfaction or extension of each such chattel mortgage and the date thereof on the margin of the page of the book where the chattel mortgage is recorded twenty-five cents ($.25)

Such chattel mortgage shall except between parties

thereto take effect and be valid only from the time of recording as herein provided and in case of more than one chattel mortgage the first recorded shall have preference and be first paid out of the proceeds of the sale of the property mortgaged Such mortgage shall remain a lien on the mortgaged property as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five (5) years unless the lien thereof is extended [for an additional period of five (5) years] by the filing prior to the expiration of said lien with the recorder of deeds of the affidavit of the mortgagee or his successor in interest stating the amount then secured by the lien in which case the said mortgage shall remain a lien for an additional period of five (5) years from the date of the filing of such affidavit The lien of any mortgage may be further extended with like effect by the filing of successive like affidavits A notation of the filing of such affidavit and extension of lien shall be made on the margin of the original record of the chattel mortgage in the office of the recorder of deeds

Section 3 The said act is hereby amended by adding after section five the following new sections

Section 5.1 If the mortgagor without the consent of the mortgagee shall substantially injure the chattel or chattels subject to the mortgage or conceal or purport to sell or otherwise dispose of them or any substantial part of them under claim of full ownership or otherwise by his act or wilful neglect substantially impair the value of the agreed security save insofar as is consistent with reasonable use of the chattel or chattels such action shall constitute default But unless otherwise provided in the instrument the injury or destruction of the chattel or chattels without fault of the mortgagor shall not constitute default and such injury or destruction occurring before final sale on foreclosure shall not discharge the mortgagor from any obligation secured for which he is personally liable

Section 5.2 When prior to release or satisfaction of the mortgage the mortgagor maliciously or with intent to defraud and without consent of the mortgagee (a) shall conceal all or any substantial portion of the chattel or chattels subject to the mortgage or remove them from the county in which they are located at the time of the execution of the mortgage or shall procure or be a party to such concealment or removal and (b) shall thereafter or in conjunction therewith purport to sell or otherwise dispose of such chattel or chattels under claim of full ownership he shall be guilty of a misdemeanor and upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo an imprisonment not exceeding one (1) year or both

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boles,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Cyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel	Trout,
Cohen, R. E.,	Herman,	Nunemacher	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leicey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher,	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 480, as follows:

An Act to amend sections eight hundred thirty-four and eight hundred thirty-six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by making the crimes fraudulent conversion of property and cheating by fraudulent pretenses misdemeanors and modifying penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections eight hundred thirty-four and eight hundred thirty-six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" are hereby amended to read as follows

Section 834 Fraudulent Conversion of Property Whoever having received or having possession in any capacity or by any means or manner of any money or property of any kind whatsoever of or belonging to any other person or which any other person is entitled to receive and have fraudulently withholds converts or applies the same or any part thereof or the proceeds or any part of the proceeds derived from the sale or other disposition thereof to and for his own use and benefit or to and for the use and benefit of any other person is guilty of a [felony] misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding [five thousand dollars ($5,000)] one thousand dollars ($1,000) or to undergo imprisonment not exceeding [five (5)] two (2) years or both

The offense specified in this section may be joined in the same bill of indictment with any other felony or misdemeanor arising out of the same transaction and there may be included in the same indictment as many counts as there are separate and distinct misdemeanors hereunder committed against the same person

Section 836 Cheating by Fraudulent Pretenses Who-

ever by any false pretense obtains the signature of any person to any written instrument or obtains from any other person any chattel money or valuable security with intent to cheat and defraud any person of the same or being an officer manager agent employe of or in any way interested in any person by false pretense knowingly and with intent to defraud procures obtains or aids assists or abets in obtaining from any other person any chattels moneys or valuable securities for such person of which he is an officer manager agent employe or in which he is in any way interested is guilty of a [felony] misdemeanor and on conviction shall be sentenced to pay a fine not exceeding [five thousand dollars ($5,000)] one thousand dollars ($1,000) or undergo imprisonment not exceeding [five (5)] two (2) years or both

If upon the trial of any person indicted for such a misdemeanor it shall be proved that he obtained the property in question in such manner as to amount in law to larceny he shall not by reason thereof be entitled to be acquitted of such misdemeanor No person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boies,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel	Trout,
Cohen, R. E.,	Herman,	Nunemacher	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan	Huntley,	O'Mullen,	Voldow,
Croce	Imbrie,	O'Neill,	Voorhees,
Culler	James,	Owens,	Wagner,
Dale	Jefferson,	Petrosky,	Watkins,
Dennis	Jones, G. E.,	Pettit,	Weingartner,
DiGenova	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher,	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1105, as follows:

An Act naming the State Military Reservation at Indiantown Gap "Camp Muhlenberg"

Whereas The State Military Reservation at Indiantown Gap by reason of its location has been referred to and known as the Indiantown Gap Military Reservation and

Whereas It is the custom throughout these United States to name such reservations in honor of deceased distinguished militia y persons and

Whereas John Peter Gabriel Muhlenberg (1746-1807) preacher and soldier born at Trappe in this Commonwealth entered the Lutheran ministry and thereafter in time of national emergency took up arms in defense of his country becoming a major-general in the Continental Army taking part in the battles of Brandywine Germantown Monmouth and Yorktown and

Whereas Thereafter he became vice-president of the Supreme-Executive Council of Pennsylvania and was electd in 1801 as a Democratic-Republican to the United States Senate and

Whereas The Commonwealth should duly honor the achievements of that distinguished Pennsylvanian the said John Peter Gabriel Muhlenberg therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State Military Reservation at Indiantown Gap in this Commonwealth known and referred to as The Indiantown Gap Military Reservation shall hereafter be known and referred to as Camp Muhlenberg

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, in proposing this bill which would name the state military reservation at Indiantown Gap, Muhlenberg, I did so with the full realization that Pennsylvania has many famous military sons. However, we cannot call the Camp by the names of all those persons and I had to select one of them. I could think of no person who deserved this honor more than John Peter Gabriel Muhlenberg.

I am not going to burden the membership at this time with a recital of the great heroic and patriotic deeds of General Muhlenberg. In the last week unsolicited aid on the part of the president of Muhlenberg College at Allentown has been received, and I believe it has been very helpful in considering just who General Muhlenberg was and what he did for the Commonwealth of Pennsylvania and these United States.

I have heard some objection from persons who believe that the camp now has a name, but that is not so. The Camp is in the Indiantown Gap area and the area will, of course, retain its name, but I believe it is true that most of these camps have a name of their own and I think it is time this one should have a name. Therefore, I ask the members of the House to support this bill.

Mr. WOODSIDE. Mr. Speaker, as Mr. Habbyshaw and I have the honor of representing the Legislative District in which the Military Camp at Indiantown Gap is located,

we are interested in its name. We are proud not only of the splendid boys training there, of the capable commanding officer and his competent corps and of the fine physical equipment, but we are also proud of the name of Indiantown Gap Military Reservation by which it is known. We are opposed to changing its name to Muhlenberg.

There is no doubt but that a number of the most capable and loyal citizens of Pennsylvania bear German names, including my own mother. But I do not think it timely to abandon the true American name of Indiantown Gap for the name of Muhlenberg. Conrad Weiser, another good German name, has also been suggested for the Military Camp. Weiser was a diplomat. Whether he used "barroom diplomacy," or whether that form of diplomacy is an innovation of more recent diplomats from Pennsylvania I do not know. I do know however, that Conrad Weiser was a successful diplomat for he prevented the local Indians from joining the Paris-Iroquois Axis during the days of the French and Indian War.

If you insist on naming the Camp a good German name you might use that of my great grandfather, Neitz. He had vision. He saw the necessity of converting the Germans, and after being born in this country went over to Germany and established a church. Measured by present day observations he wasn't any more successful in converting them to the right way of life than his great grandson is in converting this House to his views.

Maybe the supporters of this bill feel that if we change the name of Indiantown Gap to Muhlenberg, Hitler might change the name of Heidelberg to Franklinville, or maybe Sophia to Earleville.

Personally, I know that the people of Dauphin County are opposed to changing the name of Indiantown Gap. Well can they be. It is truly American. It takes its name from an Indian village located at the Gap. The first white settlers there were great American patriots in the forefront of the American Revolution.

It was the settlers of this section who twenty-five months before the Declaration of Independence was signed adopted what are known as the Hanover Resolves in which they called for a closer union of the Colonies as a safeguard of the liberties of the people, and stated, "That in the event of Great Britain attempting to force unjust laws upon us by the strength of arms, our cause we leave to heaven and our rifles." This resolution was adopted on June 4, 1774, and on June 10th, the people of Middletown adopted a similar resolution, and the next day the people of Bill Habbyshaw's town of Hummelstown, followed suit.

The people of Dauphin County, descendants of these great patriots, are anxious to maintain the name of Indiantown Gap, the name by which they have known this spot. I believe that the boys located there, and the people of the Commonwealth as a whole, would prefer it to Muhlenberg.

Mr. MATTHEW J. WELSH. Mr. Speaker, I would not object to this bill, but Indiantown Gap is known all over Pennsylvania and I see no reason for changing the name of Indiantown Gap. When our boys leave from various parts of Pennsylvania as selectees, they usually are asked, "Where are you going?" They say, "We are going to Indiantown Gap." We know where they are going and they know where they are going, but if they say they are going to Muhlenburg we wouldn't know where they were going, we would not know where to find them.

I object to this bill, and I hope the Members of this House will not support it, but will retain the name of Indiantown Gap.

Mr. SARGE. Mr. Speaker, I rise in opposition of this bill, but first I want to correct a wrong impression that has been created by the two gentlemen who represent Dauphin County. In view of my innate modesty it is pretty hard for me to do this, but I want to call the attention of the Members of the House to the fact that Indiantown Gap is located in the fairest county in the state of Pennsylvania the County of Lebanon, and not in Dauphin County.

Very briefly I want to voice my objection to this bill. We of Lebanon County, Mr. Speaker, have a certain sort of respect for the name Indiantown Gap. We do not want to sacrifice that name merely for the privilege of changing the name to Muhlenburg. I hope the Members of this House will see fit to oppose this bill, and again were it not for my innate modesty I could suggest the name of a certain Lebanon County citizen, and perhaps it would be far better to name this camp after his name than to name it after Muhlenburg.

Mr. WOODRING. Mr. Speaker, I rise to lend my support to this bill for the reason that Mr. Muhlenberg was an outstanding Pennsylvanian and an outstanding American. Mr. Muhlenberg was at one time a vice-president of the Commonwealth of Pennsylvania. Mr. Muhlenberg was elected to the first Congress of the United States, he was a member of the United States Senate. He occupied other important offices in both the state of Pennsylvania and in the United States. More than that, however, Mr. Speaker, and Members of this House it is the spirit of Muhlenberg that commends him to me in the consideration of naming the Camp located at Indiantown Gap. When Muhlenberg was in the army of the Colonies he was criticised for having left his church to join the army. His reply was as follows:

> "I am clergyman, it is true, but I am a member of society as well as the poorest layman. My liberty is as dear to me as to any man. Shall I then sit still and enjoy myself at home when the best blood of the Continent is spilling? Do you think that if America is conquered I should be safe? Far from it. And would you not sooner fight like a man than die like a dog?"

Mr. Muhlenberg was a minister of the gospel, and in 1775 while occupying a charge in a Colony of Virginia, at the time of the Revolutionary War, he stepped down from the pulpit with these words:

> "There is a time for all things, a time to preach and time to pray; but there is also a time to fight and that time has now come."

Mr. Speaker and Members of the House, it seems to me that a man who had the spirit that Muhlenberg had, should commend himself to our consideration. It seems to me that we cannot do better than to name this Camp after Muhlenberg. I might say in answer to the opposition that has been voiced, that the Camp will still be at Indiantown Gap, and for those fond parents or friends, or relatives, or the boys out there, they will still be at Indiantown Gap, at Camp Muhlenberg, if you vote in favor of this bill.

Mr. TURNER. Mr. Speaker, there seems to be some difficulty in determining in what county this military reservation at Indiantown Gap is located, and there also seems to be a dispute among the Members of the House

as to the name which should be given to that military reservation. Therefore, in the spirit of compromise, I would like to offer the name of a great war governor, the present Governor of Pennsylvania, Arthur James.

Mr. HOLLAND. Mr. Speaker, I feel in justice to an ancestor, something should be said to repudiate some of the statements made by the gentleman from Dauphin. He seems to have given the impression to the Members of the House that all of the statesmen who fought for this country have German names. I know the names of Ryan, Donovan, Sheridan, the Mitchells, the O'Tooles and I might add the name of Holland is still Irish.

Mr. McMILLEN. Mr. Speaker, inasmuch as we are having such a hard time to decide what the name will be, whether we shall name it after a German, an Irishman or an Englishman, I wonder if we could not find here someone who has both Italian and German blood in him and just call it for short plain "Axis"

Mr. HARKINS. Mr. Speaker, we have at last found out where Indiantown Gap is. I suppose that great Indian scout who served as an interpreter to Conrad Weiser did not have any difficulty in locating that camp and I suppose he knew which county it was in, even if he did not know, or if we today don't know, or are not quite so sure of the exact location. It seems in the discussion here today that all of the early patriots came from the eastern part of Pennsylvania. I think if we are going to name it some other name, we might as well go out to western Pennsylvania and find some great names of early patriots there who, too, served the country in the war of Independence or in the early frontier days in the making of a new nation in the wilderness of Pennsylvania. We might name it after McDowell, who was a former member of the House of Representatives and one of the great leaders, or we might name it after a Fayette county leader, William Finley. I think if you look at the bill you will note that Muhlenberg was a vice president of the Supreme Executive council of Pennsylvania. I suppose most of us know of the peculiar type of government we had in the early history of Pennsylvania, when the Supreme Executive Council had a veto power no one now possesses over the acts of the Governor, but I am wondering if any of us know just what kind of a ticket he ran on in 1801 when he was elected as a Democrat and Republican. I am rather interested in hearing what kind straight ticket voting got him elected in those days.

Mr. Speaker, I believe these people up in the edge of Dauphin and Lebanon Counties, who claim joint ownership of this famous camp, have a right to have the name go down as it is. We might find that some of these new men who are selected or some of the National Guard, rather, will entrain for Muhlenberg and perhaps Lafayette will get some more football players by mistake. We all believe that the interest of the patriotism won't be bettered by changing the name at this late date. Nothing that we can do here will add to the glory that Muhlenberg rightly deserves and I think this bill will not accomplish anything but will engender a feeling in that we are tampering with things historical which we would be better off to let alone

Mr. WOODSIDE. Mr. Speaker, I have been trying to steal things away from Dave Sarge, but I have not been able to get away with it, and again today I am not able to get away with it. In order to keep the records straight I might say that a very large part of Indiantown Gap is of course located in Lebanon County, but there is also a portion of it in Dauphin County. Therefore, I am glad to claim joint ownership of Indiantown Gap with Dave Sarge and Bill Habbyshaw.

Mr. HEWITT. Mr. Speaker, my county of Indiana has two very large delegations at Indiantown Gap, one from Blairsville and the other from Indiana proper.

I rise to oppose this bill for one reason which has not been brought out as yet. The people in Indiana have finally learned to spell the name of Indiantown Gap, and in the event the name is changed to Muhlenberg I fear we will be unable to spell it.

Mr. READINGER. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. READINGER. Mr. Speaker, does the gentleman from Dauphin know of any other military reservation which is named after the locality where it is found, rather than some other name?

Mr. WOODSIDE. Mr. Speaker, I don't know whether there are any other or not.

Mr. READINGER. Thank you. Mr. Speaker, I have enjoyed the remarks made in the debate on this bill very much. Most of them, I believe, are facetious and very amusing. I noted with particular interest the fact that the great-grandfather or the great-great-frandfather of the gentleman from Dauphin went to Germany to convert some Germans, and it appears to me he had no greater success in doing that than the great-great-grandson has had in converting the Democratic party to the James program.

I would like to add also in answer to one of the statements made concerning the feelings of the boys at Indiantown Gap at the present time. Some one told me just today that he had spoken to some of them and they said, 'We don't care, we are going to Virginia next month anyway." But apart from the amusing statements which have been made here today I still think this camp should be given the name of an illustrious Pennsylvanian.

I might add at this point, in reply to the gentleman from Delaware, Mr. Turner, that I think he made an error. It should be named Camp Estes instead of Camp James.

Once again I am going to ask that you support this bill and honor this great Pennsylvanian.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—85

Achterman,	[illegible]e,	Maxwell,	Rooney,
Auker,	[illegible]y,	McDermott,	Royer,
Balthaser,	French,	McFall,	Rush,
Bentzel,	Gallagher,	McGrath,	Schwab,
Boles,	Gates,	McLane,	Shaffer,
Boney,	Gerard,	Mihm,	Snyder,
Boorse,	Greenwood,	Mooney,	Stockham,
Breth,	Gryskewicz,	Moran,	Tarr,
Brown,	Haberlen,	Moul,	Vogt,
Brunner, C. H.,	Haines,	Nunemacher	Voldow,
Brunner, P. A.,	Hamilton,	O'Brien,	Weiss,
Burns,	Hering,	O'Connor,	Wilkinson,
Chervenak,	Hirsch	O'Neill,	Winner,
Chudoff,	Jones, P. N.,	Owens,	Wolf,
Cohen, R. E.,	Keenan,	Pettit,	Wood, L. H.,

Cordier,	Kline,	Polaski,	Wood, N.,
Corrigan,	Lesko,	Powers,	Woodring,
Cullen,	Lichtenwalter,	Prosen,	Yeakel,
Dolon,	Longo,	Rausch,	Yester,
Early,	Lovett,	Readinger,	Kilroy,
Eckels,	Malloy,	Regan,	Speaker.
Elliott,	Marks,	Reynolds,	

NAYS—84

Allmond,	Cyger,	Levy,	Rose, S.,
Baugher,	Habbyshaw,	McClanaghan,	Rose, W. E.,
Bower,	Hall,	McClester,	Sarge,
Bradley,	Hare,	McDowell,	Serrill,
Cadwalader,	Harkins,	McIntosh,	Sorg,
Cooper,	Harmuth,	McKinney,	Stambaugh,
Dalrymple,	Harris,	McLanahan,	Stank,
Dennison,	Heatherington,	McMillen,	Tate,
DiGenova,	Helm,	McSurdy,	Thompson, E. F.,
Dix,	Hewitt,	Melchiorre,	Thompson, R. L.,
Elder,	Holland,	Monks,	Trout,
Ely,	Huntley,	Muir,	Turner,
Fiss,	Imbrie,	O'Dare,	VanAllsburg,
Fleming,	James,	Petrosky,	Vincent,
Fletcher,	Jefferson,	Polen,	Wagner,
Flynn,	Jones, G. E.,	Rank,	Watkins,
Foor,	Kolankiewicz,	Reagan,	Weingartner,
Gillan,	Krise,	Reese, D. P.,	Welsh, M. J.,
Gillette,	Lee, E. A.,	Reese, R. E.,	Williams,
Goodwin,	Lee, T. H.,	Rhea,	Woodside,
Gross,	Leisey,	Riley,	Wright,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION TO ADDRESS HOUSE

Mr. MELCHIORRE asked and obtained unanimous consent to address the House.

Mr. Speaker, on behalf of our Speaker and the Philadelphia delegation, I want to take this opportunity to thank those Members of the House and Senate who so graciously traveled to Philadelphia last Thursday, April seventeenth, to join us in our testimonial to our beloved Speaker, Elmer Kilroy, a gentleman's gentleman from Philadelphia.

The SPEAKER. The Chair also appreciates very much the Members having attended this banquet.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

REPORT ON ORGANIZATION AND ADMINISTRATION OF JOINT STATE GOVERNMENT COMMISSION

Mr. TURNER. Mr. Speaker, I would rather that someone else than I make this report, because I believe there is a man who as a Member of this House to whom much credit is due for the fact that we are now about to present the report. That man has labored hard from the summer of 1939 when the Joint State Government Commission was organized and until this report was sent to the printers. I refer to the gentleman from Dauphin, Mr. Habbyshaw, who was chairman of the subcommittee of the Joint State Government Commission, on departmental organization.

This afternoon there was in this House a former Member, the Honorable Philip Sterling of Philadelphia, under whose guidance was written the Sterling Committee Report, and it has been in use for a great many years and was perhaps the first hand book on the state government of Pennsylvania to be published and to be given to the public. So valuable have the reports become that they tell me it is hardly possible to buy one. They are selling now at five dollars apiece. The Sterling Committee report was a fine piece of work and it has been useful not only to the officials of the state government for a number of years but also to students of state government in Pennsylvania and has been constantly in demand.

The Joint State Government Commission thought there should be some text book or manual that would be available to the Members of the House and to the officials of the state government in order that they might readily find the duties, functions and powers that make up the organization of the different departments, boards and commissions of the state government.

This report, as I said, was prepared under the direction of the gentleman from Dauphin, Mr. Habbyshaw, but he is too modest to appear upon the floor, and has forced upon me the duty of presenting the report.

The report together with the recommendations are here. I am not going to attempt to read a statement which we have prepared with reference to the report. The statement has been given to the Press. The report will speak for itself.

It has been done by the offset method rather than putting it in final printing, because we felt that during this session there might be changes in some of the functions of the various departments and that should be left until the session has been completed when changes could be made.

During this session there certainly should be some provision for the printing of this report and the binding of it in a proper volume so that it may be in form for distribution, so that every Member of the Legislature may have it upon his desk and in the future Members may be able to secure copies of it.

In a separate cover you will find the recommendations of the Commission. They are quite extensive. They refer to many things that have been recommended not only by the departments, but have been gleaned by the members of the sub-committee of the Commission during the many, many hearings that were held and from reports that were delivered to the Commission.

In passing, I do not think that I ought to omit to say that the work in preparing this report was under the direction of Mr. Wasserman, executive director of the Joint-State Government Commission. The report would not have been possible had it not been for the help of a great many people on the outside.

The Pennsylvania State Economy League loaned out some of their staff in the latter part of 1940 and the early part of this year, and in the preparation of this volume some of the young men came in and helped out as volunteer employes, spent many hours and many Sundays in the office of the Joint-State Government Commission in order that we might have this work.

We hoped to be able to put it on the desks of the Members when the session convened. That was not found possible because of the difficulty encountered by many of the Departments in having the volume compiled. It had to be sent back to the Departments so that they could review it. It had to come back to be checked and that took a longer time than we anticipated. The copy was

sent to the printers over a month ago and it has taken considerable time to get it from the printer and have it available for you.

There are copies now available for each Member of the House, and I ask, Mr. Speaker, that at a convenient time the Page boys distribute these volumes to the Members. Remember that they are scarce and the reports are volumnious. The Members should guard them very carefully. The Page boys should distribute these volumes only to those Members whose names appear upon the volumes, and if the Member is not at his desk I would suggest that it be taken back to the Joint-State Government Commission office.

The SPEAKER. The gentleman from Delaware submits to the General Assembly a report and also a supplement to the report from the Joint-State Government Commission on the organization and administration of Pennsylvania State Government. The reports will be noted in the Journal of the House. Copies of the reports will be distributed to the Members at this time. The Page boys are instructed to distribute them to the Members.

The Chair would inquire of the gentleman from Delaware whether in his opinion the report should be printed in the Appendix to the Legislative Journal.

Mr. TURNER. Mr. Speaker, I think that is a rather difficult question to answer off-hand. It seems to me we might discuss that in the Joint-State Government Commission and consult with you and the Rules Committee as to what is the best disposition to make of it. It certainly ought to be in the Journal or in the appendix to the Journal if possible, but at the same time I realize the report is voluminous and there will be attached a considerable cost to printing it in the Appendix. Offhand I would say I should like to see it printed in the Appendix, but we might pass that for discussion among ourselves at some later time.

The SPEAKER. For the moment the Chair will not direct the report to be printed in the Appendix to the Legislative Journal, pending further investigation.

Mr. TURNER. Mr. Speaker, I should have said in my opening remarks that I am presenting this report through the courtesy of the present Chairman of the Joint State Government Commission and the Director, who very courteously asked me to submit it to the House. It was a real work and was prepared during the time I was Chairman, but the Commission has changed and I appreciate the courtesy extended.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 885, as follows:

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for filling vacancies in the office of township commissioner

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred and thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as last amended by the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 906) is hereby further amended to read as follows

Section 530 Township Commissioners When a vacancy occurs in the office of township commissioners in any township by reason of death resignation removal from the township or ward or otherwise the [court of quarter sessions upon the petition of twenty qualified voters of the ward or township as the case may be in which the vacancy occurs may appoint a qualified voter of the township to fill such vacancy If such petition is not presented to the court within thirty days after such vacancy occurs the board of township commissioners of the township may] board of township commissioners of such township shall fill such vacancy by appointing by resolution a qualified voter of the ward or township as the case may be in which the vacancy occurs If the board of township commissioners of any township shall refuse fail or neglect or be unable for any reason whatsoever to fill such vacancy within thirty (30) days after the vacancy occurs then the court of quarter sessions shall upon the petition of twenty (20) qualified voters of the ward or township as the case may be in which the vacancy occurs appoint a qualified voter of the township to fill the vacancy In either event the person so appointed shall hold office until the first Monday of January succeeding the next municipal election occurring at least sixty days after the happening of such vacancy at which election a township commissioner shall be elected for the unexpired term of the person whose place he is elected to fill

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boles,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley	Thompson, R. L.
Cohen, M. M.,	Hering,	Nagel	Trout,
Cohen, R. E.,	Herman,	Nunemacher	Turner,
Cook,	Hewitt,	O'Brien,	VanAllsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
		Readinger,	

Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Falkenstein,	Lesko,	Reynolds,	Woodside,
Finestone,	Levy,	Rhea,	Wright,
Finnerty,	Leydic,	Riley,	Yeakel,
Fisher,	Lichtenwalter,	Rooney,	Yester,
Fiss,	Longo,	Rose, S.,	Young,
Fleming,	Lovett,	Rose, W. E.,	Kilroy, Speaker.
Fletcher	Lyons,		

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1157, as follows:

An Act to validate and confirm certain contracts heretofore entered into by Boards of Township Supervisors where the Township has received in maintenance and improvement of its highways a reasonable quid pro quo for such contracts and to authorize ratify confirm and validate payments on such contracts by the Township and to provide that no Township Supervisor shall be subject to surcharge for payments made on any such contract

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That whenever any Board of Township Supervisors of any township of the Second Class shall have heretofore hired any work to be done purchased any materials or made any contracts for the township the hiring purchasing or making of which is authorized under the provisions of the Second Class Township Laws of the Commonwealth and such Township has received in maintenance and improvement of its highways a reasonable quid pro quo for such hiring purchasing or contracting and no fraud or dishonesty on the part of the said Township Supervisors has been shown then such hiring purchasing and contracting shall be valid and binding on the township and payment for such hiring purchasing and contracting by the township is hereby authorized ratified confirmed and validated notwithstanding the fact that such contract was legally null and void by reason of the fact that moneys were expended on contracts let for the repair and maintenance of the highways in excess of the sums budgeted and appropriated for such purposes or that money was paid out of the township treasury upon appropriation not made according to law or that no appropriation was made in the budget for such hiring purchasing or contracting or that disbursements were made without previous appropriation according to law and for payment of obligations legislatively declared to be beyond the power of the supervisors to incur or by reason of any other defect in compliance with or for failure or omission to comply with the township laws of this Commonwealth regulating the hiring of any work to be done the purchasing of any materials or the making of any contracts No Board of Township Supervisors nor any member thereof shall be subject to surcharge for payments made by any Board of Township Supervisors on any such contract even though judgment may have already been entered against any such township supervisors on any such contract even though judgment may have already been entered against any such township supervisor or supervisors

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REAGAN. Mr. Speaker, there is something about this bill that is hard to understand. In the first page it speaks of purchases and so forth, contracts, which are authorized under the provisions of the second class townships laws of the Commonwealth.

Later it goes on to say that this purchasing and contracting is alright or is validated, notwithstanding that the fact that such contract was legally null and void by reason of the fact that moneys were extended on the contracts in excess of the sum in the budget. Further on that appropriations not made according to law, or dispersements that were made without previous appropriations according to law or obligations legislatively declared to be beyond the power of supervisors, in other words, they can do things according to the first page which are legal and on the second page they can do things which are illegal.

Of course, in the body of the bill, it says provided they have received quid pro quo—evidently Mr. Sarge or Mr. Cohen could explain that. It surely opens up a wonderful situation made to order for enterprising salesmen. They can talk these supervisors into buying something, whether it is legal or not, and be sure of getting their pay. Then at the finish, these township supervisors are exonerated from any surcharges which may be made against them. I wonder who is holding the bag in this case,—no legal responsibility anywhere. I think we should vote against this bill.

Mr. LONGO. Mr. Speaker, I fell that the speaker who spoke in opposition to this bill is not entirely familiar with the surrounding circumstances.

The provision that is provided for in this act is merely to validate certain contracts made by township supervisors in the performance of their duties. These contracts were made not according to the technical provisions of the law. We have a precedent in the House, in the Chester School District Case, where the school district was surcharged with a considerable sum of money because their vouchers were not signed according to the act. This House passed a bill at that time rectifying the condition and the surcharge which amounted to over $240,000, I believe, was corrected, so that the error could be changed to mean that the vouchers were properly signed.

In this particular case the gentleman has asked a question, who would be holding the bag? There is no doubt in the instant case which this is meant to correct, that the supervisors in this district have made a mistake technically in having these contracts provide a road for the township. They spent slightly more than the budget accounted for. The auditor surcharged the supervisors for that amount, being eleven thousand and some odd dollars, but every penny of that money that was used by the supervisors of that township was used on the highways of that township. There isn't any question here as to the integrity of the supervisors nor dishonesty in disbursing the funds in accordance with their best judgment, for the best interests of the township, and I believe it would leave a considerable loophole in all townships if these laws were permitted to remain as strict as they are, in providing that any township supervisor who does not hold to the appropriation set forth in the budget, should be subject to surcharge. We all know the supervisor's salary is very, very slight, especially in certain townships, and if the supervisors were to be subject to surcharges of this kind,

it would be physically impossible for any man of any consequense or responsibility in the community to run for office, for fear that he would have to stand for a surcharge.

I certainly ask the members of this House to go along in voting to pass this bill.

Mr. JAMES. Mr. Speaker, I believe it would be just as well if we got down to honest facts and the true purpose of this bill. This bill is plainly designed to throw a legislative mantle of mercy over a group of county supervisors who are in serious trouble because of their behaviour in office as public servants. I suppose it very rarely happens that the Members of this House have the opportunity to collectively display that rarest of all human qualities, mercy. I intend to vote for this bill. I intend to vote for it with a full understanding of the frank meaning of the bill. At least a few of us have received a communication which clearly sets forth the entire reason for this bill. The communication says in part:

> "This bill is necessitated by a decision of the Supreme Court of Pennsylvania holding a board of supervisors in Northampton county personally responsible for money lawfully spended in the construction of a township road."

The mistake in that sentence, gentlemen, is the word "lawfully," because when township supervisors spend the money of their taxpayers and neighbors over and above and beyond the strict provisions of the law, they have not spent that money lawfully.

This communication goes further and it says:

> "The Board of Supervisors made a technical violation of the law with no dishonest intent."

I am perfectly willing to believe that there was no dishonest intent, insofar as their having spent the money for goods of value or for services that were fully worth the amount of money spent. But it is just as dishonest for such supervisors to spend the money of the taxpayers over and beyond the provisions of the strict provisions of the law, as it is to spend that same money for goods that are worth far less than the money spent.

I say again that I am going to vote for this bill but I do not think this House should vote for it in a perfunctory manner. I think something should be written into the record with respect to this vote in nature of a rebuke to those supervisors who have misbehaved in office, and as a warning to other supervisors who at the present time are stepping mighty, mighty close to the very edge of the law.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Fletcher,	Longo,	Riley,
Allmond,	Flynn,	Lovett,	Rooney,
Auker,	Foor,	Lyons,	Rose, S.,
Baker,	French,	Malloy,	Rose, W. E.,
Balthaser,	Gallagher,	Marks,	Rosenfeld,
Baugher,	Gates,	Maxwell,	Royer,
Bentley,	Gerard,	McClanaghan,	Sarge,
Bentzel,	Gillan,	McClester,	Sarraf,
Boies,	Gillette,	McDermott,	Scanlon,
Boney,	Goodwin,	McDowell,	Schwab,
Boorse,	Greenwood,	McFall,	Serrill,
Bower,	Gross,	McGrath,	Shaffer,
Bradley,	Gryskewicz,	McIntosh,	Shaw,
Breth,	Gyger,	McKinney,	Shepard,
Bretherick,	Habbyshaw,	McLanahan,	Simons,
Brown,	Haberlen,	McLane,	Skale,
Brunner, C. H.,	Haines,	McMillen,	Snyder,
Brunner, P. A.,	Hall,	McSurdy,	Sollenberger,
Burns,	Hamilton,	Melchiorre,	Sorg,
Burris,	Hare,	Milm,	Stambaugh,
Cadwalader,	Harkins,	Modell,	Stank,
Chervenak,	Harmuth,	Monks,	Stine,
Chudoff,	Harris,	Mooney,	Stockham,
Cochran,	Heatherington,	Moran,	Tarr,
Cohen, M. M.,	Helm,	Moul,	Tate,
Cohen, R. E.,	Hering,	Muir,	Thompson, E. F.
Cook,	Herman,	Munley	Thompson, R. L.
Cooper,	Hewitt,	Nagel	Turner,
Cordier,	Hirsch,	Nunemacher	VanAllsburg,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Huntley,	O'Connor,	Vogt,
Cullen,	Imbrie,	O'Dare,	Voldow,
Dalrymple,	James,	O'Mullen,	Voorhees,
Dennison,	Jefferson,	O'Neill,	Wagner,
DiGenova,	Jones, G. E.,	Owens	Watkins,
Dolon,	Jones, P. N.,	Petrosky,	Weingartner,
D'Ortona,	Keenan,	Pettit,	Weiss,
Duffy,	Kline,	Polaski,	Welsh, E. B.,
Early,	Knoble,	Polen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Powers,	Wilkinson,
Elder,	Komorofski,	Prosen,	Williams,
Elliott,	Krise,	Rank,	Winner,
Ely,	Lee, E. A.,	Rausch,	Wolf,
Falkenstein,	Lee, T. H.,	Readinger,	Wood, L. H.,
Finestone,	Leisey,	Reese, D. P.,	Woodring,
Finnerty,	Lesko,	Reese, R. E.,	Wright,
Fisher,	Levy,	Regan,	Yeakel,
Fiss,	Leydic,	Reynolds,	Yester,
Fleming,	Lichtenwalter,	Rhea,	Young,
			Kilroy, Speaker

NAYS—5

Dix,	Rush,	Trout,	Wood, N.,
Reagan,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR NOT VOTING

Mr. WOODSIDE filed the following reasons for not voting:

I have not voted on H. R. 1157, Printer's No. 293. The bill although general in character is likely to be of particular benefit to certain township supervisors whom I have recently represented in a matter to which this bill relates. Although I will not benefit in any way from the passage of this bill, and although I am satisfied that this is not such a case as contemplated by the constitutional provision relating to personal interest of legislators, I nevertheless feel it would be better practice for me not to vote on this bill.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 658, as follows:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred three (P. L. 106) entitled "An act authorizing and empowering the city treasurers of the several cities of the second class and third class of this Commonwealth to sell at public sale all properties upon which the taxes assessed and levied are delinquent and remain unpaid" by adding thereto section nine and one-tenth authorizing the devestiture of mortgages judgments and charges against properties sold at such sales in cities of the second class by common pleas court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the thirtieth day of March one thousand nine hundred three (P. L. 106) entitled "An act authorizing and empowering the city treasurers of the several cities of the second class and third class of this Commonwealth to sell at public sale all properties upon which the taxes assessed and levied are delinquent and remain unpaid" is hereby amended by adding thereto after section nine a new section to read as follows

Section 9.1 When any real estate having a mortgage judgment or other charges against it posssessing priority over taxes is sold at such treasurer's sale in cities of the second class the purchaser of said real estate including the city if it becomes the purchaser may at any time present a petition to the court of common pleas of the county wherein such property is situate setting forth the necessary facts and circumstances relative to the sale and purchase of said property the names and last known addresses where known of the legal holder or holders of such mortgage judgment or other charge against the same the amount thereof and the place where recorded Thereupon a rule shall be granted upon the legal holder or holders of such mortgage judgment or charge against said real estate to show cause why a decree should not be made that the said real estate be discharged from the lien or charge of such mortgage judgment or other charge unless th said real estate beredeemed in accordance with the provisions of this act The rule shall be made returnable within sixty (60) days from final service thereof on all parties in interest and in case no answer be filed or the said real estate is not redeemed as provided for in this act the said rule shall be made absolute by the court as of anytime after the period for redemption expires and if no appeal be taken from said rule absolute within three months the court shall enter a final decree discharging the said real estate from the lien or charge of any such mortgage judgment or other charge against the same and cited in the petition except taxes due other municipal sub-divisions and upon the production of a certified copy of said decree the recorder of deeds or any other person having the custody of the records wherein such mortgage judgment or other charge is recorded shall note thereon the effect of such decree and charge the usual satisfaction fee therefor The effect of such decree so entered shall forever thereafter discharge the said real estate from the lien or charge of any such mortgage judgment or other charge regardless of any priority exception or exemption heretofore given the same by law In case an answer be filed to said petition before the return day or appearance entered the matter shall be proceeded with as the court shall direct to final decree or refusal thereof and either petitioner or respondent shall have the right to appeal from the discharge or making absolute of said rule and the court in its discretion may extend the period for redemption pending the termination of any proceedings before it The said rule shall be served and returned as writs of summons are served and returned except that any interested party or his attorney may accept personal service thereof In case the whereabouts of interested parties is unknown to the sheriff after inquiry or they reside without the Commonwealth the sheriff shall post the property with a copy of said rule and advertise a brief notice thereof once in two daily newspapers of general circulation in the county where said real estate is situate In case at any time during the redemption period the said property is redeemed all proceedings on said petition shall be determined and the record shall be marked discontinued by petitioner If said petition is presented to the court after the period for redemption has expired the respondent or any party in interest shall have the right to redeem the property at any time during the course of the proceedings

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester	Sarraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boles,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gygel,	McLane,	Skale,
Breth,	Habbyshaw	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C R.,	Hall,	Mihm,	Stambaugh,
Brunner, P A	Hamilton,	Modell,	Stank
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris	Moul,	Tate
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley,	Thompson, R. L.,
Cohen, M M.,	Hering,	Nagel,	Trout,
Cohen, R E.	Herman,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	Van Allsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G E.,	Pettit,	Weingartner,
DiGenova,	Jones, P N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E B.,
Dolon,	Kline,	Powers,	Welsh, M J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood L. H.,
Elliott,	Lee, T. H.,	Reese, David P.,	Wood, N.,
Ely,	Leisey,	Reese, R E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeakel,
Fisher	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher,	Lyons,	Rose, W E.,	Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 975, as follows:

An Act to amend section two of the act approved the twenty-ninth day of April one thousand nine hundred and fifteen (P. L. 200) entitled "An act creating in counties having over eight hundred thousand and less than one million five hundred thousand inhabitants according to the last preceding United States census a board to fix and determine the number and compensation of employes in all county offices boards bureaus departments and divisions thereof prescribing the powers and duties of said board and regulating appeals from the decision thereof" by providing for annual meetings of the salary board in second class counties at the call of the chairman of the board of county commissioners

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-ninth day of April one thousand nine hundred and fifteen (P. L. 200) entitled "An act creating in counties having over eight hundred thousand and less than one million five hundred thousand inhabitants according to the last preceding United States census a board to fix and determine the number and compensation of employes in all county offices boards bureaus departments and divisions thereof prescribing the powers and duties of said board and regulating appeals from the decision thereof" is hereby amended to read as follows

Section 2 (a) The Salary Board shall meet annually prior to the adoption of the annual budget at the call of the chairman of the board of county commissions to fix the number and compensation of all employes whose salary is by law to be determined by the salary board Each county officer president or executive head of any separate board or division is hereby required to attend said annual meeting and to sit as a member of said board and shall be entitled to vote so long as any matter affecting his office is under consideration and no longer Nothing contained herein shall however be construed to prevent the salary board from functioning at said annual meeting in the absence of any county officer president or executive head on matters affecting his office provided due notice of the annual meeting has been given fifteen days in advance thereof by the chairman of the board of county commissioners In all cases decisions of the salary board shall be made by a majority of those present A full minute of all meetings of said board shall be entered in a book kept for that purpose

(b) The said board shall also meet from time to time [when required by] at the call of any county officer president or other executive head of any separate board or division whatsoever [the number or compensation of whose employes is sought to be fixed and determined and shall forthwith consider and fix and determine the same in manner as they may deem best for the public service and such county officer president or executive head shall sit as a member of said board and be entitled to vote so long as the matter affecting his office is under consideration and no longer and a decision of the majority shall govern] to consider the number or compensation of the employes of his office In the case of such special meetings of the Board a decision of a majority shall govern and minutes shall be kept as provided above [A full minute of all meetings of said board shall be entered in a book kept for that purpose]

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer
Auker,	French,	Maxwell,	Rush
Baker,	Gallagher,	McClanaghan	Sarge,
Balthaser,	Gates,	McClester	Sarraf
Baugher,	Gerard,	McDermott	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab
Bentzel,	Gillette,	McFall	Serrill,
Boles,	Goodwin	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane	Skale,
Breth,	Habbyshaw	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy	Sollenberger,
Brown	Haines	Melchiorre	Sorg,
Brunner C H	Hall,	Mihm,	Stambaugh,
Brunner P A	Hamilton	Modell,	Stank
Burns,	Hare	Monks,	Stine,
Burris,	Harkins	Mooney,	Strickham
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate
Chudoff,	Heatherington,	Muir,	Thompson, E. P.,
Cochran,	Helm,	Munley,	Thompson, R. L.,
Cohen M M,	Hering,	Nagel,	Trout,
Cohen R E,	Herman	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	Van Allsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G E.,	Pettit,	Weingartner,
DiGenova,	Jones, P N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E B.,
Dolon,	Kline,	Powers,	Welsh, M J.,
D'Ortona	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood L H.,
Elliott,	Lee, T H.,	Reese D P.,	Wood, N.,
Ely,	Letsey,	Reese, R E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic	Rhea,	Yeakel,
Fisher,	Lichtenwalter	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose S.,	Kilroy
Fletcher,	Lyons,	Rose W E.,	Speaker,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1176, as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty two and one thousand nine hundred forty-three permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten million dollars ($10 000,000) is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred forty-two out of the Motor License Fund for allocation to and expenditures in the townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this act

Section 2 The moneys hereby appropriated shall be allocated and apportioned among the second class townships of this Commonwealth in the ratio which the mileage of township roads in each township of the second class bears to the total mileage of township roads in all of the townships of the second class in the Commonwealth as of January first one thousand nine hundred forty-two

The funds so apportioned shall be expended by the township supervisors of each township and shall be used for the maintenance construction reconstruction resurfacing and improvement of township roads and the maintenance construction and reconstruction of township bridges in townships of the second class excepting that in townships which do not have sufficient funds from other sources for the maintenance and repair of all the roads and bridges under their jurisdiction the allocatoin to such townships shall be used in whole or in part for such maintenance and repair purposes

Section 3 Nothing in this act shall be construed to relieve any of the second class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred forty-two for the construction or repair of any highway or structure now under their jurisdiction

Section 4 The supervisiors of each township shall appoint a foreman who may be a member of the board of supervisors to supervise the work to be done under the provisions of this act and may appoint one or more additional foremen if they shall deem it necessary so to do Said supervisors shall also employ any laborers required for said work and fix their wages

Nothing herein contained shall be construed to prevent work under the act being done by contract let by the township supervisors

Section 5 No payment shall be made from moneys allocated under this act to the townships of the second class except on warrants drawn by the Auditor General upon the State Treasurer as provided by the act of Assembly to the treasurer of the board of supervisors on vouchers approved by the Secretary of Highways and such payment if approved by the Secretary of Highways shall be made in four equal installments payable the first day of March the first day of June the first day of September and the first day of December of each year

There shall be submitted to the Department of Highways by the board of township supervisors a report on the last days of May and November of each year showing the cost of the work done under the provisions of this act in such detail as may be required by the Department of Highways In case any records or reports required by law are not made in the manner or at the time required no further funds shall be approved for payment by the Secretary of Highways to such township until such reports have been made and approved

Nothing in this act shall be construed to permit the funds appropriated by the act to be paid for other than labor rental of equipment payrolls material purchases including repair parts for equipment small tools road drags and snow fence on road and bridge work performed by the townships under the provisions of this act

Nothing herein contained shall be construed to prevent the use of any of the funds allocated under this act for Feueral projects sponsored by the townships or for county-aid work relating to the improvement of roads and bridges

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. FISS. Mr. Speaker, seldom in one's life as a Member of the House of Representatives of Pennsylvania, is there an occurrence such as this. I do not rise to oppose this measure I arise to support it. However, I do want the Members of this House to know that on February 3rd this identical bill was introduced into this House. I do not even have to mention the names of the men who sponsored Bill 154, introduced in February. I know that you know this bill; it is known all over the state of Pennsylvania. It is in practice now. You are working under this bill at the present time. Just why there would have to be other sponsors seems a mystery. I do not think I would do that. However, if someone else does I think it is a great compliment to pick out a good bill, a good piece of legislation, and present it to this House. I want to thank the men who did this because they are paying the gentleman from Bradford and the gentleman from Northampton, as well as myself, a high compliment. They certainly have picked out a very worthy piece of legislation. If they had any desire in mind to fool the people of Pennsylvania, I don't know what it might have been.

The bill as it was originally introduced was word for word the same as this bill. It was amended in Committee —a few little amendments, one being ten million dollars instead of eight million five hundred thousand dollars, which could be very easily have been done without any objection on the part of the sponsors. I want to now thank them for taking this bill and introducing it because we certainly want it to pass. It means much to the people of the Commonwealth of Pennsylvania. You have heard plenty about home rule, and this is a perfect, one hundred percent home rule measure. It gives five thousand elected representatives of the people of Pensylvania a share in their government. It gives them some responsibility as well as an excellent opportunity to serve everyone in their districts. Again it gives about 30,000 men, not full time but at different times work throughout the state of Pennsylvania. Since we have been working for a little over a year under this measure it certainly has proven workable, it has proven satisfactory, I would say to ninety-five percent of the 1512 townships in the state of Pennsylvania.

I want to again say to the sponsors of this bill that I thank them, whoever it was who took the bill. Whether it was because we were just nasty Republicans that they could not bear, I do not know, but something really was the cause of it. Let me repeat, I only want to thank you for taking up a good measure which we certainly want every Member of this House to support.

Mr. ACHTERMAN. Mr. Speaker, now that the gentleman has spoken relative to the measure he introduced, House Bill 154, sometime when he has the opportunity I would suggest that he take House Bill 154 and compare it with House Bill 1176, and then if he is inclined so to do I would suggest that he compare the two as to their effectiveness. He will discover House Bill 154 was very very remote from home rule. He will find that House Bill 1176 does give what he says is home rule. That is the difference in the two bills, plus one other argument, and that is the amount of the appropriation, ten million dollars against his eight million five hundred thousand dollars, only two very small differences, Mr. Speaker, but according to the viewpoint of the supervisors, there is all the difference in the world between the two bills.

May I say for the benefit of the gentleman who spoke that our party declared this as our policy in January prior to the introduction of his bill which was not a home rule bill.

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to find out from the gentleman why the Democratic policy has been changed from what it was in 1935 and 1937 to what it is in 1941.

Mr. ACHTERMAN. Mr. Speaker, it is very simple to answer that. The two years of operation the supervisors have had under the Republican administration have amply justified the change. They, the supervisors, have had an opportunity to see how autocrats rule, and they were desirous of getting away from it.

Mr. WOODSIDE. Mr. Speaker, my recollection is that in 1935 and 1937, the Democrats made certain that all the

money that was spent out of the moneys appropriated to the township supervisors would be under the regulation and the control of Democratic politicians. That was not the law in the 1939 Session or the practice.

Mr. FISS. Mr. Speaker, I have been wondering just why this bill was taken and introduced, but now I have found out. I am glad that the gentleman from Monroe has enlightened us on the subject, but allow me to say this: there is a record on every board of Supervisors in the state of Pennsylvania to the effect that they have up to ninety-five percent profited and agreed to this measure known as the Fiss-Gillette bill, up until today, because we are working under this measure at the present time. It could well be made by a little stroke of the pen 1776 as well as 1176 because the people of Pennsylvania and in every district prior to that have certainly been ground under the heel of the oppressor.

Allow me to give you an example. Under the former act, which was unworkable, one county might receive as much as six hundred dollars a mile for their roads, another county might receive thirty dollars a mile. These things are a matter of record. You know it is a highly technical art that teaches one to remember, but I certainly do not know of any that teaches a man to forget. If these little flimsy excuses that they make will assuage their guilty conscience, or possibly remorseful feeling, then I might say we have the answers to the excuses. But let us hope that these things will end some time or other and we give credit where credit is due, because the people of Pennsylvania will never recognize this bill as coming from this Legislature. It is a copied bill that came from the Fiss-Gillette bill in 1939, but no matter who would be the sponsor of this measure, I say to you to vote for it as I am going to do.

Mr. TROUT. Mr. Speaker, one thing has been strange to me and that is that this proposed legislation and practically all legislation that comes before the House is tinged with politics or efforts are made to tinge it politically. I do not say that legislation of this kind is political. It seems to me we are all interested in the development of our home townships and our home communities, and whether the bill is sponsored by Democrat or sponsored by a Republican, does not make any difference to me so far as the results back home are concerned. I think I belong to a group of rural legislators. I have not been initiated into the inner circle of the group that are publishing the "Rural Legislator," but I still feel that there are some things that I have in common with them.

The point I would like to make, Members of the House, and the thinks I would like to call to your attention, are to oppose this bill because I voted for it in 1939 and I will vote for it in 1941, and as far as our township and our district is concerned it has been entirely satisfactory. It has worked out very well so far as the improvement of our highways is concerned and the handling of the money.

I would like to give you for the record a few figures that might be of interest and which I think we should carefully consider after we have voted on this bill and before we go much further in legislation concerning highways.

Members of the House the receipts for the fiscal year 1940 from the State gasoline tax of two and one-half cents was $35,630,000 plus; the receipts from the motor license fees was $37,319,000 plus, or a total income for 1940 of $72,950,000 plus. The appropriation for the biennium of 1939-1941 to the Treasury Department sinking fund, employes retirement and so forth, was $12,176,000; Property and Supplies Highway purchasing was $63,500; World's Fair Commission, $312,500; refunding charges, Treasury Department, $145,000; State Motor Police, and this is rather interesting, salaries and expenses, $8,070,000; Department of Revenue collecting fees, fines, taxes, was $4,705,000; Department of Commerce, advertising was $4,000, or a total for the biennium of $25,872,015, and the year of 1940, taken out of that was $12,936,000 plus. The expenditures for 1940 were: administration, $6,178,000 plus; maintenance, $16,296,000; special work, $554,000 plus; purchase tools, land and equipment. $1,737,000 plus; allocation to Townships, which is in this bill that we are now considering, $5,543,000 plus or a total of maintenance or operating charges of $30,310,000 plus making a total appropriation of operating charges in the sum of $43,246,000 plus.

Now, gentlemen, that left a balance in 1940 of $29,703,895 for construction and maintenance of construction applicable to over 40,000 miles of highway now in charge of the highway department. Let us look at the proposals for allocation that are now being considered. In the Governor's message he recommended that there be expended $50,00,000 for approaches to Philadelphia, at the rate of $10,000,000 a year. House Bill 1315 provides for that now. The Pittsburgh allocation was $5,000,000 a year. The bridges over rivers was $2,000,000. House Bill 1176, the bill that we are going to vote on now, provides for $5,000,000 per year, and the proposals for cities and boroughs provides for $7,500,000, which makes a total of proposed allocations out of the motor fund of $29,500,000. If all of those appropriations and proposed allocations are made, we will have a total of $29,500,000. The records of 1940 showed that there was a reconstruction amounting to $29,703,000, and if the proposed legislation is enacted there will be remaining in the motor fund in the Highway Department for construction and reconstruction the sum $203,895. Now, I just want to say to you, Members of the House, that it seems to me that good legislation will require that there be careful consideration given to all these allocations, and of the amounts appropriated for special groups and special contracts and the House cannot and should not deprive the Highway Department of all but a quarter of a million dollars and then come back in 1943 and criticize the Highway Department for their failure to carry out a progressive program.

This afternoon we have had presented here a report from the Joint-State Government Commission. As I recall, I saw a partial report of a special committee that was investigating the highway program and highway financing, and if I remember rightly, there were two provisions, one which is being voted on today, which appropriated $8,500,000 to second class townships, and the other $15,000,000 to cities and boroughs. The third recommendation was that 15,000 miles out of the 40,000 be returned to the townships of the Commonwealth, and that that portion be taken care of by the township supervisors, and the Highway Department by legislation make an allocation of a certain number of dollars; I think it ran from seventy dollars a mile for a certain class of highway up to one hundred and seventy dollars a mile for a better class of highway, that money to be appropriated to the townships to take care of those 15,000 miles of highway, and classification be made from surveys that have been made by the Good Roads

Commission. To me, gentlemen of the House, that is a proper method of procedure, and that is what this House should work out. That would leave approximately twenty five thousand miles of highway under the jurisdiction of the Highway Department. I want to say to you now and I want to warn you that if we continue to allocate and if we carry out this proposed program, the Highway Department of this Commonwealth and the highways of the Commonwealth are going to go to rack, and you all know that. Why cannot we lay aside just a little bit of politics. There is enough here for any of us to go out in the campaign of 1942 and claim that we did this and you fellows claim that you did that. You know what was done anyhow, and a great many of our people back home won't forget what you did. Some of the Democratic orators and one or two Republican spokesmen might be able to go back home and convince them of the fact that it was their party who did it.

I plead with you, members of the House, before we go further in the allocation of money, and before we say to the Highway Department you have got to spend ten million dollars, you have got to spend five million, and the greater portion of that to be used to pay for property damage, I say to you it is time we Legislators should consider this problem more carefully. Whenever the Highway Department starts to pay property damage then you can see the end of your highway system.

Mr. ACHTERMAN. Mr. Speaker, Mr. Fiss made some reference to a slight stroke of the pen, 1176 might be considered as 1776. The year 1776 of course, brings to our memory the freedom of the American people and I want to say at this point that Bill 1176 will be just as effective as 1776. The year 1776 did bring freedom and so will Bill 1176 bring freedom to the supervisors of Pennsylvania from the autocratic control of the Highway Department. That is what Bill 1176 does. I can understand how it reminds the gentleman of 1776.

To the gentleman from Lancaster, my recollection of course, is that there were a number of measures introduced to take funds from Highways, that is from the Motor License Fund, the Gasoline Fund and making appropriations to special interests or municipalities. However, my recollection is that the one bill he mentioned of fifteen million dollars, I believe, included also second class townships. Of course, any measure that is passed in this House would take that into consideration, and make a deduction from that particular measure. I think the gentleman will find when the Assembly is through the Highway Department will have sufficient funds to properly function, if it desires to properly function.

Mr. AUKER. Mr. Speaker, I will be very brief. I understand a bill coming over from the Senate, passing the Senate by a vote of 45 to 1, which has been lying in the Highway Committee for some time, will possibly be reported out and will be up for a vote in this House. That bill provides the sum of $15,000,000 to be allocated to all of the municipalities of Pennsylvania. You know that the cities and boroughs have never before got a cent of this gasoline tax. The townships have come in here year after year and have gotten more than their share, much more than their share.

Now, as regards raiding the Highway Fund of $15,000,000 provided in Senate Bill 245, I believe it is, that is made up entirely of excesses in gasoline tax funds over and above the amount the Highway Department now received. In other words, in 1939 and 1940 the Highway Department received $67,778,000; in 1941 and 1942, based on the increments that have occurred in that fund since 1939 and 1940, they will receive $4,000,000 more, so that even if this $15,000,000 bill does pass, the Highway Department is not going to suffer one bit, in fact they are going to gain.

I was very reluctant when I first saw the bill to vote for it, but I have been given to understand that this particular Senate bill is going to come out and in view of that understanding, that the cities and boroughs will share themselves in this part of this fund, that is altogether, the three of them, the boroughs, cities and townships will only receive $15,000,000 I am going to ask my colleagues to vote for this bill.

Mr. LOVETT. Mr. Speaker, I have listened with a great deal of attention to the debate on this particular piece of legislation. It seems the thing we are most worried about here is that someone is stealing a bill from somebody else. If my memory serves me right, I think in the 1939 session I worked and spoke in support of the bill that the gentleman spoke about on the other side and I asked the members of this House to support that piece of legisaltion.

I wanted to agree with my floor leader on this side, to the effect that we possibly made this a better piece of legislation and do not see any reason why we should squabble about it. I think everybody has its mind made up that this is good legislation. Why not just vote on it and forget about politics?

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boies,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley,	Thompson, R. L.
Cohen, M. M.,	Hering,	Nagel,	Trout,
Cohen, R. E.,	Herman,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	Van Allsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson	Petrosky,	Watkins,
Dennison,	Jones, C	Pettit,	Weingartner,
DiGenova,	Jones, P	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
	Knoble,	Prosen,	Wilkinson,

D'Ortona,	Kolankiewicz,	Rank,	Williams,
Duffy,	Komorofski,	Rausch,	Winner,
Early,	Krise,	Readinger,	Wolf,
Eckels,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elder,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Elliott,	Leisey,	Reese, R. E.,	Woodring,
Ely,	Lesko,	Regan,	Woodside,
Falkenstein,	Levy,	Reynolds,	Wright,
Finestone,	Leydic,	Rhea,	Yeakel,
Finnerty,	Lichtenwalter,	Riley,	Yester,
Fisher,	Longo,	Rooney,	Young,
Fiss,	Lovett,	Rose, S.,	Kilroy
Fleming,	Lyons,	Rose, W. E.,	Speaker.
Fletcher,			

NAYS 0

..The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1174, Printer's No. 303, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1175, as follows:

An Act to amend section six hundred fifteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred fifteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 615 After the organization of the State [Board] Council of Education provided for in this act no public school buildings shall be contracted for constructed or reconstructed in any school district of the second third or fourth class until their plans and specifications have been submitted to the State [Board] Council of Education and any recommendations concerning the same by the State [Board] Council of Education have been laid before the board of school directors [Provided When any school building is being constructed or remodeled at the time of the approval of this act or when a contract has been awarded for the construction or remodeling of any school building such building may be constructed or remodeled without being subject to the provisions of this section] Provided however That where repairs or alterations are proposed to be done which will not tend to change the basic structure or eliminate required construction features and the cost of which will not exceed one thousand dollars ($1,000) no submission of plans for such repairs or alterations to the State Council of Education shall be required

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achtern	Flynn,	Malloy,	Rosenfeld,
Allmond	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Saraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boles,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.	Hamilton,	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel,	Trout,
Cohen, R. E.,	Herman,	Nunemacher,	Turner,
Cooper,	Hewitt,	O'Brien,	Van Allsburg,
Cordier,	Hirsch,	O'Connor,	Vincent,
Cook,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeakel,
Fisher,	Lichtenwalter,	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher,	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1156, Printer's No. 308, was passed over at the request of Mr. HARKINS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 582, as follows:

An Act to further amend section one thousand one hundred twenty-five and to amend section one thousand one hundred twenty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" specifying the reasons for making deductions from salary of and suspending and dismissing policemen and the procedure in connection therewith including limitations on the powers of the borough council and burgess creating a board of review to be appointed by the borough council and defining the powers and duties of said board

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand one hundred twenty-five of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 689) is hereby further amended to read as follows

Section 1125 (a) Appointment Burgess to Have Control Borough councils may appoint [and remove] one or more suitable persons citizens of this Commonwealth as borough policemen who shall have the power to arrest persons violating any ordinance of the borough the violation of which may subject persons to arrest Any person so arrested shall be received for confinement by the keepers of the jails lockups or station houses within the county The borough council may designate one of said policemen as chief of police The burgess of the borough shall have full charge and control of the chief of police and the police force and he shall direct the time during which the place where and the manner in which the chief of police and the police force shall perform its duties

The borough may by ordinance establish a police department consisting of chief captain lieutenant sergeants and any other classification desired by the council and council may designate the individual assigned to each office but the burgess shall continue to direct the manner in which the persons assigned to the office shall perform their duties The burgess may however delegate to the chief of police or other officers supervision over and instruction to subordinate officers in the manner of performing their duties By motion council may fix an hourly or daily wage to be paid to special policemen whose appointment is hereby authorized to be selected by the burgess during an emergency in which the safety and welfare of the borough and the public is endangered

(b) Exclusive Method to Suspend or Dismiss Et Cetera Policemen No policemen of any borough regularly appointed and having permanent duties shall suffer a deduction from salary or be suspended or dismissed without his consent in writing except after hearing before the board of review and then only in the manner hereinafter provided

(c) Board of Review Created Appointments Compensation Oath Officers In each borough having permanent policemen there is hereby created a board of review which shall be composed of three disinterested and impartial persons appointed by the borough council for terms of four years each Any vacancy occurring in the membership of the board of review shall be filled by the appointment of a member for the unexpired term The members of the board of review shall not receive any compensation Each member of the board of review shall take and subscribe an oath of office to perform his duties impartially and without fear or favor which oath shall be filed in the office of borough secretary The oath shall be administered by the burgess The members of the board of review shall elect one of their number as chairman The borough secretary shall be the secretary of the board of review It shall be his duty to keep the minutes of board and to preserve all records and proceedings of the board Each member of the board of review shall have power to administer oaths to witnesses appearing before the board

(d) General Powers of Board of Review The board of review shall have power and its duty shall be

(1) To hear charges lodged against policemen and filed with the borough council All such charges shall be in writing and shall clearly specify the reasons on which they are based

(2) To receive written charges from the borough council after the same have been filed

(3) To fix a time and place when hearings on any charges so received shall be held and to give not less than five days' notice of the time and place of hearing to any policeman against whom charges have been lodged Such hearing shall be fixed not later than thirty days after the receipt of charges from the borough council

(4) To issue subpoenas under the signature of the chairman requiring witnesses to appear and testify before the board and to produce papers documents and records pertinent to any such hearing

(5) Within ten days after the completion of the hearing of charges lodged against any policemen to make recommendations in writing to the borough council either that I the charges lodged against such policeman be dismissed II the policeman suffer a deduction from salary not exceeding one hundred dollars ($100) during such period of time as the board shall specify III the policeman be suspended from duty without pay for such period of time not exceeding six months as the board shall specify or IV that the policeman be dismissed from service and also to immediately furnish a copy of such recommendations to the policeman affected

(e) Nature of Charges Again Policeman The only charges which shall be sufficient to make a policeman liable to suffer deduction from salary suspension or dismissal shall be

(1) Physical or mental disability affecting his ability to continue in service in such cases the board of review may recommend honorable discharge from service

(2) Neglect or violation of any official duty

(3) Violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony

(4) Inefficiency intemperance disobedience of orders or conduct unbecoming an officer

(5) Intoxication while on duty

(f) Effect of Recommendations The recommendations of the board of review in any case shall be advisory only and shall have no force or effect unless adopted by the borough council within thirty days after receipt thereof by said council If the recommendations made are adopted the council shall act only in accordance with such recommendations notice of the adoption of such recommendations shall immediately be given to the policeman

(g) Appeals by Policemen Any policeman aggrieved by the recommendations made by the board of review which shall have been adopted by the borough council shall have the right to appeal by petition within thirty days after such adoption to the court of common pleas of the county which court shall hear the charges lodged against a policeman de novo either before a judge or judges thereof or before a jury where a jury trial is demanded by the policeman The issue befor the court or court and jury shall be whether the recommendations of the board of review should be affirmed or be modified in any respect or whether the charges should be dismissed Where a jury trial has been demanded the judge hearing the case shall frame proper questions for the jury to answer

(h) Refusal to Obey Subpoena If any person shall fail to obey any subpoena of the board of review or shall refuse to testify or to produce any papers documents or records the board may present a petition to the court of common pleas of the county setting forth the facts whereupon the court if it deems the testimony or the papers documents or records pertinent shall issue its subpoena requiring such person to appear before it and there to testify in relation to the matter

Section 2 Section one thousand one hundred twenty-seven is hereby amended to read as follows

Section 1127 Suspension by Burgess The burgess may [for cause and without pay] suspend any policeman [un the succeeding regular meetin; of the council at wh.h time the council may discharge or reinstate such policeman] against whom charges have ben lodged before or during the trial thereof for any period not exceeding thirty days but such suspension may be extended if after the recommendations of the board of review have been adopted by the borough council an appeal is taken to the court of common pleas as herein provided Such extended suspension may in the discretion of the burgess cover the duration of the proceedings in the court Where any policeman has been so suspended and the charges are dismissed by the board of review or on appeal the policeman shall receive full compensation for the entire period of suspension otherwise the suspension shall be without pay

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken. Messrs. Shaffer Goodwin and Gerard asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—196

Achterman,	Flynn,	Malloy,	Rose, W. E.,
Allmond,	Foor,	Marks,	Rosenfeld,
Auker,	French,	Maxwell,	Royer,
Baker,	Gallagher,	McClanaghan,	Rush,
Balthaser,	Gates,	McClester,	Sarge,
Baugher,	Gerard,	McDermott,	Sarraf,
Bentley,	Gillan,	McDowell,	Scanlon,
Bentzel,	Gillette,	McFall,	Schwab,
Boies,	Goodwin,	McGrath,	Serrill,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Haberlen,	McMillen,	Snyder,
Bretherick,	Habbyshaw	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.	Hall,	Mihm,	Stank
Brunner, P. A.	Hamilton,	Modell,	Stambaugh,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Thompson, E. F.,
Chudoff,	Helm,	Muir,	Thompson, R. L.,
Cochran,	Hering,	Munley,	Trout,
Cohen, R. E.	Herman,	Nagel,	Turner,
Cooper,	Hewitt,	Nunemacher,	Vincent,
Cordier,	Hirsch,	O'Brien,	Vogt,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrie,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Watkins
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Pettit,	Weingartner,
Dolon,	Jones, P. N.,	Polaski,	Welsh, E. B.,
D'Ortona,	Keenan,	Polen,	Welsh, M. J.,
Duffy,	Kline,	Powers,	Wilkinson,
Early,	Knoble,	Prosen,	Williams,
Eckels,	Kolankiewicz,	Rank,	Winner,
Elder,	Komorofski,	Rausch,	Wolf,
Elliott,	Krise,	Readinger,	Wood, L. H.,
Ely,	Lee, E. A.,	Reagan,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodside,
Finestone,	Leisey,	Reese, R. E.,	Wright,
Finnerty,	Lesko,	Regan,	Yeakel,
Fisher,	Levy,	Rhea,	Yester,
Fiss,	Leydic,	Riley,	Young,
Fleming,	Lichtenwalter,	Rooney,	Kilroy,
Fletcher,	Longo,	Rose, S.,	Speaker.
	Lyons,		

NAYS—9

Cook,	Lovett,	Reynolds,	Van Allsburg,
Dix,	Petrosky,	Shaffer,	Woodring,
Heatherington,	Tate,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

MR. ACHTERMAN IN THE CHAIR

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1205, as follows:

An Act to amend subsections (b) and (c) of section two of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" to provide for the appointment of the members of the Board of Property Assessment Appeals and Review in second class counties by the county commissioners

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsections (b) and (c) of section two of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" are hereby amended to read as follows

Section 2

* * *

(b) The members of the board shall be appointed by the county commissioners [The member required to have not less than five years' experience as a practicing attorney at law or registered real estate broker or real estate appraiser or assessor shall be appointed on nomination of the court of common pleas of the county and in the event that there are within the county one or more cities of the second class two of the members required to have not less than five years' practical experience as a registered real estate broker or real estate appraiser or assessor and the member required to have not less than five years' practical experience as a building construction engineer or civil engineer shall be appointed on the nomination of the mayor or mayors of such city or cities acting jointly if more than one The remaining three members shall be directly appointed by the county commissioners subject to the qualifications of this act]

(c) The terms of the members first appointed shall begin on the first Monday of January one thousand nine hundred and forty-two Of such members first appointed [the member to be appointed on the nomination of the court of common pleas one of the members to be appointed on the nomination of the mayor or mayors of the city or cities of the second class if any and one of the members to be appointed without nomination] three shall be appointed for terms of six years [one of the members to be appointed on the nomination of the mayor or mayors of the city or cities of the second class if any and one of the members to be appointed without nomination] two shall be appointed for terms of five years and the two remaining members shall be appointed for

terms of four years Thereafter all appointments to fill vacancies happening by the expiration of a term shall be for terms of six years All appointments to fill vacancies happening in any manner other than by the expiration of a term shall be filled for the unexpired term only In each case whether or not the vacancy happens by the expiration of a term the appointment shall be made subject to the same requirements as in the case of the member whose vacancy is to be filled

Section 2 The provisions of this act shall become effective on the first Monday of January one thousand nine hundred and forty-two

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 199

Achterman	Foor,	Malloy,	Rosenfeld,
Allmond,	French,	Marks,	Royer,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan	Sarge,
Balthaser,	Gerard,	McClester	Sarraf,
Baugher,	Gillan,	McDermott,	Scanlon,
Bentley,	Gillette,	McDowell,	Schwab,
Bentzel,	Goodwin,	McFall,	Serrill,
Boles,	Greenwood,	McGrath,	Shaffer,
Boney,	Gross,	McIntosh,	Shaw,
Boorse,	Gryskewicz,	McKinney,	Shepard,
Bower,	Gyger,	McLanahan,	Simons,
Bradley,	Habbyshaw,	McLane,	Skale,
Breth,	Haberlen,	McMillen,	Snyder,
Bretherick,	Hall,	McSurdy,	Sollenberger,
Brown,	Hamilton,	Melchiorre,	Sorg,
Brunner, C. H.,	Hare,	Mihm,	Stambaugh,
Brunner, P. A.,	Harkins,	Modell,	Stank,
Burns,	Harmuth,	Monks,	Stine,
Burris,	Harris,	Mooney,	Stockham,
Cadwalader,	Heatherington,	Moran,	Tarr,
Chervenak,	Helm,	Moul,	Tate,
Chudoff,	Hering,	Muir,	Thompson, E. F.,
Cochran,	Herman,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Hewitt,	Nagel,	Trout,
Cohen, R. E.,	Hirsch,	Nunemacher,	Turner,
Cordier,	Holland,	O'Brien,	Van Allsburg,
Corrigan,	Huntley,	O'Connor,	Vincent,
Croop,	Imbrie,	O'Dare	Vogt,
Cullen,	James,	O'Mullen,	Voldow,
Dalrymple,	Jefferson,	O'Neill	Wagner,
Dennison,	Jones, G. E.,	Owens	Watkins
DiGenova,	Jones, P. N.,	Petrosky,	Weingartner,
Dolon,	Keenan,	Pettit,	Weiss,
D'Ortona,	Kline,	Polaski,	Welsh, E. B.,
Duffy,	Knoble,	Polen,	Welsh, M. J.,
Early,	Kolankiewicz,	Powers,	Wilkinson,
Eckels,	Komorofski,	Prosen,	Williams,
Elder,	Krise	Rank,	Winner,
Elliott,	Lee, E. A.,	Rausch,	Wolf,
Ely	Lee, T. H.,	Readinger,	Wood, L. H.,
Falkenstein	Leisey,	Reese, D. P.,	Wood, N.,
Finestone,	Lesko,	Reese, R. E.,	Woodring,
Finnerty,	Levy,	Regan,	Woodside,
Fisher,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter	Riley,	Yeakel,
Fletcher,	Longo,	Rooney,	Yester,
Flynn,	Lovett,	Rose, S.,	Young,
	Lyons,	Rose, W. E.,	Kilroy, Speaker.

NAYS 7

Cook,	Dix,	Haines,	Voorhees,
Cooper,	Fleming,	Rhea,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Monroe, Mr. Achterman, for presiding.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1088, as follows:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic malt or vinous beverages are sold excepting on-sale licensees and the wives of on-sale licensees providing penalties for a violation thereof repealing all inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be unlawful for any person to use the services of a female in the mixing of alcoholic beverages containing distilled spirits on the premises where such alcoholic beverages are sold for consumption

Section 2 It shall be unlawful for any person engaged in the business of serving malt or vinous beverages or alcoholic beverages containing distilled spirit to permit a female to tend or take care of a bar or to perform such duties behind a bar ordinarily performed by a bartender

Section 3 As used in this act "person" shall mean a natural person copartnership association corporation organization manager agent servant officer or employe of any of them

Section 4 The provisions of this act shall not be applied to the mixing of alcoholic beverages containing distilled spirits or the serving of malt or vinous beverages or the tending of bar by any on-sale licensee nor to the mixing of such beverages or tending of bar by the wife of any licensee on the premises for which her husband holds an on-sale license however where the on-sale licensee is a male and it is definitely established that he is employed for wages commissions or other forms of remuneration for services rendered off the premises for which said on-sale license is issued the wife of said on-sale licensee shall be subject to the terms and conditions as set forth in section two

Section 5 Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor which shall be construed as a violation of the licensee privileges as granted under the Liquor Control Act of Pennsylvania and shall upon conviction be subject to suspension or revocation of such licensee privileges in addition to a fine not exceeding five hundred dollars ($500.00) or ninety (90) days imprisonment or both at the discretion of the court having jurisdiction in the county where such licensed premises are located

Section 6 It shall be the duty of all constables sheriffs and police officers to see to it that every licensee within his jurisdiction abides by and conducts his bar in conformity with the provisions of this act

Section 7 It shall be the duty of the district attorneys of the several districts of this State to prosecute for violations of this act as for other crimes and misdemeanors

Section 8 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 The act approved the ninth day of June one thousand nine hundred and thirty-nine (P. L. 307) entitled "An act prohibiting in any city of the first second and second A class the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic malt or vinous beverages are sold and providing penalties" is hereby repealed and further all acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 10 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, several weks ago we passed a bill repealing the act of 1878. I mentioned to the Members of the House that we were doing so, having in mind House Bill 1088, and that it was our intention to pass House Bill 1088 as a companion bill to that measure.

House Bill No. 1088 is now before you and I am asking the members on this side of the House to vote for it.

Mr. HUNTLEY. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. HUNTLEY. Mr. Speaker, will this bill prevent girls from selling liquor or taking orders for liquor?

Mr. ACHTERMAN. Mr. Speaker, it does not prevent girls from taking orders for liquor. It prevents them however from being bartenders.

Mr. HUNTLEY. Mr. Speaker, as I understand, this bill simply prevents ladies from shaking cocktails back of the bar, is that correct?

Mr. ACHTERMAN. Mr. Speaker, mixing drinks and doing all the things that a bartender would do.

Mr. HUNTLEY. Mr. Speaker, this bill will not prevent girls from peddling liquor to bedrooms in hotels, will it?

Mr. ACHTERMAN. Mr. Speaker, it does not prevent ladies from acting as waitresses.

Mr. HUNTLEY. Mr. Speaker, this bill does not take the place of the Act of 1878 which prevents girls from acting as inducers to get people to come and buy liquor, nor does it prevent them from making a place of assignation for improper relations, nor does it prevent them from taking orders for liquor or delivering liquor to any place on the licensed premises, which they are allowed to do under the present law. This bill is a labor union bill. The labor union bills do not want girls in back of the bar shaking cocktails. I wish to say that I favor the bill but it does not cure the evil that the repeal of the Act of 1878 brings about.

Mr. WOODSIDE. Mr. Speaker, the Members on this side of the House feel very much slighted by the remarks of the gentleman from Monroe, Mr. Achterman. I do not understand altogether why he did not ask us to vote for it as well as the Members on his side of the House. We are going to vote for it anyway, Mr. Speaker, although I agree to some extent with what has been said by the gentleman from Cameron that this bill might go a little bit further.

Mr. ACHTERMAN. Mr. Speaker, I had some doubt as to what position the gentleman from Dauphin, Mr. Woodside was taking in view of the fact that I thought he was opposed more or less to the repeal of the act of 1878. I was not quite certain in my own mind as to what attitude he would take on 1088; at least he very strongly requested that we wait until 1088 was reported out, and in view of the uncertainty of several weks ago, I decided he could make up his own mind after a very careful study whether he wanted to support 1088.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flynn,	Malloy,	Rosenfeld,
Allmond,	Foor,	Marks,	Royer,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	McClanaghan,	Sarge,
Balthaser,	Gates,	McClester,	Sarraf,
Baugher,	Gerard,	McDermott,	Scanlon,
Bentley,	Gillan,	McDowell,	Schwab,
Bentzel,	Gillette,	McFall,	Serrill,
Boies,	Goodwin,	McGrath,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, C. H.,	Hall,	Mihm,	Stambaugh,
Brunner, P. A.,	Hamilton	Modell,	Stank,
Burns,	Hare,	Monks,	Stine,
Burris,	Harkins	Mooney,	Stockham,
Cadwalader,	Harmuth	Moran,	Tarr,
Chervenak,	Harris	Moul,	Tate,
Chudoff,	Heath	Muir,	Thompson, E. F.,
Cochran,	Helm	Munley,	Thompson, R. L.,
Cohen, M. M.,	Hering	Nagel,	Trout,
Cohen, R. E.,	Herman	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	Van Allsburg,
Cooper,	Hirsch,	O'Connor,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kline,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Wilkinson,
Duffy,	Kolankiewicz,	Rank,	Williams,
Early,	Komorofski,	Rausch,	Winner,
Eckels,	Krise,	Readinger,	Wolf,
Elder,	Lee, E. A.,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Ely	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Leydic,	Rhea,	Yeakel,
Fisher,	Lichtenwalter	Riley,	Yester,
Fiss,	Longo,	Rooney,	Young,
Fleming,	Lovett,	Rose, S.,	Kilroy,
Fletcher,	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. PETROSKY filed the following reasons for his vote.

Reasons for Voting "Aye" on H. B. 1088

I am voting for this bill, but believe it is very unfair and unreasonable that all members of on-sale licensees are not included as well as wives. Some situations arise which make it very imperative economically and otherwise to have the assistance of female members of the licensee other than those provided for in this measure.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1173, as follows:

An Act to further amend the fourth paragraph of section five hundred and six of the act approved the eighteenth day of May one thousand nine hundred and eleven

(P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" allowing further deductions from gross indebtedness in order to determine indebtedness of any school district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The fourth paragraph of section five hundred and six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 775) is hereby further amended to read as follows

Section 506

* * *

In determining the indebtedness of any school district the following deductions from the amount of the gross indebtedness are permitted cash in the sinking funds inviolably pledged for the payment of existing indebtedness investments of money of the sinking fund in bonds specifically enumerated in section five hundred and twenty of this act and any bonds of such school district purchased and held in such sinking funds Provided That in determining the indebtedness that may be created without the consent of the electors only such bonds as were originally authorized without a vote of the electors and held in all sinking funds may be deducted such outstanding property taxes for school purposes for years prior to the year in which the computation is being made and which are certainly and promptly collectible as quick assets and applicable to the payment of the gross indebtedness any other debts due from solvent debtors and any other revenue that may be applicable within the current fiscal year to the payment of such indebtedness

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Achterman	Fletcher,	Lyons,	Rosenfeld,
Allmond	Flynn,	Malloy,	Royer,
Auker,	Foor,	Marks,	Rush,
Baker	French,	Maxwell,	Sarge,
Balthaser	Gallagher,	McClanaghan,	Sarraf,
Baugher	Gates	McClester,	Scanlon,
Bentley,	Gerard,	McDermott,	Schwab,
Bentzel,	Gillan,	McDowell,	Serrill,
Boles,	Gillette,	McFall,	Shaffer,
Boney,	Goodwin,	McGrath,	Shaw,
Boorse,	Greenwood,	McIntosh,	Shepard,
Bower	Gross,	McKinney,	Simons,
Bradley,	Gryskewicz,	McLanahan,	Skale,
Breth,	Gyger	McLane,	Snyder,
Bretherick	Habbyshaw,	McMillen,	Sollenberger,
Brown,	Haberlen,	McSurdy,	Sorg,
Brunner C H	Haines,	Meichiorre,	Stambaugh
Brunner P A	Hall,	Mihm,	Stine,
Burns,	Hamilton	Modell,	Stockham,
Burris	Hare,	Monks,	Tarr,
Cadwalader,	Harkins,	Mooney,	Tate
Chervenak,	Harris,	Moran,	Thompson, E.,
Chudoff,	Heatherington,	Muir,	Thompson, R.,
Cochran,	Helm,	Munley,	Trout,
Cohen, M M.,	Herman,	Nagel,	Turner,
Cohen, R E	Hersch,	Nunemacher,	Van Alisburg,
Cook,	Hewitt,	O'Brien,	Vincent,
Cooper,	Hirsch,	O'Connor,	Vogt,
Cordier,	Holland,	O'Dare,	Voldow,
Corrigan,	Huntley,	O'Mullen,	Voorhees,
Croop,	Imbrie,	O'Neill,	Wagner,
Cullen,	James,	Owens,	Watkins,
Dalrymple,	Jefferson,	Petrosky,	Weingartner,
Dennison,	Jones, G. E.,	Pettit,	Weiss,
DiGenova,	Jones, P. N.,	Polaski,	Welsh, E. B.,
Dix,	Keenan,	Polen,	Welsh, M. J.,
Dolon,	Kline,	Powers,	Wilkinson,
D'Ortona,	Knoble,	Prosen,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winner,
Early,	Komorofski,	Rausch,	Wolf,
Eckels,	Krise,	Readinger,	Wood, L. H.,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Lesko,	Reynolds,	Wright,
Finestone,	Levy,	Rhea,	Yeakel,
Finnerty,	Leydic,	Riley,	Yester,
Fisher,	Lichtenwalter,	Rooney,	Young,
Fiss,	Longo,	Rose, S.,	Kilroy,
Fleming,	Lovett,	Rose, W E.,	Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 598, as follows:

An Act requiring the council of cities of the Second class A to fix the salaries of the officers and members of the police department and establishing minimum salaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The annual salaries of the Superintendent and of day and traffic captains and all other members of the police department of cities of the second class A of this Commonwealth shall be fixed by the council of such cities at a sum not lower than contained in the following schedule

Superintendent	$2800
Traffic Captain	2400
Day Captain	2400
Night Captain	2400
Captain of detectives	2400
Lieutenant of detectives	2300
Lieutenant's of Police	2300
Detectives	2240
Sergeants	2240
Patrolmen 1st year	1800
Patrolmen 2nd year	1920
Patrolmen 3rd year	2040
Patrolmen 4th year	2160

The minimum salaries of traffic patrolmen classed as patrolmen motorcycle and patrol drivers and radio car drivers shall be the same for the first second third and fourth years as above fixed for patrolmen

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

Section 3 This act shall become effective on the first day of January one thousand nine hundred forty-two

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flynn	Lyons,	Royer,
Allmond,	Foor	Malloy,	Rush,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McLanahan	Skale,
Bradley,	Gyger,	McLane	Snyder,
Breth,	Habbyshaw	McMillen	Sollenberger
Bretherick,	Haberlen,	McSurdy	Sorg
Brown,	Haines	Melchiorre	Stambaugh,
Brunner, C. H.	Hall,	Mihm,	Stank
Brunner, P. A.	Hamilton,	Modell,	Stine
Burns,	Hare,	Monks,	Stockham
Burris,	Harkins,	Mooney,	Tarr,
Cadwalader,	Harmuth,	Moran,	Tate,
Chervenak,	Harris	Moul,	Thompson E F
Chudoff,	Heatherington,	Muir,	Thompson R L
Cochran	Helm	Munley,	Trout
Cohen M M.	Hering,	Nagel	Turner
Cohen R E.	Herman,	Nunemacher	Van Allsburg
Cook,	Hersch,	O'Connor,	Vincent,
Cooper,	Hewitt,	O'Dare	Vogt
Cordier,	Hirsch,	O'Mullen,	Voldow
Corrigan,	Holland,	O'Neill,	Voorhees,
Croop,	Huntley,	Owens,	Wagner,
Cullen,	Imbrie,	Petrosky,	Watkins
Dalrymple,	James,	Pettit,	Weingartner,
Dennison,	Jefferson,	Polaski,	Weiss,
DiGenova,	Jones, G E.,	Polen,	Welsh E B.,
Dolon,	Jones, P N.,	Powers,	Welsh, M J.,
D'Ortona,	Keenan,	Prosen,	Wilkinson,
Duffy,	Kline,	Rank,	Williams,
Early,	Knoble,	Rausch,	Winner,
Eckels,	Kolankiewicz,	Readinger,	Wolf,
Elder,	Komorofski,	Reese D P.,	Wood, L H.,
Elliott,	Krise,	Reese, R E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Falkenstein,	Lee, E. A.,	Reynolds,	Woodside,
Finestone,	Lee T H.,	Rhea,	Wright,
Finnerty,	Lesko,	Riley,	Yeakel,
Fisher,	Levy,	Rooney,	Yester,
Fiss,	Leydic,	Rose, S.,	Young,
Fleming,	Lichtenwalter,	Rose, W E.,	Kilroy,
Fletcher,	Longo,	Rosenfeld,	Speaker.
	Lovett,		

NAYS—2

Dix,	McKinney

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1093, as follows:

An Act authorizing suits brought to recover damages in case of accidents in this Commonwealth in any court of record to be certified to the Workmen's Compensation Board in the event that the suit has been filed by mistake in any court of record and defining the legal effect of such certifications

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever in case of any accident suit has been wrongfully brought in a court of record in any of the counties of this Commonwealth and proceedings should have been commenced before the Workmen's Compensation Board it shall be lawful and upon request of either of the parties to the suit or upon order of the court the prothonotary or clerk of the said court shall certify the same including all the proceedings had before said court to the said Workmen's Compensation Board the said board to proceed and hear the case in the same manner as it had been originally commenced before the Workmen's Compensation Board

Section 2 No case brought before any court shall be certified as set forth in section one of this act unless the said proceeding had been commenced in the said court within the time allowed by the Workmen's Compensation Act for the filing of claim petitions

The commencing of any such proceeding in a court of record during the time allowed by the Workmen's Compensation Board for the filing of such claims before such board shall be of the same legal effect and validity as if such actions had been commenced before the Workmen's Compensation Board originally

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman	Flynn,	Lyons,	Royer,
Allmond,	Foor	Malloy,	Rank,
Auker,	French,	Maxwell,	Rush,
Baker,	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarraf,
Baugher,	Gerard,	McClester,	Scanlon
Bentley,	Gillan,	McDermott,	Schwab
Bentzel,	Gillette,	McDowell,	Serrill,
Boles,	Goodwin,	McFall,	Shaffer,
Boney,	Greenwood,	McGrath,	Shaw,
Boorse,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Gyger,	McLanahan,	Skale,
Breth,	Habbyshaw,	McLane,	Snyder,
Bretherick,	Haberlen,	McMillen,	Sollenberger,
Brown,	Haines,	McSurdy,	Sorg,
Brunner, C. H.,	Hall,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Burns,	Hare,	Modell,	Stine,
Burris,	Harkins,	Monks,	Stockham,
Cadwalader,	Harmuth,	Mooney,	Tarr,
Chervenak,	Harris,	Moran,	Tate,
Chudoff,	Heatherington,	Moul,	Thompson, E. F.,
Cochran,	Helm,	Muir,	Thompson, R. L.,
Cohen M M.	Hering,	Munley,	Trout,
Cohen R E	Herman,	Nagel	Turner
Cook,	Hersch,	Nunemacher	Van Allsburg,
Cooper,	Hewitt,	O'Brien	Vincent,
Cordier	Hirsch,	O'Connor,	Vogt
Corrigan	Holland	O'Dare	Voldow
Croop	Huntley,	O'Mullen	Voorhees,
Cullen,	Imbrie,	O'Neill	Wagner
Dalrymple,	James,	Owens	Watkins
Dennison,	Jefferson,	Petrosky,	Weingartner,
DiGenova,	Jones, G E.,	Pettit,	Weiss,
Dix	Jones, P N.,	Polaski,	Welsh E B.,
Dolon,	Keenan,	Polen,	Welsh, M J.,
D'Ortona,	Kline	Powers,	Wilkinson,
Duffy,	Knoble,	Prosen,	Williams,
Early	Kolankiewicz,	Rausch,	Winner,
Eckels,	Komorofski,	Readinger,	Wolf
Elder,	Krise	Reese D P.,	Wood L H
Elliott,	Lee E A.,	Reese R E.,	Wood N.,
Ely	Lee T H	Regan,	Woodring,
Falkenstein,	Lesko	Reynolds,	Woodside,
Finestone,	Leisey,	Rhea	Wright,
Finnerty,	Levy	Riley	Yeakel
Fisher	Leydic	Rooney	Yester
Fiss	Lichtenwalter	Rose S	Young
Fletcher,	Longo,	Rose W E.,	Kilroy
Fleming,	Lovett,	Rosenfeld,	Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair advises the Members that House Bills 408 and 124 have been placed on their desks. The members will please place them securely in their files so that they can be filed by the Sergeant-at-Arms.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 450.

An Act to further amend section 1902 of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" exempting certain contracts for public utility service from the provisions of said act regulating advertising and bidding for contracts

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, line 17, by inserting after the word "service" the words "is available only from one public utility and"; also in same line, by striking out after the word "by" the words "a public" and inserting in lieu thereof the word "such."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarraf,
Baugher,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Bentzel,	Gillette,	McDowell,	Serrill,
Boies,	Goodwin,	McFall,	Shaffer,
Boney,	Greenwood,	McGrath,	Shaw,
Boorse,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Gyger,	McLanahan,	Skale,
Breth,	Habbyshaw,	McLane,	Snyder,
Bretherick,	Haberlen,	McMillen,	Sollenberger,
Brown,	Haines,	McSurdy,	Sorg,
Brunner, C. H.,	Hall,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Burns,	Hare,	Modell,	Stine,
Burris	Harkins,	Monks,	Stockham,
Cadwalader,	Harmuth,	Mooney,	Tarr,
Chervenak,	Harris,	Moran,	Tate,
Chudoff,	Heatherington,	Moul,	Thompson, E. F.,
Cochran,	Helm,	Muir,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Munley,	Trout,
Cohen, R. E.,	Herman,	Nagel,	Turner,
Cook,	Hersch,	Nunemacher,	Van Allsburg,
Cooper,	Hewitt,	O'Brien,	Vincent,
Cordier,	Hirsch,	O'Connor,	Vogt,
Corrigan,	Holland,	O'Dare,	Voldow,
Croop,	Huntley,	O'Mullen,	Voorhees,
Cullen,	Imbrie,	O'Neill,	Wagner,
Dalrymple,	James,	Owens,	Watkins
Dennison,	Jefferson,	Petrosky,	Weingartner,
DiGenova,	Jones, G. E.,	Pettit,	Weiss,
Dix,	Jones, P. N.,	Polaski,	Welsh, E. B.,
Dolon,	Keenan,	Polen,	Welsh, M. J.,
D'Ortona,	Kline,	Powers,	Wilkinson,
Duffy,	Knoble,	Prosen,	Williams,
Early,	Kolankiewicz,	Rank,	Winner,
Eckels,	Komorofski,	Rausch,	Wolf,
Elder,	Krise,	Readinger,	Wood, L. H.,
Elliott,	Lee, E. A.,	Reese, D. P.,	Wood, N.,
Ely,	Lee, T. H.,	Reese, R. E.,	Woodring,
Falkenstein,	Leisey,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy,
Fletcher,	Lovett,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed concurrent resolution directing the Governor to issue a proclamation designating the seventeenth day of May, one thousand nine hundred forty-one, as Connie Mack Day.

ARTHUR H. JAMES.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 450.

An Act to further amend section 1902 of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" exempting certain contracts for public utility service from the provisions of said act regulating advertising and bidding for contracts

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. WILLIAMS, from the Committee on Labor, reported as committed, House Bill No. 814, entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments; establishing regular pay days; imposing certain duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil

and criminal penalties for the violation of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

Mr. WEISS, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1372 (Senate Bill No. 125) entitled:

An act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

BILL ON FIRST READING

Mr. WEISS. Mr Speaker, I ask unanimous consent for House Bill No. 1372 (Senate Bill No. 125) be read for the first time.

The SPEAKER. Will the House give its unanimous consent for the reading of this bill the first time? Is there objection?

Mr. WOODSIDE. Mr Speaker, I have no objection to the reading of this bill for the first time, but I want to call the attention of the gentlemen on the other side to the fact that in case there is insufficient time to study it, we hope that they will cooperate, and give us opportunity to study it and make amendments.

The SPEAKER. The Chair hears no objection and consent is granted.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1372 (Senate Bill No. 125), entitled:

An Act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

CONDOLENCE RESOLUTION

Messrs. RONALD L. THOMPSON and COOPER offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 22, 1941.

In keeping with the custom of this House to note the passing of its former members, it is proper for us now to take appropriate action on the death of Hon. Harry A. Little, a member during the legislative sessions of 1923, 1925 and 1926, which occurred on April 19th, at the Shadyside Hospital, Pittsburgh.

Mr. Little's ancestors for the past five generations were Pittsburghers. he received his education in the public schools, the old Pittsburgh Academy and Western University of Pennsylvania, now the University of Pittsburgh.

A leader in Republican politics in Allegheny County during the past twenty years, he served, in addition to his two terms as assemblyman, as a member of the Pittsburgh City Council, and as its chairman, during his last year of service. Later Mr. Little served as mercantile appraiser in the county and as right-of-way investigator in the County Department of Investigations and Claims, which position he held at the time of his death; be it therefore

Resolved, That the House of Representatives hereby give voice to its sorrow over the passing of another man who once sat in this hall and exercised the powers that we now exercise; and that it send its condolence to Mrs. Consuelo Lewis Little of 1001 Ridge Ave., Pittsburgh, the widow of the deceased, and to Samuel J. Little, his son; and be it

Resolved, That a certified copy of this resolution be transmitted to Mrs. Little by the Chief Clerk of this House.

COMMITTEE MEETINGS

Agriculture, Wednesday, April 23 at 11 a. m. in Room 329.

Banking, Wednesday, April 23 at 11:30 a. m. in Room 330.

Cities, First Class, Wednesday, April 23, at 12 noon in Room 521.

Education, Wednesday, April 23, at 10:30 a. m. in Room 326, Old House Caucus Room.

Highways, Wednesday, April 23 at 11 a. m. in Room 324.

Judiciary General, Wednesday, April 23 at 10 a. m. in Room 246.

Liquor Control, Wednesday, April 23 at 12:30 p. m. in Room 325.

Mines and Mining, Wednesday, April 23 at 12 noon in Room 522.

Motor Vehicles, Wednesday, April 23 at 12 noon in Room 324.

Municipal Corporations, Wednesday, April 23 at 12:15 p. m. in Room 323.

Railroads and Railways, Wednesday, April 23 at 11 a. m. in Room 522.

State Government, Wednesday, April 23 at 11:15 a. m. in Room 325.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 1048 on Wednesday, April 23 1941 at 7 p. m. in the New House Caucus Room.

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, April 29, 1941 at 6 o'clock E. S. T. in the New House Caucus Room.

There will be a meeting of the Joint State Government Commission on Wednesday, April 23, 1941, in the New House Caucus Room, promptly at 10 a. m.

BULLETIN No. 1

Americanism Day, April 30, 1941—12 Noon

Speakers—HON. FRANCIS J. MYERS, Philadelphia, Pa.
HON. JAMES VAN ZANDT, Altoona, Pa.

Will all veterans in the House and Senate please prepare to bring Post Hats to be worn during the ceremonies?

ADJOURNMENT

Mr. SOLLENBERGER. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 23, 1941, at 1 p. m.

The motion was agreed to, and (at 6:06 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., WEDNESDAY, APRIL 23, 1941. No. 41.

SENATE

WEDNESDAY, April 23, 1941

The Senate met at 12:00 o'clock, noon.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

"The earth is the Lord's and the fullness thereof, the world, and they that dwell therein. For He hath founded it upon the seas, and established it upon the floods." With these words of remembrance, our Father, we would be conscious that we are Thy stewards to work for Thee in Thy world.

Is it not the duty of man to labor for his brother to foster peace and happiness among men? Dost Thou not give us this wonderful world that man may glorify Thy name therein? Far afield of that ideal and its realization has man drifted in that a few have sown the seeds of discord and revolution and today we all are forced to reap the harvest of world chaos, inhumanity to man and racial hatred stalk the nations of the earth.

As a people we have desired peace among men but obviously will be denied its fulfillment. As a people we have been and are our brother's keeper. Yet the battle lines between good and evil, righteousness and unrighteousness have assumed world proportions and political color so that the cleavage to that only which is right must be maintained.

Give us clarity of vision and definiteness of right purpose in these days to keep us close to Thee as a people, a General Assembly and as individuals that Thy name may be glorified here and in the world without end. Amen.

The PRESIDENT. The Chair for himself and also in behalf of the President pro-tempore of the Senate, the Senator from Somerset, Mr. Ealy, desires to explain why we were late for the session today. Ordinarily we are on time but the House and Senate saw fit, with the approval of the Governor, to appoint us to the Committee on National Defense and we were in attendance at a committee meeting and therefore we were late.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MILLER and Mr. LETZLER, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia will state his question of personal privilege.

Mr. SHAPIRO. Last week the gentleman from Cumberland, Mr. Wade, read a statement which was a combination of a defense for the Pennsylvania Manufacturers' Association Casualty Insurance Company and an attack on me personlly.

Let me dispose of the personal attack at once. I could say, "Sticks and stones will break my bones, but names will never hurt me," but I prefer to paraphrase a song which went the rounds a few years ago:

"When some Senators at Harrisburg find out that Grundy's riches
Have been lifted from the pockets of the workers' tattered britches,
Don't stop to argue with the lousy sons of witches,
Call them un-American,"—or left wing radicals.

I admit that whoever wrote the statement for the gentleman from Cumberland made a stirring defense for the Pennsylvania Manufacturers' Association Casualty Insurance Company, but he assumed an impossible task in attempting to defend the workmen's compensation system as it is now operating in this Commonwealth.

I am unwilling to believe that the gentleman from Cumberland is the author of this statement because of the unwarranted personalities to which I have already referred and the deliberate misstatements, particularly to the obviously false assertion that I had conveniently omitted from my speech the compensation experience in coal mining in Pennsylvania. Those figures are set forth in detail on page 16 of the mimeographed copy of my speech and appear on pages 1138-39 of the Legislative Journal of April 7, 1941.

There is no denial in that statement of the fact that a great public achievement has been diverted by a group of insurance companies into a private enterprise. There has been and there can be no denial that this diversion has been maintained through the political influence of the moving force in the Pennsylvania Manufacturers' Association. For years and even today we are surrounded in this Senate by his advisors and his lieutenants.

The point that the author of the statement, whoever he may be, seems to have missed, overlooked or deliberately ignored is that the profit or loss of Mr. Grundy's company is of minor importance, compared with the rates and the method of rate making in this Commonwealth.

The people of Pennsylvania are not interested in an answer from Mr. Grundy or by Mr. Wade on his behalf They are entitled to an explanation from the Insurance Commissioner of the Commonwealth of Pennsylvania. They are interested in the attitude of this administration towards the vicious system which has grown up in this Commonwealth, threatening to destroy our State Workmen's Insurance Fund and placing the burden of industrial casualties on the public. All of us want to know why the Grundy company and other private insurance companies are permitted to control the rates affecting a matter of vital public interest.

The fact that the Grundy company and mutual companies return part of the premiums collected is no secret and I did not conceal it. As a matter of fact I separated the various kinds of companies so that anyone who knows anything about insurance would understand. But it is no answer to say that the employee is not being robbed of this 43½ spread between the loss and the premium; that the Grundy company gives back part of the spread. That position recalls to my mind a story which my colleague, Dr. Woodward, tells, which to me is a complete answer. An unmarried mother, who gave birth to an illegitimate child, explained that it wasn't such a great offense because it was such a little baby.

What is important, I repeat, is the fact that the rates are made and rate making is controlled by private companies in a matter of public concern and welfare. Will any one suggest that the Pennsylvania Power and Light Company, the Philadelphia Electric Company, and the other public utility companies should control rate making for their public services? Will the gentleman from Cumberland suggest that the system of rate making for workmen's compensation insurance in Pennsylvania should be adopted as the system for regulating rates for carriers by the Interstate Commerce Commission? I hope the gentleman from Cumberland is familiar with the fact that under the law of this Commonwealth no member of the Public Utility Commission is permitted to even own stock in any public utility over which the Commission exercises rate control. How does that compare with the method of fixing the rates in workmen's compensation insurance where five out of the seven members of the rating bureau entitled to vote are insurance companies having a direct personal interest in the maintenance of a high rate? The Public Utility Commission only deals with property. The workmen's compensation rating board deals with human casualties. But in both cases there is a real and exclusive public interest.

Can the fact that Mr. Grundy's company returns part of the premiums be a defense of the system? Is it un-American to remind that this is a social problem and that private enterprise has no place in the picture? I think the gentleman from Cumberland is inconsistent. He objects to Mr. Grundy's company being driven out of business and yet he points out that having only received $59,000,000 in premiums it paid out $62,000,000 in benefits in 25 years. One would think it would welcome the opportunity of being forced out of the kind of a business. But how can these figures be true or consistent with the evidence that this company is still in business and solvent?

I repeat that while the profits or losses of a single company are not important and such discussion merely avoids the real issue, I must not allow the stockholders of the Grundy company to become worried about the financial standing of their company. According to the 1940 report of the Pennsylvania Manufacturers' Association Casualty Insurance Company, this company after setting up reserves for possible losses shows that it has an earned surplus of $3,000,000, which, of course, belies the fact that it paid out more than it received in premiums. If, in all fairness to everyone the gentleman from Cumberland had made the necessary inquiries and properly analyzed the figures, this is what he would have found in the 1940 report of the Pennsylvania Manufacturers' Association Casualty Insurance Company:

(1) Total premiums earned up to and including 1939	$77,289,894
(2) Losses incurred in the same period ...	$44,571,258
(3) Leaving a gross profit from under writing of	$32,718,636

in 25 years with which to pay its expenses and return excess premiums to its fortunate customers—most of whom are members of the Pennsylvania Manufacturers' Association.

My difficulty in securing the figures for five years from the Insurance Department was sufficient to discourage me from trying to get the figures for 25 years. As a matter of fact, it is not true that the figures for 25 years are available—nor have they been compiled by the Insurance Department for that period, certainly not in the form essential to disclose the real picture. The first time that the figures were compiled in a proper manner was upon my recent request and for a five year period only. The truth of the matter is that going back 25 years does not help but merely beclouds the issue. The important question is not what happened 20 or 25 years ago, but what is the situation today. Whether this $32,700,000 of gross profit earned in 25 years by the Pennsylvania Manufacturers' Association Casualty Insurance Company, as shown by the company's 1940 report, was used as profits or returned to its fortunate customers, is, in my opinion not only immaterial but the fact that the Pennsylvania Manufacturers' Association Casualty Insurance Company has for the past 25 years been able to return 25% of the premiums charged is proof out of the mouth of the gentleman from Cumberland that the rate charged in Pennsylvania was at least 25% too high.

That argument loses sight of the important fact that out of the 63 companies doing this type of business in Pennsylvania only 20 are mutual or participating companies and 43 are nonparticipating stock companies These 43 companies do not return excess premiums. On the contrary during the entire period of these 25 years, while the mutual companies were receiving premiums far in excess of the amount necessary to meet their losses and reasonable expenses, these stock companies were dissipating from 40c to 45c out of every dollar of premiums for high salaries and expenses. In fact, in two years of the period of five years which I used these companies incurred an underwriting loss of from 2% to 6%.

The system which has been established, fostered and promoted by the political power behind the Pennsylvania Manufacturers' Association compels the fixing of an excessive and unnecessarily high rate for the purpose of enabling these companies to receive a rate of premium which will enable them to pay their unnecessarily high and excessive administration expenses.

For the first 20 years of the administration of the workmen's compensation law the Republican Party was in control in Pennsylvania. The Insurance Commissioners and the managers of the State Workmen's Insurance Fund were political appointments. Obviously this makes the Republican Party responsible for the condition; and to that extent I plead guilty of having made a political issue of the situation. I did it deliberately because I think it is important that the public should know who are the responsible parties.

If I had known of this situation during the previous administration I would not have hesitated to have disclosed it. As I said in my original statement and repeat now, the Insurance Commissioner then in charge deserves no credit for this failure to act. By the time he got there the system was well entrenched, but in my opinion even that was no excuse for his failure to disclose it and at least attempt to destroy it. It is now again the responsibility of the Republican Party.

Workmen's compensation never was a private enterprise. In crediting the "left wingers" with the adoption of a plan, and I quote from the statement read by the gentleman from Cumberland, "seeking the eventual and complete socialization of this field of private enterprise," the author of the statement deliberately overlooks the fact that this sysem was inaugurated as a social and economic advance in the attitude of government; that there were no insurance companies engaged in that kind of business at the time; and that state insurance funds were established in most states; and exclusive state funds have been in operation in many of them for over a quarter of a century.

The system was instituted because of the failure of private enterprise to properly provide for its industrial casualties, as a result of which failure the public was compelled to assume the burden. In turn the public by forcing the enactment of workmen's compensation laws, attempted to place the burden where it belongs—on industry. This is, therefore, not the case of an existing private enterprise being ousted by a social reform, but on the contrary it is the case of a social reform being throttled by private enterprise, in such a surreptitious manner and so cleverly that private enterprise has not only convinced itself but has made the public believe that it is performing a public service.

This is the "American way," for a continuance of which the gentleman from Cumberland so earnestly pleads.

I have often wondered which is the more dangerous to our democratic way of government—the group which openly declares its subversive doctrines or that group of special interest that turns a social reform into a racket and parades it as a virtue.

PRESENTATION TO THE CHAIR

Mr. CARR. After we had reconvened yesterday afternoon, Mr. President, I was informed that the Senate had been illegally reconvened without a quorum being present, and that some aspersion was cast upon the Republican members of the Senate because of the lateness of their arrival. Of course, Mr. President, that does not have anything to do with our lateness in convening this morning, but at the same time I understand the President of the Senate yesterday made some reference to the fact that he needed some things with which to proceed to business and that among the requirements of his office at that time was that he should have some flowers to wear and a pair of dark glasses to accompany them.

The Florist's Association of the City of Harrisburg, having learned about this great need on the part of our presiding officer, has very graciously made it possible that he should be properly equipped with flowers, and I, as their representative, want to present to the Chair a very beautiful bouquet this morning in the hope that either a Republican or Democratic member on the other side of the House who is so equipped will provide the Chair with the glasses.

The PRESIDENT. Mr. Carr, I had the flower which they presented to me yesterday and I had a pair of dark glasses but Eddie Coleman beat me to it and I could not take her away. I thank you.

Mr. WOODWARD. Mr. President, in these days and nights of subversive activities it is a little doubtful whether our presiding officer should wear a badge of red or pink, and I therefore advise the Chair that he watch his bouquet.

The PRESIDENT. The white rose of York would have been the appropriate flower.

ERRATUM

Mr. MALLERY. Mr. President, I desire to call attention of the Chair to a mistake appearing in the Journal on April 9, 1941, at page 1298. The remarks were made by my colleague from Lehigh, Senator Tallman, and not by myself. I would like to have that corrected.

The PRESIDENT. The correction will be so noted.

LEAVE OF ABSENCE

The PRESIDENT. Under the order of business of leave of absence the Chair lays before the Senate a communication dated April 23, 1941, from the gentleman from Fayette, Senator CAVALCANTE, explaining his absence from today's session of the Senate, as well as the absences of Senators Chapman, Deitrick and Reed, which will be noted in the journal.

Mr. McCreesh asked and obtained leave of absence for the Senator from Washington, Mr. REED.

Mr. Geltz asked and obtained leave of absence for the Senator from Warren, Dr. CHAPMAN.

He also asked and obtained leave of absence for the Senator from Northumberland, Dr. DEITRICK.

The PRESIDENT. The Senator from Fayette further requests the Chair to inform the Senator from Allegheny, Mr. Walker, that he proposes to reply to his inquiry at a later date.

Mr. WALKER. Mr. President, will the Chair kindly convey the message to the gentleman from Fayette that I will be here for quite some time and any time he wants to dish that message out I will be glad to receive it.

The PRESIDENT. The Chair would like to learn from the gentleman from Allegheny how long we are going to be here? How long is a long time?

Mr. WALKER. At the rate we are moving, Mr. President, I would suggest December.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, pre-

sented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 23, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 23, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Miss Beatrice Ennis, 500 Bankers Securities Bldg., Juniper and Walnut Sts., Philadelphia, April 27, 1941.

Joseph F. Marcer, 406 Market St. National Bank Bldg., Juniper and Market Sts., Philadelphia, April 27, 1941.

ERIE COUNTY

Donald Arbuckle, Erie, May 5, 1941.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 23, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Edna L. Mosti, South Fayette Twp., Cuddy.

BERKS COUNTY

Chester A. Mohn, Shillington.

DAUPHIN COUNTY

Miss Elizabeth S. Smith, Harrisburg.

LACKAWANNA COUNTY

Miss Ann B. Igoe, Scranton.
Leo J. Rafferty, Scranton.

PHILADELPHIA COUNTY

Paul J. Johnson, 2007 S. Bucknell St., Phila.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Edmonds,	McCreesh,	Tallman,
Bartlett,	Farrell,	McGinnis,	Taylor,
Becker,	Frey,	McQuiddy,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	James,	Scarlett,	Watkins,
Crowe,	Kephart,	Shapiro,	Wilson, H. I.,
Dent,	Lanius,	Snowden,	Wilson, T. B.,
DiSilvestro,	Letzler,	Stevenson,	Woodward,
Ealy,	Mallery,	Stiefel,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 450

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 450, entitled:

An Act to further amend section 1902 of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," exempting certain contracts for public utility service from the provisions of said act regulating advertising and bidding for contracts.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 450, entitled:

An Act to further amend section 1902 of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," exempting certain contracts for public utility service from the provisions of said act regulating advertising and bidding for contracts.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 582, (Senate Bill No. 685), entitled:

An Act to further amend section one thousand one hundred twenty-five and to amend section one thousand one hundred twenty-seven of the act, approved the fourth day of May, one thousand nine hundred and

twenty-seven (P. L. 519), entitled "General Borough Act," specifying the reasons for making deductions from salary of, and suspending and dismissing policemen, and the procedure in connection therewith, including limitations on the powers of the borough council and burgess; creating a board of review to be appointed by the borough council, and defining the powers and duties of said board.

Which was committed to the Committee on Municipal Government.

House Bill No. 598, (Senate Bill No. 686), entitled:

An Act requiring the council of cities of the Second Class A to fix the salaries of the officers and members of the police department; and establishing minimum salaries.

Which was committed to the Committee on Municipal Government.

House Bill No. 658, (Senate Bill No. 687), entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 106), entitled "An act authorizing and empowering the city treasurers of the several cities of the second class and third class of this Commonwealth to sell at public sale all properties upon which the taxes assessed and levied, are delinquent and remain unpaid," by adding thereto section nine and one-tenth authorizing the divestiture of mortgages, judgments and charges against properties sold at such sales in cities of the second class by common pleas court.

Which was committed to the Committee on Municipal Government.

House Bill No. 885, (Senate Bill No. 688), entitled:

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled First Class Township Law" providing for filling vacancies in the office of township commissioner.

Which was committed to the Committee on County Government.

House Bill No. 975, (Senate Bill No. 689), entitled:

An Act to amend section two of the act approved the twenty-ninth day of April, one thousand nine hundred and fifteen (P. L. 200), entitled "An act creating, in counties having over eight hundred thousand, and less than one million five hundred thousand, inhabitants, according to the last preceding United States census, a board to fix and determine the number and compensation of employes in all county offices, boards, bureaus, departments, and divisions thereof; prescribing the powers and duties of said board, and regulating appeals from the decision thereof," by providing for annual meetings of the salary board, in second class counties, at the call of the chairman of the board of county commissioners.

Which was committed to the Committee on County Government.

House Bill No. 1088, (Senate Bill No. 690), entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation.

Which was committed to the Committee on Law and Order.

House Bill No. 1093, (Senate Bill No. 691), entitled:

An Act authorizing suits brought to recover damages in case of accidents in this Commonwealth in courts of common pleas to be certified to the Workmen's Compensation Board in the event that the suit has been filed by mistake in the court of common pleas, and defining the legal effect of such certifications.

Which was committed to the Committee on Workmen's Compensation.

House Bill No. 1157, (Senate Bill No. 692), entitled:

An Act to validate and confirm certain contracts heretofore entered into by Boards of Township Supervisors where the Township has received in maintenance and improvement of its highways, a reasonable quid pro quo for such contracts, and to authorize, ratify, confirm and validate payments on such contracts by the Township, and to provide that no Township Supervisor shall be subject to surcharge for payments made on such contract.

Which was committed to the Committee on County Government.

House Bill No. 1173, (Senate Bill No. 693), entitled:

An Act to further amend the fourth paragraph of section five hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," allowing further deductions from gross indebtedness in order to determine indebtedness of any school district.

Which was committed to the Committee on Education.

House Bill No. 1175, (Senate Bill No. 694), entitled:

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

Which was committed to the Committee on Education.

House Bill No. 1176, (Senate Bill No. 695), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the method of payment to townships.

Which was committed to the Committee on Highways.

House Bill No. 1205, (Senate Bill No. 696), entitled:

An Act to amend subsections (b) and (c) of section two of the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

Which was committed to the Committee on County Government.

REPORT FROM COMMITTEE

Mr. CROWE, from the Committee on Insurance, reported as committed, Senate Bill No. 379, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by excluding proceeds of life insurance policies from the provisions thereof.

BILLS RE-REFERRED

Mr. EDMONDS, from the Committee on Insurance, reported as committed, Senate Bill No. 504, entitled:

An Act to further amend the title and the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," by making the schedules of compensation compulsory upon all employers; providing that the State Workmen's Insurance Fund shall be the sole agency in which the payment of compensation may be insured; providing for the termination of existing workmen's compensation insurance contracts issued by other agencies; eliminating provisions relating to self-insurance; and repealing certain sections and subsections.

with the request that it be re-referred to the Committee on Workmen's Compensation.

He also, from the Committee on Insurance, reported as committed, Senate Bill No. 505, entitled:

An Act to amend the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," providing for insurance in said fund of all employers liable to pay workmen's compensation; eliminating provisions relating to insurance corporations or associations, and workmen's Compensation insurance covering officers and employes of the board.

with the request that it be re-referred to the Committee on Workmen's Compensation.

He also, from the Committee on Insurance, reported as committed, Senate Bill No. 506, entitled:

An Act to repeal subdivision (d) of article six, containing sections 651, 652, 653, 654 and 655 of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled, "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and interinsurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," eliminating provisions relating to Workmen's Compensation Insurance.

with the request that it be re-referred to the Committee on Workmen's Compensation.

REPORTS FROM COMMITTEES

Mr. MALLERY, from the Committee on County Government, reported as amended, Senate Bill No. 221, entitled:

An Act fixing the salaries of controllers of the several counties, except counties of the first and second class, wherein said office has been or hereafter may be established.

He also, from the Committee on County Government, reported as amended, Senate Bill No. 218, entitled:

An Act to amend section three hundred and six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for fixing the number and compensation of employes of institution districts; and conferring powers and imposing duties on county officers.

Mr. TALLMAN, from the Committee on County Government, reported as amended, Senate Bill No. 219, entitled:

An Act requiring prothonotaries and clerks of courts to notify officers charged with the duty of collecting taxes, of all judicial sales; and taxing the cost of such notices.

BILLS RE-REFERRED

Mr. WADE, from the Committee on Agriculture, reported as committed, Senate Bill No. 628, (House Bill No. 762), entitled:

An Act to further amend section twelve of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury;

and providing penalties," permitting dogs kept in a kennel to be taken out for training, exercise or entry in field trials.

with the request that it be re-referred to the Committee on Forests and Waters, Game and Fish.

He also, from the Committee on Agriculture, reported as committed, Senate Bill No. 650, (House Bill No. 1022), entitled:

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), "Dog Law of 1921," permitting certain dogs to be brought into the Commonwealth for hunting purposes, by holders of non-resident hunting licenses, without securing a Pennsylvania dog license.

with the request that it be re-referred to the Committee on Forests and Waters, Game and Fish.

REPORTS FROM COMMITTEES

Mr. WATKINS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 378, entitled:

An Act to further amend section one of the act approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes" exempting from said tax casualty insurance companies having no capital stock.

Mr. CARR, from the Committee on Agriculture, reported as amended, Senate Bill No. 294, (House Bill No. 481), entitled:

An Act to amend sections eighteen and nineteen of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "Ar act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," requiring the filing of local ordinances rules and regulations with the Dairy Advisory Council; requiring local ordinances rules and regulations in certain cases to be consistent.

Mr. TYLER, from the Committee on County Government, reported as committed Senate Bill No. 224, entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

APPOINTMENT AS JUSTICE OF PEACE IN BERKS COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941.

To the Honorable the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Russell W. Breininger, 3423 Ridgeway Street, Laureldale, Berks County, for appointment as Justice of the Peace in and for the Borough of Laureldale, Berks County, until the first Monday in January, 1942, vice Arthur S. Miller, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF PEACE IN POTTER COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Clair Statham, Harrison Valley, Potter County, for appointment as Justice of the Peace in and for the Township of Harrison, Potter County, until the first Monday in January, 1942, vice F. L. Harrison, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF STATE ORAL SCHOOL FOR THE DEAF

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of the Pennsylvania State Oral School for the Deaf, for terms of four years, and until their successors are qualified:

Mrs. Mae W. James, 625 N. Main Ave., Scranton, Lackawanna County, to fill a vacancy.

Mrs. Ethel McBride, 937 Orchard St., Scranton, Lackawanna County, to fill a vacancy.

Mrs. Marjorie Sutherland, Chinchilla, Lackawanna County, vice Miss Frances E. McGee, whose term expired.

Mrs. Rachel J. Thomas, 1523 Clay Ave., Dunmore. Lackawanna County, vice Mrs. Agnes Kahler, whose term expired.

Albert J. Davis, 344 N. Garfield Ave., Scranton, Lackawanna County, to fill a vacancy.

Herman S. Goodman, 929 Clay Ave., Scranton, Lackawanna County, to fill a vacancy.

F. J. Helriegel, Mears Building, Scranton, Lackawanna County, to fill a vacancy.

Edward J. Kelly, Scranton Life Building, Scranton, Lackawanna County, vice Monsignor Connel McHugh, whose term expired.

Arnold Roth, 913 Slocum Ave., Scranton, Lackawanna County, vice Stanley Stobock, whose term expired.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF THADDEUS STEVENS INDUSTRIAL SCHOOL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Thaddeus Stevens Industrial School, for terms of four years and until their successors are qualified:

Clifford C. Aument, Quarryville, Lancaster County, vice Dr. Charles W. Ursprung, whose term expired.

Louis B. Bond, Christiana, Lancaster County, vice W. S. Sullivan, whose term expired.

Claude W. Breneman, Elizabethtown, Lancaster County, vice Harry J. Stumpf, whose term expired.

Wm. A. Brock, 340 N. Mulberry St., Lancaster, Lancaster County, vice Rev. W. R. Knerr, whose term expired.

Miss Rebecca Griest, Lancaster, Lancaster County, vice Albert H. Fritz, whose term expired.

Calvin M. Kendig, Mountville, Lancaster County, vice H. Nelson Albright, whose term expired.

Park H. Lutz, R. F. D. No. 1, Denver, Lancaster County, to fill a vacancy.

Hon. Oliver S. Schaeffer, 1124 Wheatland Ave., Lancaster, Lancaster County. (Reappointment).

Theodore Schwalm, 304 Atkins Ave., Lancaster, Lancaster County. (Reappointment).

ARTHUR H. JAMES.

APPOINTMENT AS MEMBERS OF STATE BOARD OF PUBLIC ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Board of Public Assistance:

Mrs. Harriet D. Phillips, 2336 Brownsville Rd., Pittsburgh, Allegheny County, until the third Tuesday of January, 1947. (Reappointment).

Gilbert S. McClintock, Esq., 44 S. River St., Wilkes-Barre, Luzerne County, until the third Tuesday of January, 1947, and until his successor shall have been appointed and qualified, vice John W. Howell, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF STATE BOARD OF EXAMINERS OF ARCHITECTS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Henry Y. Shaub, 20½ N. Queen St., Lancaster, Lancaster County, for appointment as a member of the State Board of Examiners of Architects, for the term of six years, and until his successor is appointed and qualified, vice Frederick A. Muhlenberg, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF PEACE IN FAYETTE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James R. Newton, Everson, Fayette County, for appointment as Justice of the Peace in and for the township of Upper Tyrone, Fayette County, until the first Monday in January, 1942, to fill a vacancy.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF PEACE IN BUCKS COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 7, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate D. Arthur Gross, Danboro, Bucks County, for appointment as Justice of the Peace in and for the Township of Plumstead, Bucks County, until the first Monday in January, 1942, vice Wm. W. Hall, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS ALDERMAN IN YORK COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania

In conformity with law, I have the honor to nominate for the advice and consent of the Senate G. W. Conway, 335 Smyser St., York, York County, for appointment as Alderman in and for the Fifth Ward of the City of York, York County, until the first Monday in January, 1942, vice Fred W. Kottcamp, deceased.

ARTHUR H. JAMES.

RULE 38 SUSPENDED

By unanimous consent,

A motion was made by Mr. JAMES and Mr. EALY

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. EALY

That the Senate do now advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Frey,	McGinnis,	Taylor,
Carr,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Tyler,
Cox,	Heyburn,	Mundy,	Wade,
Crider,	James,	Ruth,	Walker,
Crowe,	Jaspan,	Scarlett,	Watkins,
Dent,	Kephart,	Shapiro,	Wilson, H. I.
DiSilvestro,	Lanius,	Snowden,	Wilson, T. B.,
Ealy,	Letzler,	Stevenson,	Woodward
			Ziesenheim,

NAYS—0

Two-thirds of all the Senators saving voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSIONS RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

BILL INTRODUCED

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 697, entitled:

A Joint Resolution proposing an amendment to section one, article nine, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 420, as follows:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

Article nine section eight of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The debt of any city borough township school district or other municipality or incorporated district except as provided herein and in section fifteen of this article shall never exceed seven (7) per centum upon the assessed value of the taxable realty therein and the debt of any county other than Philadelphia shall never exceed seven (7) per centum upon the assessed value of the taxable realty therein and the debt of the City and County of Philadelphia shall never exceed ten (10) per centum upon the average annual assessed value of the taxable realty therein for the ten years immediately preceding the time any debt is incurred or increased nor shall any county city borough township school district or other municipality or incorporated district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such assessed value or upon such average annual assessed valuation of taxable realty for the ten immediately preceding years as the case may be without the consent of the electors thereof at a public election in such manner as shall be provided by law

In ascertaining the borrowing capacity of the City and County of Philadelphia at any time there shall be deducted from such debt so much of the debt of said city and County as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction purchase or condemnation of any public utility or part thereof or facility therefor to the extent that such public improvement or public utility or part thereof whether separately or in connection with any public improvement or public utility or part thereof may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon

The method of determining such amount so to be deducted may be prescribed by the General Assembly

In incurring indebtedness for any purpose the City and County of Philadelphia may issue its obligations maturing not later than fifty (50) years from date thereof with provisions for a sinking fund sufficient to retire said obligations at maturity the payment to such sinking fund to be in equal or graded annual or other periodical installments Where any indebtedness shall be or shall have been incurred by said City and County of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character from which income or revenue is to be derived by said City and County or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said City and County such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of work for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness and said City and County shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten article nine of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work Provided however That any city county borough township or other municipality or incorporated district may with the consent of the electors thereof increase its indebtedness to the extent of three (3) per centum over and beyond any limitation fixed herein toward the sole purpose of constructing or completing sewage treatment works

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Comrade Lewis and fellow members of the Senate, I regret the absence of my protalitarian colleague, Senator Jaspan, who sits over there in the twilight zone and who whenever I get up and speak yells "louder."

Senate Bill No. 420, Mr. President, illustrates the vicissitudes and career of the bill. This bill was advertised by Miss O'Hara at great expense last summer. As we all know—at least I know and I am the only one who does know, apparently, the Secretary of the Commonwealth is required by law to advertise proposed amendments to the Constitution in two newspapers in each county. There were five of these constitutional amendments, mostly sponsored by myself and this is the last of the five, the other four having gone down and this has practically been sunk, so that money of course has gone.

The main object of this resolution is to get rid of personal property taxes. By that I mean a tax on intangible personal property. Sometimes the Democrats talk as if they had no property, and they may not be interested, but

I think there are a few Democrats and I know all Republicans are still actuated by what is called the profit motive.

This miserable—well, there is no use, I will spare all the adjectives that might be applied to personal property taxes, but I would like to have as the epitaph on my grave "this man helped to repeal the personal property tax."

This resolution as originally drawn and advertised by Miss O'Hara found no opposition apparently in compelling the sub-divisions outside of Philadelphia to reckon ten years of their real estate values and then strike an average on the ten year valuation. That was suggested by one of my numerous friends who interfered with this bill but instead of telling me in 1939, they waited until 1941 and they have now told me in the Republican Caucus, and various corridors, that the bill will fall unless I take that out. I have therefore taken it out.

Now, of course, if this bill pleases everybody it is a wonder, but the way the bill appears now after various mistakes of the Legislative Reference Bureau and the proof-reader, the bill I now believe is water tight and it does that very thing, namely, that the sub-divisions outside of Philadelphia will not be inflicted with the average of ten years. Philadelphia will have it. They will take the average of assessed valuation on realty for ten years. Please remember that one object of this amendment is to separate the real estate basis from the personal property basis for borrowing, because that is the only way you can ever get rid of the personal property tax.

Now, just a little bit of history perhaps. When Governor Earle became Governor through some accident, whatever it was, he called his financial advisers together and he said, "Here is a fine tax, four mills; it is such a good tax that if we doubled it then it would be twice as good." So the financial advisers said, "That is darned good logic, we will double it." Now the tax is eight mills, four mills for the county and four mills for the city.

Now, of course, if I talked about a one thousand dollar bond I might not get any sympathy from the Democratic side, because they claim they do not have such a thing like that, but on this side we still have some bonds and if we have a thousand dollar bond at four per cent you get forty dollars in coupons per annum and if you translate that into an income tax, I mean a personal income tax, it means twenty per cent, and if the bond is only two per cent, it means forty per cent in income taxes, which no one out of a mental hospital would ever entertain. Then, of course, if the bond does not pay anything or if a mortgage does not pay anything you pay the tax just the same on personal property.

The first time I tried to improve the tax I hit some of my best friends in Germantown, who had never declared anything, who had put the blank in the scrap basket, and my neighbor I notice was hauled up and penalized on that first attempt I made to reform the bill. Well, he did not know I was the author of the bill.

Then later I put in an amendment that was pretty good, that when a man who had always hit the scrap basket, when such a man died, of course there was an inventory of his estate and if he had not paid the personal property tax his estate was penalized over a period of three years back at the rate of six per cent. The first victim of this awful menace was the father of Governor Earle.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Germantown.

The PRESIDENT. Will the Senator from Philadelphia permit himself to be interrogated?

Mr. WOODWARD. I will, Mr. President.

Mr. SHAPIRO. Seriously, Mr. President, I was discussing with the Caucus that we ought to vote for this bill because I thought it was a good piece of legislation, on the theory that taking the personal property tax as a basis for taxation was rather too uncertain and I suggested that eliminating the personal property tax and acquiring the basis on a ten year average would be much better and more stable.

Now, I understand from the gentleman from Germantown this is a bill to get rid of the personal property tax. At least that is what he said.

Mr. WOODWARD. Oh no, Mr. President.

Mr. SHAPIRO. I did not so interpret it, Mr. President, and if this is a bill to get rid of the personal property tax I am going to ask my colleagues to vote against it.

Mr. WOODWARD. No, Mr. President.

Mr. SHAPIRO. That is what the gentleman said, Mr. President; I think he should correct it.

Mr. WOODWARD. Mr. President, may I have a moment to correct that impression.

The PRESIDENT. The gentleman from Philadelphia, Mr. Woodward, may proceed.

Mr. WOODWARD. What I tried to say was that our borrowing capacity is now based on two factors, the assessed value of real estate and the personal property tax, and that so long as that hook-up exists you cannot repeal the personal property tax. Does the gentleman from Philadelphia admit that?

Mr. SHAPIRO. Yes, Mr. President.

Mr. WOODWARD. Very well. Then this is the statesmanlike, indirect way. I know it takes a long time to get rid of a personal property tax and if nobody here will interfere with this bill and Miss O'Hara continues to advertise it we will finally pass it and get rid of that tax.

Mr. STIEFEL. Mr. President and gentlemen of the Senate, two years ago I presented to the Senator from Germantown the same question which I am about to submit now.

I have great admiration for the Senator from Philadelphia, Mr. Woodward, for his persistence in his relentless efforts to change the Constitution, but I had a bitter experience back in 1937, and this bitter experience gave me food for thought.

What is the advantage, Mr. President, of passing these bills when all these amendments come up for vote during elections. As you know, the device known as the voting machine has many little levers and when a person comes in to vote, all the committeemen, all the political workers, are interested in the candidates and they neglect the little lever which you have to pull in order to express approval or disapproval of an amendment.

I maintain that as long as these amendments will be coming up for vote during general elections the public is not going to give its full vote to approve or disapprove them and it is about time the gentleman from Germantown introduced a new resolution to arrange that the vote on amendments should come up in a separate election and not in a general election when the public is not paying attention to the amendments.

Mr. WOODWARD. Mr. President, I welcome the suggestion of my colleague from Philadelphia, Mr. Stiefel, and he and I will confer on that subject. While we are at

it, I wish somebody would tell Miss O'Hara to use larger type. I told her so, but for some reason, when she advertises these amendments to the Constitution she uses a type known as pica and the translation of that is "so small you cannot read it."

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barr,	Farrell,	Miller,	Thomas,
Bartlett,	Geltz,	Mundy,	Tyler,
Becker,	Haluska,	Ruth,	Wade,
Carr,	Heyburn,	Scarlett,	Walker,
Coleman,	James,	Shapiro,	Watkins,
Cox,	Kephart,	Snowden,	Wilson, H. I.,
Crider,	Letzler,	Stevenson,	Wilson, T. B.,
Crowe,	Mallery,	Stiefel,	Woodward,
Ealy,	McCreesh,	Tallman,	Ziesenheim,
Edmonds,	McQuiddy,	Taylor,	

NAYS—2

Frey,	McGinnis,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 212, on third reading, entitled:

An Act with rerefence to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 286, as follows:

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class, prescribing the manner in which money shall be drawn from the city treasury

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The fourth paragraph of article seven of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" is hereby amended to read as follows

No money shall be drawn from the city treasury except by due process of law or upon warrants on the treasurer or by checks signed in the manner prescribed by the council and countersigned by the controller which warrants or checks shall state the consideration of the same and the particular fund or appropriation to which the same is chargeable

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Frey,	McGinnis,	Taylor,
Carr,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Tyler,
Cox,	Heyburn,	Mundy,	Wade,
Crider,	James,	Ruth,	Walker,
Crowe,	Jaspan,	Scarlett,	Watkins,
Dent,	Kephart,	Shapiro,	Wilson, H. I.,
DiSilvestro,	Lanius,	Snowden,	Wilson, T. B.,
Ealy,	Letzler,	Stevenson,	Woodward,
			Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. MILLER. Mr. President, I ask unanimous consent that Senate Bill No. 381, on third reading, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 414, (House Bill No. 616), as follows:

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" providing for admission to bail by committing magistrates and coroners in cases involving manslaughter by automobile

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" is hereby amended to read as follows

Section 7 In all cases the party accused on oath or affirmation of any crime or misdemeanor against the laws shall be admitted to bail by one or more sufficient sureties to be taken before any judge justice mayor recorder coroner or alderman where the offense charged

has been committed except such persons as are precluded from being bailed by the constitution of this Commonwealth Provided also That persons accused as aforesaid of murder or manslaughter shall only be admitted to bail by the supreme court or one of the judges thereof or a president or associate law judge or a court of common pleas And provided further however That persons accused of manslaughter by automobile unless such persons were found under the influence of intoxicating liquor or failed to stop and render assistance may be admitted to bail by the coroner or the committing magistrate alderman or justice of the peace Persons accused as aforesaid of arson rape mayhem sodomy buggery robbery or burglary shall only be bailable by the supreme court the court of common pleas or any of the judges thereof or a mayor or recorder of a city

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Frey,	McGinnis,	Taylor,
Carr,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Tyler,
Cox,	Heyburn,	Mundy,	Wade,
Crider,	James,	Ruth,	Walker,
Crowe,	Jaspan,	Scarlett,	Watkins,
Dent,	Kephart,	Shapiro,	Wilson, H. I.,
DiSilvestro,	Lanius,	Snowden,	Wilson, T. B.,
Ealy,	Letzler,	Stevenson,	Woodward,
			Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. McCREESH. Mr. President, I ask unanimous consent that Senate Bill No. 418, on third reading, entitled:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirteenth of each year as Commodore John Barry Day.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 450, as follows:

An Act to amend article five of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by authorizing the micro filming of records in the various administrative departments boards or commissions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article five of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended by adding at the end thereof a new section to be known as section five hundred twenty-five and to read as follows

Section 525 Any administrative department board or commission may with the approval of the Executive Board have micro film records made of any correspondence records or other papers for the purpose of protecting and safeguarding the original correspondence records or other papers or for the purpose of conserving filing space and such micro film reproduction shall when properly identified be admitted in evidence in any proceedings in place of the original correspondence records or other papers

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Bartlett,	Geltz,	Scarlett,	Wade,
Becker,	Heyburn,	Snowden,	Walker,
Carr,	James,	Stevenson,	Watkins,
Crider,	Kephart,	Tallman,	Wilson, H. I.,
Crowe,	Letzler,	Taylor,	Wilson, T. B.,
Ealy,	Mallery,	Thomas,	Woodward,
Edmonds,	Miller,	Tyler,	Ziesenheim,
Farrell,			

NAYS—12

Barr,	DiSilvestro,	McCreesh,	Ruth,
Coleman,	Frey,	McGinnis,	Shapiro,
Cox,	Haluska,	McQuiddy,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 495, (House Bill No. 524), as follows:

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" prohibiting the sale of striped bass or rock fish under eighteen inches in length

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 846) is hereby further amended to read as follows

Section 210 Sale of Certain Fish Prohibited No person and no proprietor manager clerk or agent of any market hotel boarding house eating house restaurant or saloon shall purchase sell or expose for sale any brook trout or any species of trout except lake trout any small mouth bass or large mouth bass or striped bass or rock fish under eighteen (18) inches in length caught in waters wholly within this Commonwealth or any small mouth bass or large mouth bass or striped bass or rock fish under eighteen (18) inches in length caught in waters without this Commonwealth and received in interstate commerce or otherwise No person and no proprietor manager clerk or agent of any market hotel boarding house eating house restaurant or saloon shall contract with or employ any person to catch and keep such fish for him by the day or otherwise

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Edmonds,	McCreesh,	Tallman,
Bartlett,	Farrell,	McGinnis,	Taylor,
Becker,	Frey,	McQuiddy,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	James,	Scarlett,	Watkins,
Crowe,	Kephart,	Shapiro,	Wilson, H. I.,
Dent,	Lanius,	Snowden,	Wilson, T. B.,
DiSilvestro,	Letzler,	Stevenson,	Woodward,
Ealy,	Mallery,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 547, on third reading, entitled:

An Act to further amend section four hundred twenty of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by providing for the conversion of annuity contracts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 550, on third reading, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by adding thereto section 2114 establishing a civil service system for the Department of Health.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 588, as follows:

An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof either by requiring before execution shall issue against real property either a release of such persons from personal liability or the fixing of the fair market value of the property to be sold and the entering of certain credits against such judgments based upon such fair market value and prescribing the method of fixing the fair market value of such property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Before any execution shall issue against any real property on any judgment entered the plaintiff or plaintiffs shall either (1) file a statement in the court having jurisdiction over such execution certifying under oath that he or they release and discharge the debtors obligors and guarantors and any other parties liable di-

rectly or indirectly on the debt for which the judgment was entered and the owners of the property affected thereby from all personal liability on the debt interest costs taxes and municipal claims or (2) petition the court having jurisdiction to issue such execution to fix the fair market value of the property to be sold Said petition shall be signed and sworn to by the plaintiff or plaintiffs

Section 2 The petition shall set forth

(a) The location and description of the real property to be sold and the name or names of all persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of said debt

(b) A Statement of the fair market value of said property and

(c) Shall name as respondents the debtors obligors and guarantors and any other persons directly or indirectly liable to petitioner or any other person for the payment of said debt and the owners of the property affected thereby together with the addresses of such persons to the extent that such addresses are known to petitioner or may have been ascertainable upon reasonable inquiry and an affidavit that he does not know and after reasonable inquiry has been unable to ascertain the residence or business addresses of the others

Section 3 The court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon each of the persons named therein as respondents at least ten days prior to the date fixed for hearing At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer the nature and extent of his interest in the proceedings and answering the averments of the petition

Section 4 Said petition may be served by the sheriff of the County or by the Sheriff of any other county specially deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above methods said respondent or respondents may be served by publishing in the legal newspaper of the county and one newspaper of general circulation in the county at least fifteen days prior to the day fixed for the hearing of such petition a notice to the said respondent or respondents of the filing of said petition and the date fixed for hearing thereon. If there is no legal newspaper in the county then publication in one newspaper of general circulation in said county shall be sufficient.

Any debtor obligor guarantor mortgagor and any other person directly or indirectly liable to the petitioner for the payment of the debt and any owner or owners of the property affected thereby who is not named in said petition nor served with a copy thereof or notice of the filing thereof as provided in this section shall be deemed to be discharged from all personal liability to the petitioner on the debt interest and costs but any such failure to name such person in said petition or to serve the petition or notice of the filing thereof shall not be deemed to affect or impair the validity of any writ of execution sheriff's sale or the title secured thereby

Section 5 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed before the time fixed for hearing No hearing shall be had until the court shall be satisfied that service has been made upon all the respondents in any of the methods herein provided

Section 6 At such hearings the only issue before the court shall be the fair market value of the property to be sold and any party in interest may introduce into evidence testimony of such fair market value

If no answer is filed within the time provided for in this act or if an answer is filed which does not controvert the allegation of the fair market value of the property as averred in the petition the plaintiff or plaintiffs shall file in the court a stipulation releasing the debtors obligors and guarantors and any other persons directly or indirectly liable to the plaintiff or plaintiffs for the debt and the owners of the property affected thereby from personal liability to the plaintiff to the extent of the fair market value as averred in the petition less the amount of any prior liens costs taxes and municipal claims paid at distribution on the sale Whereupon the court shall order the sale to be proceeded with forthwith

If no answer is filed within the time herein provided for or if an answer is filed controverting the averment in the petition as to the fair market value of the property and no testimony is produced at the hearing supporting such denial of the fair market value the plaintiff or plaintiffs may file a stipulation releasing the debtors obligors and guarantors and any other persons liable directly or indirectly to the plaintiff or plaintiffs for the debt and the owner of the property affected thereby from personal liability to the plaintiff to the extent of the fair market value as averred in the petition less the amount of any prior liens costs taxes and municipal claims paid at distribution on the sale whereupon the court shall determine and fix as the fair value of the property the amount thereof alleged in the petition to be the fair market value and shall order the sale to be proceeded with forthwith

If answer is filed alleging as the fair market value an amount in excess of the fair market value of the property as averred in the petition the plaintiff or plaintiffs may agree to accept as the fair market value of the property the value set up in the answer and in such case may file a stipulation releasing the debtors obligors and guarantors and any other persons liable directly or indirectly for the debt and the owners of the property affected thereby from personal liability to the plaintiff to the extent of the fair market value as averred in the answer less the amount of any prior liens costs taxes and municipal claims paid at distribution on the sale Whereupon the court shall order the sale to be proceeded with forthwith If an answer shall be filed and testimony produced setting forth that the fair market value of the property is more than the value stated in the petition the court shall determine and fix the fair market value of the property which shall in no event exceed the amount of the debt interest costs taxes and municipal claims and for such purpose in its discretion may appoint one or more but not more than three appraisers to assist the court in determining said fair market value

After the hearing and the determination by the court of the fair market value of the property to be sold the execution may issue and the property may be sold by the sheriff or other proper officer or person to the highest bidder whereupon upon confirmation of the sale the debtor obligor guarantor and any other person liable directly or indirectly to the plaintiff or plaintiffs for the payment of the debt shall be released and discharged of such liability to the plaintiff to the extent of the fair market value of said property as previously agreed to by the planitiff or plaintiffs or determined by the court less the amount of all prior liens costs taxes and municipal claims collected by the sheriff or other person making the sale and shall also be released and discharged of such liability to the extent of any amount by which the sale price less such prior liens costs taxes and municipal claims exceeds the fair market value as agreed to by the plaintiff or plaintiffs or fixed and determined by the court as aforesaid

Section 7 When the sheriff or other person shall have sold upon a writ of execution any real property the fair market value of which shall have been fixed by the court or agreed to by the plaintiff in the manner hereinabove set forth the sheriff or other person making sale as aforesaid shall make a return of such sale to the court in the manner and form now prescribed by law whereupon when said return of sale and schedule of distribution shall have become final and conclusive by reason of confirmation thereof or otherwise in the manner by law now provided or when the court shall have ordered distribution as the case may be the prothonotary or other proper officer of the court having jurisdiction of said sale shall calculate in accordance with the provisions of the last paragraph

of Section 6 hereof the amount of the credit to which the debtor obligor guarantor and any other person directly or indirectly liable to the plaintiff shall be entitled and shall note upon the record of the judgment upon which execution was issued or upon other proper record the amount of such credit as having been realized by the sale of the real estate and the Prothonotary or other proper officer of the court shall apply such credit first to interest at the rate of six (6%) per cent per annum on said judgment from the date thereof and next to reduction of the principal sum thereof and shall note upon the record the unpaid and unsatisfied balance of said judgment

Section 8 Nothing in this act shall be construed to affect present procedure for the public sale of real estate or the private sale thereof under order of court except to the extent herein expressly provided or necessary for the purpose of giving proper effect to the provisions hereof

Section 9 Nothing in this act shall be construed to affect the right of any person liable directly or indirectly for the payment of the debt to the benefit of any amount realized on any execution sale in excess of the fair market value fixed or agreed to in accordance with the provisions of this act and nothing in this act shall be construed to effect a release or discharge of any person otherwise than nor to any greater extent than as herein expressly provided

Section 10 It shall be incompetent for any debtor obligor or guarantor at any time either before or after or at the time of incurring any obligation to waive the benefits of this act or to release any obligee from compliance with the provisions thereof Any such waiver or release shall be absolutely void unenforceable and of no effect

Section 11 The provisions of this act shall be severable and if any section provision or clause thereof shall be held to be unconstitutional the decision so holding shall not be construed to affect or impair any other section provision or clause of this act It is hereby declared as the legislative intent that this act would have been enacted had such unconstitutional section provision or clause not been included therein

Section 12 The provisions of this act shall become effective immediately upon its final enactment but shall not apply in the case of any obligation of contract incurred at any time before such effective date nor to any judgment which may have been heretofore recovered

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Edmonds,	McCreesh,	Tallman,
Bartlett,	Farrell,	McGinnis,	Taylor,
Becker,	Frey,	McQuiddy,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	James,	Scarlett,	Watkins,
Crowe,	Kephart,	Shapiro,	Wilson, H. I.,
Dent,	Lanius,	Snowden,	Wilson, T. B.,
DiSilvestro,	Letzler,	Stevenson,	Woodward,
Ealy,	Mallery,	Stiefel,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 597, as follows:

An Act to further amend section seven hundred one of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section seven hundred one of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 819) is hereby further amended to read as follows

Section 701 Unlawful Taking Killing Possession Etc of Game Except as otherwise provided in this act it is unlawful for any person to take or kill or wound or attempt to take or kill or wound any game except during the open season or to have in possession either living or dead any game or any part thereof except game lawfully taken during the open season which may be had in possession during the open season therefor and for sixty days thereafter Provided however That any person upon application to the director and the payment of a fee of one dollars ($1.00) may be issued a permit authorizing the possession of the flesh of a lawfully killed big game animal or any part thereof for an additional period not to exceed four months

The burden of proof that game or any part thereof found in possession of any person after the close of the open season was lawfully taken shall be upon the person in whose possession such game or part thereof is found

This section does not prohibit the possession at any time of game killed or taken outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of birds or animals not unlawfully killed or the possession of live raccoons when lawfully taken during the open season provided the owner thereof applies to the director for a permit within five days after the close of the season which shall be issued without charge

It is unlawful for any person to use any game that has been unlawfully killed or taken or to aid or assist in the taking possession concealment or transportation of any game unlawfully killed or to have in possession for any purpose whatsoever or conceal the same any game or any part thereof that has been unlawfully killed or taken

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Edmonds,	McCreesh,	Tallman.
Bartlett,	Farrell,	McGinnis,	Taylor,
Becker,	Frey,	McQuiddy,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Ruth,	Walker.
Crider,	James,	Scarlett,	Watkins,
Crowe,	Kephart,	Shapiro,	Wilson H. I.,
ent,	Lanius,	Snowden,	Wilson, T. B.,
DiSilvestro,	Letzler,	Stevenson,	Woodward
Ealy,	Mallery,	Stiefel,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 53, entitled:

An Act authorizing counties, cities, boroughs, towns, townships and school districts to operate programs of public recreation and playgrounds, either alone or in cooperation with each other, or through recreation boards created by one or more of them.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 284, on second reading, entitled:

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7, and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city,

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 302, entitled:

An Act to further amend section one thousand four hundred sixteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 315, entitled:

An Act to further amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 405, entitled:

An Act to further amend sections two hundred twenty and two hundred eighty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," increasing the resident fishing license fee and authorizing the use of the money derived from such increase for the acquisition by lease or purchase of public fishing rights in the waters of the Commonwealth, together with the rights of ingress and egress to and from such waters.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. TALLMAN. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title page 1 line 11 by inserting after the words "purchase of" the words "land and/or"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 443, entitled:

An Act to amend section one thousand one hundred and four and to further amend sections one thousand one hundred and five, one thousand one hundred and twenty-one and one thousand one hundred and twenty-seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of county and assistant county superintendents.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 474, entitled:

A Further Supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. LETZLER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 1, page 2, line 13, by striking out after the word "the" the word "Graduates" and inserting in lieu thereof the following: Graduate

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 529, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistant and other employes; providing for their compensation payable by such counties; eliminating the triennial assessment; and abolishing the distinction between seated and unseated lands for the purpose of taxation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 534, (House Bill No. 145), entitled:

An Act validating county treasurers' deeds where the acknowledgment of such deed or deeds was defective in any respect, if in fact such acknowledgment was taken before a judge of the county.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 602, entitled:

An Act to further amend section one thousand four hundred and thirty-nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for education of blind children by the Department of Public Instruction, and for the payment therefor out of appropriations made for such purposes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 659, (House Bill No. 1151), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 660, (House Bill No. 1152), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred and forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia will state his question of personal privilege.

Mr. WOODWARD. Mr. President, the per diem expenses of the Legislature, the per diem payroll for all employes is $1,178 per diem. There are fourteen page

boys on the payroll. I suggest that we take on another page to page the page boys.

The PRESIDENT. The Chair is of the opinion that should be a point of order and not a question of personal privilege, and the Chair quite agrees with the Senator and advises the chief page and the pages themselves to be present. Unless the pages perform the duties for which they are appointed I shall request that other pages be substituted for them.

BILL INTRODUCED

Mr. MALLERY. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY read in place and presented to the Chair Senate Bill No. 698, entitled:

An Act making an appropriation to the Altoona Hospital, Altoona, Pennsylvania.

Which was committed to the Committee on Appropriations.

REPORT FROM COMMITTEE

Mr. LETZLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LETZLER, from the Committee on Insurance, reported as amended, Senate Bill No. 236, entitled:

An Act to amend section six hundred fifty-four of article six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law; providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for appeals from any classification, rule, rate, or schedule of the Insurance Commissioner affecting insurance of employes and employers under the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 196, entitled:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof under the supervision of the Department of Mines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 229, entitled:

An Act creating a commission to make a study and investigation of the laws governing, and the practical operation of, the parole and penal systems of this Commonwealth, and other parole and penal systems; defining its powers and duties; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 233, entitled:

An Act to amend section one of the act approved the thirteenth day of May, one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of miners; by forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school district and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," by exempting children employed as caddies from the provisions of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The Senate proceeded to the first reading and consideration of Senate Bill No. 365, entitled:

An Act to provide that notices to delinquent taxpayers or statements of such delinquents and the publication of municipal liens or notices thereof shall not be required of the receiver of taxes or of the city solicitor, and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 391, entitled:

An Act prescribing the nature and kind of investments which may be made by fiduciaries and repealing acts and parts of acts inconsistent herewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 413, (House Bill No. 692), entitled:

An Act to amend clauses (k) and (l), and to add clause (n) to section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for

and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers College; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the leasing of Indiantown Gap Military Reservation to the United States.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 424, entitled:

An Act restricting the granting of licenses to marry to divorced persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 457, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing law relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by enabling the Department of Public Assistance to take measures to rehabilitate persons receiving assistance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 458, entitled:

An Act to authorize the revival of judgments entered in favor of the Department of Public Assistance by filing a suggestion of nonpayment and directing prothonotaries to make the necessary entries with charge.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 459, entitled:

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this Act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 542, (House Bill No. 666), entitled:

An Act to amend section one of the act approved the twenty-sixth day of August, A. D., one thousand nine hundred thirty-two (P. L. 101), entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments," by including counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 545, entitled:

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 554, entitled:

An Act to amend section two and clause (b) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Asisstance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by redefining assistance and eliminating the requirements that fresh fluid milk shall be furnished to relief recipients, or their children.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 645, entitled:

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as

amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 349

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 349, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 349, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

BILL INTRODUCED

Mr. MILLER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER read in place and presented to the Chair Senate Bill No. 699 entitled:

An Act making an appropriation to the Wilkes-Barre General Hospital, Wilkes-Barre, Pennsylvania.

Which was committed to the Committee on Appropriations.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, April 28, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 1:40 o'clock, p. m., until Monday, April 28, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 23, 1941.

The House met at 1 p.m.

The SPEAKER (Elmer Kilroy) in the Chair.

The SPEAKER. The Chaplain has asked permission of the Speaker to be absent to attend the Annual Conference of his Church now in session at Sunbury. In the absence of the Chaplain and at his invitation, prayer will be offered by the Chaplain's father, the gentleman from Northampton, Mr. McFall.

PRAYER

Mr. Charles McFall, a member of the House offered the following prayer:

Almighty God, Thou who hast given us this good land for our heritage, we humbly beseech Thee that we may prove worthy of Thy great gift, and be ever mindful of Thy favor, and glad to do Thy will.

We need Thy everlasting arms to strengthen us in the defense of our liberties, and to fashion and mould us into a united people. Suffer not our trust in Thee to fall.

Endue with the spirit of wisdom those to whom, in Thy name, we entrust the authority of government, that there may be justice and peace at home, and that through obedience to Thy law, we may show forth Thy praise among the nations of the earth. Fill our hearts, O Lord, with thankfullness and praise for the peace and blessing which we all enjoy.

As Representatives of this great State of ours, unite us in the bonds of fellowship and love, and may the spirit of brotherly kindness prevail in all our deliberations. May our labor be fruitful and beneficial not only to our Commonwealth but to the entire Nation. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. YEAKEL, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. REGAN. HOUSE BILL No. 1362.

An Act regulating the mining of anthracite coal; prescribing duties for certain municipal officers; and imposing penalties.

Referred to the Committee on Mines and Mining.

By Mr. HIRSCH. HOUSE BILL No. 1363.

An Act to further amend clause (i) of section nineteen

of the act, approved the third day of May, one thousand nine hundred and thirty-nine (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts district attorneys the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by further regulating the payment of prescribed license fees.

Referred to the Committee on Liquor Control.

By Mr. HIRSCH. HOUSE BILL No. 1364.

An Act to further amend section four hundred two and subsection (b) of section four hundred nine of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by further regulating the payment of prescribed license fees.

Referred to the Committee on Liquor Control.

By Messrs. CORRIGAN and LICHTENWALTER. HOUSE BILL No. 1365.

An Act to amend the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof; owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as variously amended; amplifying and changing provisions of said act relating to lighting and signal devices; redefining the term dealer; further regulating dealers in junked vehicles permits for oversize and overweight vehicles, use of school buses, registration plates and cards, maximum size of vehicles, and medical examinations by physicians; providing for payment of certain fees by counties; limiting and providing new exemptions from the various provisions of said act; giving additional authority to peace officers and department employes in the matter of investigations; further regulating prosecutions; giving certain powers to cities for the regulation of traffic and the establishment of traffic courts; fixing additional fees, changing and imposing new penalties, and giving the secretary additional powers and duties.

Referred to the Committee on Motor Vehicles.

By Mr. ROYER. HOUSE BILL No. 1366.

An Act to amend the title and act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of, space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws" as amended, by transferring from the Department of Revenue to the Department of Military Affairs powers and duties with respect to aeronautics.

Referred to the Committee on State Government.

By Mr. ROYER. HOUSE BILL No. 1367.

An Act to amend the title and the act, approved the seventh day of May, one thousand nine hundred thirty-five (P. L. 130), entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such aircraft within or above the Commonwealth of Pennsylvania, the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendant in any such suit," by making the Adjutant General in lieu of the Secretary of Revenue the agent for the service of process in certain civil suits involving aircraft.

Referred to the Committee on State Government.

By Mr. ROYER. HOUSE BILL No. 1368.

An Act to further amend the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," as reenacted and amended, by making the moneys in the Motor License Fund available to the Department of Military Affairs, instead of the Department of Revenue, with respect to aeronautical matters.

Referred to the Committee on State Government.

By Mr. ROYER. HOUSE BILL No. 1369.

An Act to amend the title and the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1016), entitled "An act relating to

aeronautics; providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth; providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth, conferring powers and duties on the Department of Revenue with respect thereto; and repealing certain acts and parts of acts," by transferring from the Department of Revenue to the Department of Military Affairs certain powers and duties with respect to aeronautics.

Referred to the Committee on State Government.

By Messrs. SAMUEL ROSE and FINNERTY.
HOUSE BILL No. 1370.

An Act to amend section eighteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," further regulating the removal, discharge or reduction in pay or position of officers, clerks and employes in the classified civil service.

Referred to the Committee on Cities—First Class.

By Mr. ELLWOOD B. WELSH. HOUSE BILL No. 1371.

An Act to further amend clause two of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further prescribing salary increments of elementary school teachers in first class school districts.

Referred to the Committee on Education.

By Mr. HALL. HOUSE BILL No. 1373.

An Act to amend part of section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by making an appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

Referred to the Committee on Appropriations.

By Mr. McMILLEN. HOUSE BILL No. 1374.

An Act making an appropriation to the Board of Finance and Revenue for certain refunds from the Game Fund.

Referred to the Committee on Appropriations.

By Messrs. POLEN and WILLIAMS.
HOUSE BILL No. 1375.

An Act providing for the payment of moneys to school districts of the fourth class, the taxes of which have been reduced by the acquisition of certain lands and property by the Commonwealth.

Referred to the Committee on Education.

By Messrs. WOODRING and EARLY.
HOUSE BILL No. 1376.

An Act validating and confirming any lease, sale or conveyance of certain real property by third class cities when such sale, lease or conveyance has been made in accordance with a proper resolution or ordinance adopted by such council.

Referred to the Committee on Cities—Third Class.

By Messrs. WOODRING and LONGO.
HOUSE BILL No. 1377.

An Act to amend the title and the act, approved the twenty-eighth day of June, one thousand nine hundred and seventeen (P. L. 645), entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties," by extending the provisions thereof to include corporations and unincorporated associations.

Referred to the Committee on Corporations and Industry.

By Messrs. WOODRING and EARLY.
HOUSE BILL No. 1378.

An Act to add clause fifty-five to section two thousand four hundred two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by further prescribing and regulating the power of such cities to sell, lease or dispose of certain real estate and setting up a procedure whereby such property may be disposed of, leased or sold; and imposing additional duties and powers on common pleas courts.

Referred to the Committee on Cities—Third Class.

By Mr. HAMILTON. HOUSE BILL No. 1379.

An Act to further amend the third paragraph of section two of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," by making further provision for the expenses of burial of certain deceased indigent persons.

Referred to the Committee on Public Health and Sanitation.

By Mr. HERING. HOUSE BILL No. 1380.

An Act to further amend the Act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights

from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor.

Referred to the Committee on Education.

By Mr. GRYSKEWICZ. HOUSE BILL No. 1381

An Act providing that the compensation of all officers elected by the electors of any political subdivision, shall be fixed at least ninety days prior to their election.

Referred to the Committee on Counties.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate beng introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 448. HOUSE BILL No. 1382.

An Act to amend sections three hundred and eight and four hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriatior and prescribing penalties" by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases clarifying the procedure for establishing such liability of the Commonwealth and providing for the transfer and lapsing of certain moneys into the General Fund.

Referred to the Committee on Ways and Means.

SENATE BILL No. 449. HOUSE BIL No. 1383.

An Act to further amend section five hundred three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor or the Commonwealth" by requiring cash payment or refunds due from the Commonwealth.

Referred to the Committee on Ways and Means.

SENATE BILL No. 480. HOUSE BILL No. 1384.

An Act requiring the Department of Health to furnish free of charge all State and State-aided hospitals certain vaccines or serum used in the Pasteur treatment and requiring such hospitals to furnish and innoculate all persons bitten by dogs in this Commonwealth with such vaccine or serum free of charge.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 507. HOUSE BILL No. 1385.

An Act to apportion the State into congressional districts.

Referred to the Committee on Congressional and Judicial Apportionment.

SENATE BILL No. 295. HOUSE BILL No. 1386.

An Act to amend sections seven and eight of the act approved the twelfth day of June one thousand eight hundred and seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" requiring the publication of advance sheets of such reports requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein and further regulating the basis upon which bids shall be submitted and provisions of the contract for publication of such reports and advance sheets.

Referred to the Committee on Judiciary General.

SENATE BILL No. 310. HOUSE BILL No. 1387.

An Act to amend article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it unlawful to take for the purpose of sale, sell or expose for sale any bittersweet growing in the wild; and providing a penalty.

Referred to the Committee on Forestry.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. CORDIER. (Concurrent) RESOLUTION No. 82.

In the House of Representatives, April 22, 1941.

Whereas, State and National Work Progress Administration officials contemplate extensive dismissals of employes in the education-recreation division, which would likely cause loss of employment for some 15,000 workers on W.P.A. projects of this type within the Commonwealth of Pennsylvania; and

Whereas, The fundamental objective of the W.P.A. program has been to create jobs and thus combat or overcome the ill effects of forced general unemployment; and

Whereas, The proposed W.P.A. dismissals involve chiefly those types of work which are only indirectly affected by the industrial upswing resulting from the defense pro-

gram, and therefore there is no likely prospect for W.P.A. workers of this type to secure private employment for some time to come; and

Whereas, The gains so far achieved through this program will be in large part nullified if W.P.A. dismissals are to increase the ranks of the unemployed as fast or faster than jobs are made available by the increasing activity in private industry; and

Whereas, W.P.A. projects in the field of education constitute an important and vital, although indirect, defense measure in that such educational projects better equip the newer nationalities and other elements of our population to recognize and properly discount foreign and subversive propaganda; and

Whereas, The morale and welfare of the American citizen is, in reality, our basic line of defense and one which has undoubtedly been greatly strngthened and improved by W.P.A. projects in educational and related fields; and

Whereas, Since the Congress of the United States has appropriated billions of dollars for direct defense measures, a sound and well considered public policy would seem to dictate that sufficient funds be made available to retain W.P.A. educational projects which not only materially further the defense program, but also reduce unemployment considerably; now therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize the Congress of the United States to appropriate or otherwise make available sufficient funds to insure the continued employment and activity of those persons engaged in education-recreation work for the Works Progress Administration both in Pennsylvania and throughout the Nation; and be it further

Resolved, That a copy of this resolution be forwarded to each of the following:

The President of the United States, Franklin Delano Roosevelt.

The Vice President of the United States, Henry A. Wallace, President of the United States Senate.

Speaker of the United States House of Representatives.

The National and Pennsylvania heads respectively of the Works Progress Administration.

Referred to the Committee on Rules.

By Mr. DOLON. RESOLUTION No. 83.

In the House of Representatives, April 22, 1941.

Whereas, We have passed in the House of Representatives various bills making appropriations to treat cattle diseases; and

Whereas, Nothing has been said or done that would be a help to the mother whose baby dies from lack of adequate attention; not one word to the man whose wife dies in childbirth from a preventable cause; to the families whose loved ones are cut off from lack of care or to the youngsters who are crippled or otherwise are in an unhealthy condition; and

Whereas, We are spending vast sums of money for education which we all agree is necessary to properly educate our youth; and

Whereas, The health picture existing in our public schools today is a most horrible one and should bring the red blush of shame to every statesman in this Commonwealth; and

Whereas, Official figures on file in the Department of Public Instruction show that out of a total of 1,909,747 pupils enrolled in our public schools in 1940 a probable total of 1,223,907 were found defective in health in one or more respects; and

Whereas, In this total is an amazing and serious matter if we are at all concerned with our school youth who are the moulding or testing ground of future generations who will some day assume the reins of government; and

Whereas, In this total of our youth found with health defects, 250,000 were found suffering from seriously defective vision; 23,000 were found to have seriously defective hearing; 960,000 had seriously defective teeth; 324,000 had seriously defective tonsils; 69,000 were suffering from obstructed nasal breathing and 19,000 were suffering from serious heart ailments; and

Whereas, 1,444,891 serious health defects found in 961,432 pupils calls for immediate, definite action; and

Whereas, Of 818,745 serious defects found in certain districts, 269,429 were treated and 549,316 or more than two-thirds received no treatment; and

Whereas, The Department of Public Instruction has publicly announced that unless they can find some means of developing an adequate program of follow-up treatment for the health defects discovered, it is doubtful whether they can justify the sizeable sum which they are now expending for medical inspection; and

Whereas, It being an accepted fact that health should precede education, the Department of Public Instruction is not only wasting a sizeable sum for medical inspection in our schools but it wasting a tremendous amount in education itself attempting to impart knowledge to students who are physically unable to learn; and

Whereas, Nothing else being so essential to the security and progress of this Commonwealth as public heatlh; therefore be it

Resolved, That a commission be appointed by the Speaker of the House of Representatives to study the problem and that the said commission should not end their investigation until they have found the answer of providing adequate follow-up treatment for these youngsters; and be it further

Resolved, That the commission also study the problem of providing adequate treatment and suitable education for the many thousands of crippled children within the Commonwealth of whom only a fraction are now receiving adequate care.

Referred to the Committee on Rules.

By Messrs. CHUDOFF and HEATHERINGTON, RESOLUTION No. 84.

In the House of Representatives, April 22, 1941.

Whereas, The United States Army is suffering from an acute shortage of cavalry mounts; and

Whereas, Newspapers in this Commonwealth have reported that the Army officials are ready and willing to pay as high as $165.00 for each horse; and

Whereas, At the present time the Pennsylvania Motor Police have in their possession a considerable number of horses which are no longer being used by the Pennsylvania Motor Police; and

Whereas, The Commonwealth is now put to a large expense in order to maintain and take care of such horses; and

Whereas, It would be both to the benefit of the Commonwealth of Pennsylvania and the United States Army if these horses were sold to the United States Army; therefore be it

Resolved, That the House of Representatives hereby request the Pennsylvania Motor Police to turn over as quickly as possible, and in accordance with existing law, the horses they no longer use to the United States Army.

Referred to the Committee on Rules.

By Messrs. McLANE and GALLAGHER, (Concurrent) RESOLUTION No. 85.

In the House of Representatives, April 22, 1941.

Whereas, On May 1, 1941, the present Works Progress Administration program in Pennsylvania calls for the dismissal of approximately 14,000 white collar project workers ;and

Whereas, Such a program, if carried out, would result in great harm to the families of the workers as well as an increase in the expenditures necessary for unemployment relief in the Commonwealth of Pennsylvania; and

Whereas, The Legislature has previously demonstrated by its efforts in the case of workers employed in sewing machine projects, it is desirous that the good work carried on by the Works Progress Administration be continued: therefore be it

Resolved, (if the Senate concur), that the Congress of the United States be memorialized to adopt immediately

enabling legislation to prevent the wholesale dismissal of W. P. A. workers in Pennsylvania; and be it further

Resolved, That a copy of this resolution be sent to all the Members of Congress in Pennsylvania, Senators, and to the officials of the Works Progress Administration in Washington urging them to abandon the program calling for the dismissal of these workers.

Referred to the Committee on Rules.

By Mr. McKINNEY, (Concurrent) RESOLUTION No. 80

In the House of Representatives, April 22, 1941

The American negro has been a resident of the United States since its independence was attained and members of that race have valiantly served in the armed forces thereof in all of its wars, particularly during the last World War when almost four hundred thousand negroes offered themselves for the supreme sacrifice for their country.

The negro population of the United States, totaling over twelve million, is patriotic and is desirous of serving the nation at all times, but would be better able to render such service if permitted to train in the National Guard of the Commonwealth, but this service is denied them by reason of Federal rules affecting qualifications for enlistment therein.

The American Legion, Department of Pennsylvania, in its twenty-second annual convention on the 17th day of August, 1940, passed a resolution calling for the correction of this injustice to the colored race.

The Legislature of this Commonwealth has had available for years the necessary law for the creation of a separate unit in the National Guard for the enlistment and training of negroes, but Federal legislation is necessary to make possible the use of such power; therefore be it

Resolved, (if the Senate concur), That the General Assembly memorialize the Congress of the United States to enact as quickly as possible such legislation as is necessary to permit members of the colored race to enlist and receive training in the National Guard of the Commonwealth so that the opportunity to demonstrate their patriotism and love of country shall no longer be denied to them; and be it further

Resolved, That one copy of this resolution be forwarded to each of the following:

The President of the United States, Franklin D. Roosevelt;

The Vice-President, Henry A. Wallace, President of the United States Senate;

Speaker Rayburn, House of Representatives;

Senator Joseph Guffey;

Senator James P. Davis; and

All members of the House delegation from Pennsylvania.

Referred to the Committee on Rules.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

The SPEAKER for Mr. MARSHALL M. COHEN for the remainder of the week on account of illness.

REPORTS FROM COMMITTEES

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as committed, House Bill No. 727, entitled:

A supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Northumberland.

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as committed, House Bill No. 728, entitled:

A supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain townships roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Union.

Mr. YESTER, from the Committee on State Government, reported as committed, House Bill No. 918, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Dog Control Commission and defining its powers and duties; and repealing inconsistent acts or parts of acts.

Mr. POWERS, from the Committee on Liquor Control, reported as committed House Bill No. 870, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by further regulating manufacturers and distributors and importing distributors of malt and brewed beverages.

Mr. DUFFY, from the committee on Motor Vehicles, reported as committed, House Bill No. 523, entitled:

An Act to protect the public against fraud and deception to prevent unfair competition and unfair trade practices; regulating the business of selling gasoline by requiring persons engaged therein to post the price thereof to public view and requiring sale at the price posted; and prescribing certain penalties.

Mr. BRADLEY, from the Committee on Mines and Mining, reported as committed, House Bill No. 1190, entitled:

An Act relating to coal stripping operations; providing for the health and safety of persons employed therein; and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports; and prescribing penalties.

Mr. BURNS, from the Committee on Mines and Mining, reported as committed, House Bill No. 507, entitled:

An Act to amend article twenty-five of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," requiring the employment of and assistant to every motorman operating a locomotive in or about any mine.

Mr. STANK, from the Committee on Liquor Control, reported as committed, House Bill No. 811, entitled:

An Act to further amend section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16) entitled, as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," further providing for the rights of manufacturerers of wine.

Mr. STANK, from the Committee on Liquor Control, reported as committed, House Bill No. 830, entitled:

An Act to further amend the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34 P. L. 15), entitled, as last amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," changing the provisions of said act with respect to natural wines as herein defined; discontinuing the sale thereof by State stores; and changing the quantities of malt or brewed beverages that may be sold by licensees, other than clubs, for consumption off the premises where sold.

Mr. STANK, from the Committee on Liquor Control, reported as committed, House Bill No. 831, entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," including natural wines, as herein defined, within the provisions of said act; providing special licenses for the sale thereof, authorizing retail dispensers to sell natural wines without further license; and changing the quantities of malt or brewed beverages that may be sold by distributors and importing distributors, and by retail dispensers for consumption off the premises where sold.

Mr. WRIGHT, from the Committee on Mines and Mining, reported as committed, House Bill No. 1080, entitled:

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in an about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith," by providing for the issuance of limited mine foremen's certificates for mines wherein less than ten persons are employed during the period of twenty-four hours, and prescribing the powers and duties of the holders of such limited certificates.

Mr. MARKS, from the Committee on Highways, reported as committed, House Bill No. 640, entitled:

An Act establishing certain public roads and streets, and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway; and providing for their laying out, opening, construction and maintenance by the Department of Highways subject to certain terms and conditions.

Mr. FINESTONE, from the Committee on Judiciary General, reported as committed, House Bill No. 1095, entitled:

An Act to further amend section six of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

Mr. DiGENOVA, from the Committee on Cities—First Class, reported as committed, House Bill No. 1240, entitled:

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth, death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh, one thousand nine hundred fifteen, (P. L. 900) and for searches of he files and records when no certified copy is made.

Mr. GALLAGHER, from the Committee on Mines and Mining, reported as committed, House Bill No. 194, entitled:

An Act to amend section two of article five of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith," by requiring fire bosses to report any dangerous conditions in bituminous mines to the mine inspector.

Mr. ROSENFELD, from the Committee on Cities—First Class, reported as committed, House Bill No. 1255, entitled:

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue new bonds therefor.

Mr. CHUDOFF, from the Committee on Cities—First Class, reported as committed, House Bill No. 1253, entitled:

An Act providing a method of annexation of parts of townships to cities of the first class and regulating the proceedings pertaining thereto.

Mr. MODELL, from the Committee on Banking, reported as committed, House Bill No. 1245, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," providing for the observance of Labor Day on the second Monday of September in the year one thousand nine hundred and forty-one.

Mr. O'DARE, from the Committee on Cities—First Class, reported as committed, House Bill No. 1254, entitled:

An Act regulating, in cities of the first class, the enforcement of any provisions in any ordinance relating to building codes, in connection with the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures and the erection, encroachment, extension, repair, inspection and use of party walls, as provided for in any ordinance, and providing penalties.

Mr. HEWITT, from the Committee on Mines and Mining, reported as committed, House Bill No. 101, entitled:

An Act to add to rule ten A article eleven, section one of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith," requiring that cars or wagons used for transporting persons in or about mines and hauled by electric locomotives operated from trolley wires shall have bodies constructed of wood or other non-conducting material.

Mr. EDWIN A. LEE, from the Committee on Cities—First Class, reported as committed, House Bill No. 1050, entitled:

An Act requiring cities of the first class to furnish all police officers employed by such cities, all firearms, cartridges and all other firearm accessories free of charge.

Mr. FRENCH, from the Committee on Highways, reported as committed, House Bill No. 1071, entitled:

An Act to further amend section sixteen of the act, approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draftsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioners and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway, and procedure therein; providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of townships or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," providing for the payment of costs by the Commonwealth in certain cases.

Mr. SOLLENBERGER, from the Committee on State Government, reported as committed, House Bill No. 1135, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth certain land upon which the historic Fort Roberdeau once stood in Blair County, as a memorial; providing for the control, management, supervision, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof, and making an appropriation.

Mr. KLINE, from the Committee on State Government, reported as committed, House Bill No. 739, entitled:

An Act to further amend paragraph six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and du-

ties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," by further defining State employe.

Mr. HARMUTH, from the Committee on Railroads and Railways, reported as amended, House Bill No. 292, entitled:

An Act to promote the safety of employes and travellers upon railroads by compelling common carriers by railroad to furnish employes with certain signal devices.

Mr. FINESTONE, from the Committee on Judiciary General, reported as amended, House Bill No. 1091, entitled:

An Act to amend section sixteen of the act approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in conection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by providing that the tax on personal property imposed by counties, and by cities coextensive with counties, shall be a lien after recordation upon the franchise and real property of the person taxed; and providing for the extending and continuing of said liens.

Mr. VOLDOW, from the Committee on Banking, reported as amended, House Bill No. 567, entitled:

An Act to reenact and amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect, the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," by providing for the registration and regulation of investment advisers and their solicitors; further defining "dealers" and further regulating dealers and salesmen; providing for service on registrants under provisions of this act; and imposing penalties.

Mr. HEATHERINGTON, from the Committee on Highways, reported as amended, House Bill No. 398, entitled:

An Act authorizing the Department of Highways to take over bridges, viaducts and other structures on State highways for the purpose of construction, reconstruction, maintenance and repair thereof when such highways are designated as essential National Defense Highways.

Mr. CORDIER, from the Committee on Banking, reported as amended, House Bill No. 211, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," by prescribing certain additional bank holidays.

Mr. MUNLEY, from the Committee on Municipal Corporations, reported as amended, House Bill No. 319, entitled:

An Act to further amend section one of the act, approved the eleventh day of May, one thousand nine hundred eleven (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses; prescribing their duties; prohibiting venders from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof," allowing inspectors their expenses in attending State conventions of sealers of weights and measures.

Mr. PROSEN, from the Committee on State Government, reported as amended, House Bill No. 1320 (Senate Bill No. 326), entitled:

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material, supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense, to be used for training or retraining workers and prospective workers for industries essential to national defense; waiving all statutory requirements as to advertising for said bids.

Mr. LESKO, from the Committee on Mines and Mining reported as committed, House Resolution No. 18.

SENATE MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 349 together with the Senate message which was laid upon the table be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 349.

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of non-payment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 2, by inserting after the word "district" the words "has heretofore filed in the office of the prothonotary of the proper county any tax or municipal claim and the city borough incorporated town township or school district; also on page 2, line 1, by inserting after the word "default" the words "or filed an amicable scire facias"; also in line 27, by inserting after the word "tax" the words "or municipal"; also on page 3, line 12, by inserting after the word "collected" the following: "whenever any city borough incorporated

town township or school district has heretofore filed in the office of the prothonotary of the proper county or amicable writ of scire facias or a suggestion of nonpayment and an averment of default to revive any municipal claim or has reduced such claim to judgment in the manner provided by law and such writ of scire facias or suggestion of nonpayment and an averment of default shall not have been filed within the period of five years from the time the original claim was filed or within five years after any prior revival of such claim and such judgment shall not have been entered within a period of five years after the filing of the writ of scire facias to reduce such claim to judgment then in any such case such action in filing such amicable writ of scire facias or suggestion of non-payment and an averment of default or entering such judgment is hereby ratified confirmed and made valid notwithstanding that the same was not filed or entered within the time required by law and that the lien of such municipal claim was lost and the lien of any such municipal claim shall be deemed revived from the date such amicable writ of scire facias or suggestion of nonpayment and averment of default was filed or such judgment entered in the office of the prothonotary and such lien may have been or may be proceeded upon further revived and collected as provided by law."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Achterman,	Flynn,	Lyons,	Rose, W. E.,
Allmond,	Foor,	Malloy,	Rosenfeld,
Auker,	French,	Marks,	Royer,
Baker,	Gallagher,	Maxwell,	Rush,
Balthaser,	Gates,	McClanaghan,	Sarge,
Baugher,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Gillette,	McDowell,	Schwab,
Boles,	Goodwin,	McFall,	Serrill,
Boney,	Greenwood,	McGrath,	Shaffer,
Boorse,	Gross,	McIntosh,	Shaw,
Bower	Gryskewicz,	McKinney,	Shepard,
Bradley,	Gyger,	McLanahan,	Simons,
Breth,	Habbyshaw	McLane,	Skale,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Haines,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hall,	Melchiorre,	Sorg,
Brunner, P. A.,	Hamilton,	Mihm,	Stambaugh,
Burns,	Hare,	Modell,	Stank,
Burris,	Harkins,	Monks,	Stine,
Cadwalader,	Harmuth,	Mooney,	Stockham,
Chervenak,	Harris,	Moran,	Tarr,
Chudoff,	Heatherington,	Moul,	Tate,
Cochran,	Helm,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Munley,	Thompson, R. L.,
Cook,	Herman,	Nagel,	Trout,
Cooper,	Hersch,	Nunemacher,	Turner,
Cordier,	Hewitt,	O'Brien,	Van Allsburg,
Corrigan,	Hirsch,	O'Connor,	Verona,
Croop,	Holland,	O'Dare,	Vincent,
Cullen,	Huntley,	O'Mullen,	Vogt,
Dalrymple,	Imbrie,	O'Neill,	Voldow,
Dennison,	James,	Owens,	Voorhees,
DiGenova,	Jefferson,	Petrosky,	Wagner,
Dix,	Jones, G. E.,	Pettit,	Watkins
Dolon,	Jones, P. N.,	Polaski,	Weingartner
D'Ortona,	Keenan,	Polen,	Weiss,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rank,	Williams,
Elder,	Komorofski,	Rausch,	Winner,
Elliott,	Krise,	Readinger,	Wolf,
Ely,	Lee, E. A.,	Reagan,	Wood, L. H.,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Finestone,	Leisey,	Reese, R. E.,	Woodring,
Finnerty,	Lesko,	Regan,	Woodside,
Fisher	Levy,	Reynolds,	Wright,
Fiss,	Leydic,	Rhea,	Yeakel,
Fleming,	Lichtenwalter,	Riley,	Yester,
Fletcher,	Longo,	Rooney,	Young,
	Lovett,	Ross, S.,	Kilroy,

Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 349.

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

QUESTION OF PERSONAL PRIVILEGE

Mr. WRIGHT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. WRIGHT. Mr. Speaker, in the Journal of March 31, on page 1006, I am recorded as voting "aye" on the Sunday Bowling Bill. I voted under a misapprehension; I intended to vote "nay," and at a later date, April 15, I voted "nay" on the same bill.

FALLS TOWNSHIP HIGH SCHOOL WELCOMED

The SPEAKER. In Bucks County, the second oldest in the Commonwealth, there is a Township unique in the annals of the State.

This Township contains the Manor House of the Proprietary Governor, William Penn, and known as Pennsburg.

From "Crewscorn," a village at the head of tide water in the Delaware River and four miles above Pennsburg, Penn established the first letter post to Frankford in Philadelphia.

At Fallsington, just north of Pennsburg, William Penn, established a Friends Meeting and there had built a Quaker Meeting House in which the Friends still meet each "First Day."

In this Township are the two greatest truck farms in the State, one 1600 acres and the other 3000 acres.

There is present today in the Hall of the House the High School Senior Class of Falls Township, the township of Penn, named for the Falls of the Delaware, where the tide ceases to flow in the Delaware River.

These boys and girls are visiting the Capitol today under the guidance of their principal, Andrew Jackson Chamberlain, and are the guests of the gentlemen from Bucks, Messrs. Stockham and Yeakel.

Parenthetically, "Crewscorn" is now the Boro of Morrisville, carved from Falls Township, named for Robert Morris, the financier of the Revolutionary War and the home of Mr. Stockham.

MR. STOCKHAM IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 647, entitled:

An Act relating to the bonds to be given by county officers, their deputies, clerks and assistants, in counties of the second class; the amount and conditions thereof, the sureties for such bonds, the payment of the premiums thereof and the recording and custody thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 717, entitled:

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 218, entitled:

An Act to further amend section three, and to amend section eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates, limesulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties," by imposing additional duties on the Secretary of Agriculture, and further regulating the sale, manufacture and transportation of insecticides and fungicides.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1019, entitled:

An Act to further amend Section 1408 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of money erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," clarifying the provision of said act with respect to attorneys' commissions on taxes and other demands due the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 117, entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this, act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing for different classes of operators' licenses and learners' permits; prescribing the circumstances under which they shall be issued; requiring proof of financial responsibility in certain cases; denying operating privileges under certain circumstances and providing additional penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 151, entitled:

An Act to further amend section twenty-five, and to amend section twenty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," by providing for notice by registered mail when it proves impossible to secure personal service of the subpoena in divorce.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 79, entitled:

An Act prohibiting the recording of any broadcast performance or rendition without the permission and consent of the person or persons whose performance or rendition is so recorded, and the offering for sale, selling, leasing, licensing or possession of such unlawful recording; and providing penalties therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 179, entitled:

An Act validating the title to real estate purchased at judicial sales for unpaid taxes or municipal assessments, where there is a defect in the names of the parties in certain cases; and providing certain exceptions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1018, entitled:

An Act to amend the act approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth;" by adding thereto to section 947.1 prohibiting the cutting of, and operations on, tails of horses, mares and geldings except as herein provided; providing for certificates under oath; and regulating and restricting the showing and exhibition of such animals.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1087, entitled:

An Act to amend Clause (2) of Section 3 of the Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" by changing the definition of daily newspaper.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 814, entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments; establishing regular pay days; imposing duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil and criminal penalties for the violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 960, entitled:

An Act to further amend sections one and two and to further amend sections three and five of the act, approved the sixth day of April, one thousand nine hundred and eleven (P. L. 51), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale, the offering for sale, or exposing for sale, or having in possession with intent to sell, of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof," making possession of adulterated sausage prima facie evidence of intent to sell; further defining and regulating the adulteration of sausage; and conferring powers on the Department of Agriculture.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 660, entitled:

An Act to amend section two hundred twenty-two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined," as amended, providing that State employes may accumulate their authorized leaves of absence and take such accumulated leaves at one time.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 797, entitled:

An Act providing for notice to defendants admitted to bail, and to persons furnishing such bail, of the time and place where the appearance of such defendants is required.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 580, entitled:

An Act to amend section twenty-four of the act, approved the sixteenth day of June, one thousand eight hundred thirty-six (P. L. 784), entitled "An act relating to the jurisdiction and powers of courts," by further defining the power of courts to punish summarily for contempt, and setting up a period of limitations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 32, entitled:

An Act to amend paragraph one of subsection (e) of section twelve of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L.

(''7), entitled as amended "An act relating to the administration and distribution of the estate of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including charged on land; the discharge of residuary estate and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further defining exemption granted minor child or children.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1185, entitled:

An Act to further amend section five hundred and two and section five hundred and four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring submission of all plans for public improvements to the county planning commission for approval, and prohibiting the recording of plans and sales of lots before their approval, under penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1127, entitled:

An Act defining, regulating and providing for the licensing and registration of employment agents and their representatives, including private employment agents, theatrical employment agencies and nurses' registries; providing for revocation and suspension of licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the Department of Labor and Industry and the Department of Public Instruction; providing penalties; and repealing existing laws

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 645, entitled:

An Act to further amend article four, section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), as amended by the act, approved the seventh day of May, one thousand nine hundred and thirty-five (P. L. 143), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws thereto," by requiring all contracts of county commissioners, in counties of the second class, over five hundred dollars to be made with the lowest and best bidder, after due notice published.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

The SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Bucks, Mr. Stockham, for presiding.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1181, entitled:

An Act abating certain tax penalties and interest on unpaid county, (except in counties of the second class), city, (except in cities of the first and second class) borough, town, township, school district, (except in school districts of the first class), poor district, (except in counties of the second class) and county institution district, (except in counties of the second class) taxes, prohibiting the sale of real property for the nonpayment of any such taxes for a certain period, and preserving certain tax liens, and providing for the extension thereof.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1372, (Senate Bill No. 125), entitled:

An Act abating certain tax penalties and interest on county, city (except cities of the first and second class), borough, town, township, school district (except school districts of the first class), and county institution district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 803, entitled:

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one

thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" prohibiting the selling giving away or permitting or employing minors under fifteen years of age to sing dance act or exhibit in dance houses concert saloons theaters places of entertainment prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in tap rooms clubs cafes restaurants and eating houses where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1207, Senate Bill No. 285), entitled:

An Act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class, and on unpaid delinquent poll, poor district, institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens and providing for the extension thereof.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 202

Achterman,	Foor,	Malloy,	Rose, W. E.,
Allmond,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Royer,
Baker,	Gates,	McClanaghan,	Rush,
Balthaser,	Gerard,	McClester,	Sarge,
Baugher,	Gillan,	McDermott,	Sarraf,
Bentley,	Gillette,	McDowell,	Scanlon,
Bentzel,	Goodwin,	McFall,	Schwab,
Boles,	Greenwood,	McGrath,	Serrill,
Boney,	Gross,	McIntosh,	Shaffer,
Boorse,	Gryskewicz,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,
Bradley,	Habbyshaw,	McLane,	Simons,
Breth,	Haberlen,	McMillen,	Skale,
Bretherick,	Haines,	McSurdy,	Snyder,
Brown,	Hall,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Hamilton,	Mihm,	Sorg,
Brunner, P. A.	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stank,
Burris,	Harmuth,	Mooney,	Stine,
Cadwalader,	Harris,	Moran,	Stockham,
Chervenak,	Heatherington,	Moul,	Tarr,
Chadoff,	Helm,	Muir,	Tate,
Cochran,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor	VanAllsburg,
Corrigan,	Holland,	O'Dare,	Vincent,
Croop,	Huntley,	O'Mullen,	Vogt,
Cullen,	Imbrie,	O'Neill,	Volpow,
Dalrymple,	James,	Owens,	Voorhees,
Dennison,	Jefferson,	Petrosky,	Wagner,
DiGenova,	Jones, G. E.,	Pettit,	Watkins,
Dix,	Jones, P. N.,	Polaski,	Weingartner,
Dolon,	Keenan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorofski,	Rausch,	Winner,
Elder,	Krise,	Readinger,	Wolf,
Elliott,	Lee, E. A.,	Reagan,	Wood, L. H.,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Falkenstein,	Leisey,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Regan,	Woodside,
Finnerty,	Levy,	Reynolds,	Wright,
Fisher,	Leydic,	Rhea,	Yeakel,
Fiss,	Lichtenwalter,	Riley,	Yester,
Fleming,	Longo,	Rooney,	Young,
Fletcher,	Lovett,	Rose, S.,	Kilroy, Speaker
Flynn,	Lyons,		

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1174, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing certain requirements with respect to contracts of school districts involving more than certain amounts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred three of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 403 The affirmative vote of a majority of all the members of the board of school directors in every school district in this Commonwealth duly recorded showing how each member voted shall be required in order to take action on the following subjects

Fixing length of school term

Adopting textbooks

Appointing or dismissing district superintendents assistant district superintendents associate superintendents principals and teachers

Appointing tax collectors and other appointees

Levying and assessing taxes

Purchasing selling or condemning land

Locating new buildings or changing the locations of old ones

Dismissing a teacher after a hearing

Creating or increasing any indebtedness

Adopting courses of study

Establishing additional schools or departments

Designating depositories for school funds

Entering into contracts of any kind including the purchase of fuel or any supplies where in districts of the first or second class the amount involved exceeds three hundred dollars and in districts of the third or fourth class the amount involved exceeds one hundred dollars

Fixing salaries or compensation of officers teachers or other appointees of the board of school directors

Section 2 Subsection (a) of section six hundred seven-

teen of said act as last amended by section sixteen of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (P. L. 243) is hereby further amended to read as follows

Section 617 (a) All construction reconstruction repairs or work of any nature including the introduction of heating ventilating or lighting systems upon any school building or upon any school property made by any school district in this Commonwealth where the entire cost value or amount of such construction reconstruction repairs or work including labor and material shall exceed three hundred dollars ($300) in school districts other than school districts of the first and second class and in school districts of the first and second class where such entire cost value shall exceed six hundred dollars ($600) shall be done under contract or contracts to be entered into by such school district with the lowest responsible bidder upon proper terms after due public notice has been given asking for competitive bids. Provided That if due to an emergency a school plant or any part of the same becomes unusable during the school term competitive bids for repairs or replacements may be solicited from at least three responsible bidders and upon arrival of any of these bids by the State Superintendent of Public Instruction the board of school directors may proceed at once to make the necessary repairs or replacements in accordance with the terms of said approved bid or bids

Section 3 Section seven hundred six of said act as amended by the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 689) is hereby further amended to read as follows

Section 706 School supplies shall be divided into two classes The first class shall include school desks chairs typewriters and school apparatus The second class shall include map globes and all other supplies except text books necessary for school use not included in the first class The board of school directors in any district may authorize or appoint the secretary of the board or other executive or purchasing agent for the district with the authority to purchase supplies of either class costing in districts of the first and second class less than three hundred dollars ($300) and in districts of the third and fourth class less than one hundred dollars ($100) without sealed bids or advertising for bids

Section 4 Subsection (a) of section seven hundred seven of said act as amended by section eighteen of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (P. L. 243) is hereby further amended to read as follows

Section 707 (a) When it is deemed necessary to purchase desks or other supplies of the first class costing in districts of the first and second class three hundred dollars ($300) or more and in districts of the third and fourth class one hundred dollars ($100) or more the board of school directors shall solicit sealed quotations from two or more firms manufacturers or dealers in such supplies Such quotations shall be opened at a regular or special meeting of the board of school directors and said board shall accept the bid of the lowest responsible bidder when the kinds and quality of supplies and equipment offered are the same or are equal but shall have the right to reject any and all bids or select a single item from any bid Provided That any school district may purchase school furniture and other equipment from another school district without asking for competitive bids

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Auker,	Foor,	Malloy,	Rose, W. E.,
Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Baker,	Gates,	McClanaghan,	Rush,
Balthaser,	Gerard,	McClester,	Sarge,
Baugher,	Gillan,	McDermott,	Sarraf,
Bentley,	Gillette,	McDowell,	Scanlon,
Bentzel,	Goodwin,	McFall,	Schwab,
Boies,	Greenwood,	McGrath,	Serrill,
Boney,	Gross,	McIntosh,	Shaffer,
Boorse,	Gryskewicz,	McKinney,	Shaw,
Bower,	Gyger,	McLanahan,	Shepard,
Bradley,	Habbyshaw,	McLane,	Simons,
Breth,	Haberlen,	McMillen,	Skale,
Bretherick,	Haines,	McSurdy,	Snyder,
Brown,	Hall,	Melchiorre,	Sollenberger
Brunner, C. H.	Hamilton,	Mihm,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns	Harkins,	Monks,	Stank,
Burris,	Harmuth,	Mooney,	Stine,
Cadwalader,	Harris,	Moran,	Stockham,
Chervenak,	Hetherington,	Moul,	Tarr,
Chudoff,	Heim,	Muir,	Tate,
Cochran,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor	VanAllsburg,
Corrigan,	Holland,	O'Dare,	Vincent,
Croop,	Huntley,	O'Mullen,	Vogt,
Cullen,	Imbrie,	O'Neill,	Voldow,
Dalrymple,	James,	Owens,	Voorhees,
Dennison,	Jefferson,	Petrosky,	Wagner,
DiGenova,	Jones, G. E.,	Pettit,	Watkins,
Dix,	Jones, P. N.,	Polaski,	Weingartner,
Dolon,	Keenan,	Polen,	Weiss,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorofski,	Rausch,	Winner,
Elder,	Krise,	Readinger,	Wolf,
Elliott,	Lee, E. A.,	Reagan,	Wood, L. H.,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Falkenstein,	Leisey,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Regan,	Woodside,
Finnerty,	Levy,	Reynolds,	Wright,
Fisher,	Leydic,	Rhea,	Yeakel,
Fiss,	Lichtenwalter,	Riley,	Yester,
Fleming,	Longo,	Rooney,	Young,
Fletcher,	Lovett,	Rose, S.,	Kilroy, Speaker
Flynn,	Lyons,		

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

BILL PASSED OVER

There being no objection House Bill No. 1156, Printer's No. 308, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 404, as follows:

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

The General Asesmbly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 License Necessary to Marry No person shall be joined in marriage within this Commonwealth until a license shall have been first obtained for that purpose from the clerk of the orphans' court of the county where the marriage ceremony is to be performed or where either of the contracting parties resides A license so issued in the county wherein either of the contracting parties resides shall authorize the marriage ceremony to be performed in any county of this Commonwealth

Section 2 Application for License to Marry No license to marry shall be issued by any clerk of the orphans' court except upon written and verified application made by both of the parties intending to marry Such application

shall contain a statement of (a) the full Christian name and surname of the applicants (b) the color age occupation birth place and residence of the applicants (c) the full Christian name and surname residence color occupation and birthplace of their parents including the maiden name of the mothers (d) whether the marriage is the first second or other marriage (e) that neither of the applicants is afflected with a transmittible disease (f) that each of the parties has submitted to an examination within thirty days of the application for the license as to the existence or nonexistence of syphilis and has presented a proper statement entitling him or her to a license to marry signed by a duly licensed physician and (g) such other facts as the Department of Health may deem necessary to determine whether any legal impediment to the proposed marriage exists

Section 3 Waiting Period After Application for License No license to marry shall be issued until after three days from the day of making application therefor except in cases of emergency or extraordinary circumstances when a judge of the orphans' court may authorize the license to be issued at any time before the expiration of said three days

Section 4 Restrictions on the Issue of Marriage License No license to marry shall be issued by any clerk of the orphans' court

(a) Until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty days of the application for the marriage license has submitted to an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not in a stage of that disease which is likely to become communicable The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting for the result of the test

(b) Unless at least one of the applicants is identified to the satisfaction of the clerk of the orphans' court applied to for such license or unless at least one of the applications has attached thereto a certificate from the alderman magistrate notary public or justice of the peace before whom it was taken stating that the applicant was identified to the satisfaction of such officer

(c) If either of the applicants for a license is under the age of eighteen years except in special cases where a judge of the orphans' court shall have discretion to authorize a license to be issued by the clerk of the orphans' court where one or both applicants are under the age of eighteen years

(d) If either of the applicants is under the age of twenty-one years unless the consent of a parent or guardian shall be personally given before the clerk or be certified under the hand of a parent or guardian attested by two adult witnesses and in the latter case the signature of the parent or guardian shall be acknowledged before an officer authorized by law to take acknowledgments When such a minor has no guardian and the judge of the orphans' court is absent or not accessible for any reason the clerk of the orphans' court or a duly appointed assistant clerk of said court may appoint a guardian pro hoc vice for such minor

(e) If either of the applicants for license is an imbecile epileptic of unsound mind or under guardianship as a person of unsound mind or as a feeble minded person

(f) If either applicant is or has been within five years preceding the time of the application an inmate of any institution for the insane or home for indigent persons unless it satisfactorily appears that the cause for such condition has been removed and that the male applicant is able to support a family

(g) If at the time of making application either of the applicants is under the influence of intoxicating liquor or narcotic drug

(h) To a person (divorced by his or her former spouse on the grounds of adultery) for the marriage of such person to the person with whom the crime of adultery was committed during the lifetime of the former husband or wife

(i) To applicants who are of kin of the degree of first cousins

(j) To applicants within the prohibited degrees of consanguinity and affinity which are as follows

Degrees of Consanguinity

A man may not marry his mother
Do ..... do ..... father's sister
Do ..... do ..... mother's sister
Do ..... do ..... sister
Do ..... do ..... daughter
Do ..... do ..... the daughter of his son or daughter

A woman may not marry her father
Do ..... do ..... father's brother
Do ..... do ..... mother's brother
Do ..... do ..... brother
Do ..... do ..... son
Do ..... do ..... the son of her son or daughter

Degrees of Affinity

A man may not marry his father's wife
Do ..... do ..... son's wife
Do ..... do ..... wife's daughter
Do ..... do ..... the daughter of his wife's son or daughter

A woman may not marry her mother's husband
Do ..... do ..... daughter's husband
Do ..... do ..... husband's son
Do ..... do ..... the son of her husband's son or daughter

Section 5 Tests for Syphilis Physician's Statement Appeals Filing (a) For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a laboratory approved to make such tests by the State Department of Health Such laboratory tests as are required to be made by this act shall on request of the physician submitting the sample and on his certificate that the applicant is unable to pay be made without charge by the State Department of Health

(b) Any applicant for a marriage license having been denied a physician's statement as required by this act shall have the right of appeal to the Department of Health of the Commonwealth of Pennsylvania for a review of the case and the said department shall after appropriate investigation issue or refuse to issue a statement in lieu of the physician's statement required by section one of this act

(c) The statements of the physician who examined the applicant and the laboratory which made the serological test shall be uniform throughout the state and shall be upon forms provided therefor by the State Department of Health These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses and shall be regarded as absolutely confidential by any and every person whose duty it may be to obtain make transmit or receive such information or report

Section 6 Examination of Applicants Each of the applicants for a marriage license shall appear in person before the clerk of the orphans' court of the county in which the license is to be issued or before an alderman magistrate notary public or justice of the peace of that county or of the county wherein the applicant resides

At the time of such appearance the applicant or both of them if they appear together shall be examined under oath or affirmation as to

(a) The legality of the contemplated marriage

(b) Any prior marriage or marriages and its or their dissolution

(c) All the information required to be furnished on the application for license as prepared by the Department of Health and

(d) The restrictions set forth in section four of this act

The application or applications shall thereupon be completed in accordance with such examination and duly sworn or subscribed to by the applicant or applicants

Upon the completion of any application or applications taken before an alderman magistrate notary public or justice of the peace such application or applications shall be promptly transmitted to the clerk of the orphans court of the county in which the license is to be issued There shall be attached to each application so forwarded a certificate of the officer before whom it was taken stating whether or not the applicant was identified to the satisfaction of such officer

The clerk of the orphans' court wherein the license is sought when properly completed applications on behalf of each of the parties to the proposed marriage have been taken before him or duly forwarded to him by an alderman magistrate notary public or justice of the peace shall if there is no legal objection to the marriage grant a license Such license shall not be granted until after three days from the date of the most recent of the two applications therefor

The clerk of the orphans' court shall provide application blanks upon request to aldermen magistrates notaries public and justices of the peace and also blanks for certifying the identification of applicants

Section 7 Orphans' Court to Pass Upon Refusal of Clerk to Issue License In those cases where the right to a license is not made to appear the clerk of the orphans' court shall refuse to issue the same At once upon such refusal he shall certify the proceedings to the orphans' court of the county without formality or expense to the applicants for license who shall be notified by the clerk of such action

Such application for a license to marry shall thereupon at the earliest possible time be heard by a judge of said court without a jury in court or in chambers during the term or in vacation as the case may be The finding of the court that a license ought to issue or ought not to issue shall be final and the clerk of the orphans' court shall act in accordance therewith

The true intent of this section is to secure for applicants a hearing before the orphans' court without affirmative action by said applicants and to give notice to them of such hearing its time and place without delay or expense

Section 8 Recording Application and Consent Certificate The applications for license and all consent certificates shall be immediately recorded by the clerk of the orphans' court in a book provided for that purpose at the cost of the county which shall be called the marriage license docket and which shall be a public record open to inspection or examination by the public at all times during business hours Any person may make a copy or abstract of the entries contained in the said marriage license docket for the purpose of publication in any regularly published daily or weekly newspaper and it shall be lawful to publish said copy or abstract in any regularly published daily or weekly newspaper printed within the Commonwealth

Section 9 Form of Marriage Licenses Marriage Certificates (a) The marriage license as issued by the clerk of the orphans' court shall not be valid for a longer period than sixty days from the date of issue and shall be in form substantially as follows to wit

Commonwealth of Pennsylvania } ss No
County of }

To any person authorized by law to solemnize marriage

You are hereby authorized to join together in holy state of matrimony according to the laws of the Commonwealth of Pennsylvania A ..... B .....of full age and never heretofore married and C .....D ..... likewise of full age and never heretofore married

Given under my hand and seal of the orphans' court of said county of ..... at ..... this .....day of .....one thousand .....

If either of said parties is not of full age of twenty-one years then in lieu of the words "of full age" his or her age shall be stated and the fact of consent of parent or guardian shall likewise be stated and if either of said parties shall have been married previously to the issuing of such license then in lieu of the words "never previously married" the number of times he or she shall have been previously married and the mode by which said prior marriage or marriages was or were dissolved shall be stated and if by divorce the cause for which such divorce shall have been granted If either of said parties is under the age of eighteen years and a judge of the orphans' court shall have authorized the license to be issued then in lieu of the words "of full age" his or her age shall be stated and the fact that a judge authorized the license to issue shall likewise be stated in addition to the consent of a parent or guardian

(b) The license shall have appended to it two certificates numbered to correspond with said license (one marked original and one marked duplicate) which shall be in form substantially as follows

I .....hereby certify that on the .....day of .....one thousand .....at .....and .....were by me united in marriage in accordance with license issued by clerk of the orphans' court of .....county Pennsylvania numbered .....

(Signed) .....

(Title of person solemnizing marriage)

Section 10 Forms Where Marriage Ceremony Performed by Parties to Marriage In all cases in which the parties intend solemnizing their marriage themselves no such marraige shall take place until the clerk of the orphans' court shall certify their right so to do in a declaration in substantially the following form

To A .....B ..... and C .....C .....No .....

Legal evidence having been furnished to me in accordance with law this certifies that I am satisfied that there is no legal impediment to you joining yourselves together in marraige

A.....B.....Clerk

In lieu of the certificate before set forth there shall be appended to such declaration two certificates numbered to correspond to the declaration of the clerk of the orphans' court in the following form

We hereby certify that on the .....day of .....one thousand nine hundred and .....we united ourselves in marriage at .....in the county of .....having first obtained from the clerk of the orphans' court of said county a declaration numbered .....that he was satisfied that there was no existing legal impediment to our so doing

A.....B.....
C.....D.....

We the undersigned were present at the solemnization of the marriage of A.....B..... and C.....D.....as set forth in the foregoing certificate

D ..... E .....
E ..... F .....

Section 11 Persons Qualified to Solemnize Marriages The chief justice of each justice of the Supreme Court the president judge and each judge of the Superior Court each judge of the court of common pleas judge of the orphans' court judge of a county court judge of a municipal court magistrate alderman justice of the peace mayor of any city and burgess of any borough of this Commonwealth and every minister priest or rabbi of any regularly established church or congregation is hereby authorized to solemnize marriages between such persons as produce a proper marriage license Every religious society religious institution or religious organization in this Commonwealth may join together in marriage such persons as are members of the said society institution or organization or when one of such persons is a member of such society institution or organization according to the

rules and customs of the society institution or organization to which they or either of them belong

Section 12 Returns of Marriages The certificate marked "original" shall by the person solemnizing the marriage be duly signed and be given to the parties contracting the marriage and the certificate marked "duplicate" shall by the person or by a member of the religious society institution or organization solemnizing the marriage be duly signed and returned to the clerk of the orphans' court who issued the license within thirty days after the solemnizing of said marriage If the marriage was solemnized by the parties themselves the certificate marked "original" shall be signed by the parties to the marriage and be attested by two witnesses and be retained by the parties contracting the marriage and the certificate marked "duplicate" shall be signed by the parties to the marriage and be attested by the same two witnesses and be returned to the clerk of the orphans' court issuing the same within thirty days

The clerk of the orphans' court upon the reception of the duplicate certificate shall enter the same upon the marriage license docket with the marriage license application

Section 13 Common Law Marriages Abolished No common law marriage may hereafter be legally entered into in this Commonwealth and all such marriages hereafter entered into shall be null and void

Section 14 Marriages Within Degrees of Consanguinity and Affinity All marriages within the prohibited degrees of consanguinity or affinity as set forth in this act are hereby declared voidable to all intents and purposes but when any of said marriages shall not have been dissolved during the life time of the parties the unlawfulness of the same shall not be inquired into after the death of either of the parties thereto

Section 15 Marriages During Existence of Former Marriage If a person during the life-time of a husband or wife with whom a marriage is in force enters into a subsequent marriage pursuant to the requirements of this act and the parties thereto live together thereafter as husband and wife and such subsequent marriage was entered into by one or both of the parties in good faith in the full belief that the former husband or wife was dead or that the former marriage had been annulled or terminated by a divorce or without knowledge of such former marriage they shall after the impediment to their marriage has been removed by death of the other party to the former marriage or by annulment or divorce if they continue to live together as husband and wife in good faith on the part of one of them be held to have been legally married from and after the removal of such impediment

Section 16 Marriage of Persons Less than Eighteen Void Except by Special License A person less than eighteen years of age shall not have capacity to contract marriage except under authority of a license duly issued by a judge of the orphans' court pursuant to the provisions of section four clause (c) of this act Where either or both parties to a marriage are less than eighteen years of age and a license for such marriage was not secured under section four clause (c) of this act such marriage shall be null and void

Section 17 Preparation of Forms Applications for licenses to marry consent certificates statements of physicians and laboratories relative to examination for syphilis and marriage licenses shall be supplied to the clerk of the orphans' court by the county commissioners at the expense of the county and shall be uniform throughout the Commonwealth and forms thereof as prepared by the Department of Health shall from time to time be furnished to the several clerks of the orphans' courts of this Commonwealth

Section 18 Fees The fee to be charged by the clerk of the orphans' court in various counties for issuing a marriage license or declaration and for returns thereof to the Department of Health shall be two dollars and fifty cents two dollars of which shall be for the use of the clerk of the orphans' court of the county wherein such license is issued and fifty cents for the use of the Commonwealth Where either of the applicants for a license is under the age of twenty-one years and the consent of a parent or guardian is necessary as herein provided the clerk of the orphans' court shall receive for his own use an additional fee of fifty cents for recording the certificate of consent

All moneys collected by the said clerk for the use of the Commonwealth shall at the end of each month be transmitted to the State Treasurer to be placed in the general fund for the use of the Commonwealth

Section 19 Certified Copies of Records Evidence A certified copy of the record of a marriage license under the hand of the clerk of the orphans' court and the seal of said court or under the hand of the Secretary of Health and the seal of the Department of Health shall be received in all courts of this Commonwealth as prima facie evidence of said marriage between the parties therein named

Section 20 Penalties (a) Any clerk of the orphans' court who shall wilfully issue a marriage license in any manner except as provided for in this act or who shall refuse or neglect to enter upon the marriage license docket any marriage license application or any marriage license issued from his office immediately after it is issued or to enter any consent certificate or authorization of a judge of the orphans' court or shall fail to keep the marriage license docket open for inspection or examination by the public or shall prohibit or prevent any person from making a copy or abstract of the entries in the marriage license docket for the purpose of publishing the same in any regularly published daily or weekly newspaper shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars ($50.00) and costs for each offense

(b) Any applicant for a marriage license physician or representative of a laboratory who shall misrepresent any of the facts described by paragraph (a) of section four of this act or any licensing officer failing to receive the statements prescribed by said paragraph or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license or any person who shall disregard the confidential character of the information or reports required by said paragraph or any other person who shall otherwise fail to comply with the provisions of said paragraph shall upon conviction thereof in a summary proceeding in the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars ($20.00) nor more than one hundred dollars ($100.00) and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) nor more than thirty (30) days

(c) Any person solemnizing a marriage who shall neglect or refuse to return the "duplicate" certificate of marriage to the clerk of the orphans' court within thirty (30) days after the marriage was solemnized shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of fifty dollars ($50.00) and costs

(d) If any person shall solemnize any marriage ceremony or shall be a party or an attesting witness to the same without the parties to the marriage having first obtained the proper license as provided for in this act he she or they so officiating contracting or attesting shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars ($50.00)

(e) Any person who shall knowingly perform a marriage ceremony between parties when either of said parties is intoxicated shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of fifty dollars ($50.00) or be imprisoned not exceeding sixty (60) days or both

(f) Any alderman magistrate notary public or justice of the peace who shall knowingly insert or permit to be inserted any false statement in any application for marriage license or who shall make any false certification that the applicant named in such application was satisfactorily identified to him shall upon conviction in a sum-

mary proceeding be sentenced to pay a fine not exceeding fifty dollars ($50.00) and costs

(g) All fines and penalties collected pursuant to this act shall be for the use of the county in which the marriage license was issued

Section 21 Statistics Each clerk of the orphans' court shall furnish the Department of Health not later than the tenth day of each month with a transcript or record of each marriage license issued and each return of the celebration of a marriage received or filed in his office during the preceding calendar month

The transcripts or records required to be furnished shall be made by the clerk of the orphans' court on forms prepared from time to time by the Department of Health and shall contain such information as the Department may require The forms so prepared shall be furnished to the clerk of the orphans' court by the county commissioners at the expense of the county

The records so furnished to the Department of Health shall be public records open to inspection during business hours The Department of Health shall from time to time compile and publish statistics from such records for public information

Section 22 Short Title This act shall be known and may be cited as the "Marriage Law"

Section 23 The following acts and parts of acts are hereby repealed as specifically indicated

Sections five six and nine of the act approved the thirteenth day of March one thousand eight hundred and fifteen (P. L. 150) entitled "An act concerning divorces" so far as supplied by this act

Section two of the act approved the tenth day of April one thousand eight hundred and forty-nine (P. L. 549) entitled "An act to prevent the killing of deer at certain season in Union county and relative to marriage certificates" absolutely

Section four of the act approved the eighth day of May one thousand eight hundred and fifty-four (P. L. 663) entitled "An act to protect certain domestic and private rights and prevent abuses in the sale and use of intoxicating drinks absolutely

The act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled "An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to Marry" absolutely

The act approved the twenty-third day of May one thousand eight hundred and eighty-seven (P. L. 170) entitled "An act to amend section three of an act entitled "An act to amend section three of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the first day of May one thousand eight hundred and ninety-three (P. L. 27) entitled "An act to amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini one thousand eight hundred and eighty-five relating to the county wherein to secure the license" absolutely

The act approved the twenty-second day of May one thousand eight hundred and ninety-five (P. L. 99) entitled "An act requiring clerks of orphans' courts to keep marriage license dockets open for inspection by the public and allow copies or abstracts of the same to be made for publication and providing a penalty for non-compliance" absolutely

The act approved the eighteenth day of June one thousand eight hundred and ninety-five (P. L. 202) entitled "An act to amend the first section of an act entitled 'An act to amend an act entitled "An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry"' approved the first day of May Anno Domini one thousand eight hundred and ninety-three relating to the county wherein to secure the license" absolutely

The act approved the twenty-fourth day of June one thousand nine hundred and one (P. L. 597) entitled "An act making it unlawful for first cousins to be joined in marriage and declaring all marriages contracted after the first day of January Anno Domini one thousand nine hundred and two in violation of this act void" absolutely

The act approved the twenty-seventh day of March one thousand nine hundred and three (P. L. 80) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and five (P. L. 58) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five empowering notaries public to inquire of parties intending to marry touching the legality of their contemplated marriage and administer oaths to them" absolutely

The act approved the sixth day of May one thousand nine hundred and nine (P. L. 446) entitled "An act to amend the first section of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini eighteen hundred and eighty-five by increasing license fees" absolutely

The act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" absolutely

The act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 636) entitled "An act to amend section three of an act approved the twenty-third day of June one thousand eight hundred eighty-five entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' as amended" absolutely

The act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 494) entitled "A supplement to the act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' imposing an additional license fee for the use of the Commonwealth" absolutely

The act approved the second day of May one thousand nine hundred and twenty-five (P. L. 494) entitled "An act fixing the fee to be charged for the issuing of marriage licenses" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and twenty-seven (P. L. 64) entitled "An act establishing the minimum marriageable age at sixteen years and providing for certain exceptions thereto" absolutely

The act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 152) entitled "An act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled 'An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court' by requiring three days to elapse between the application for and the issuance of the license" absolutely

The act approved the seventeenth day of May one thousand nine hundred and thirty-nine (P. L. 148) entitled "An act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with

syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties" absolutely

All acts and parts of acts inconsistent with this act are hereby repealed

Section 24 The provisions of this act shall become effective the first day of January one thousand nine hundred forty-two

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, House Bill 404 introduced by myself and Mr. Eckels seeks to codify and revise the marriage laws of the Commonwealth of Pennsylvania. Inasmuch as it makes some important revisions, I believe it to be my duty to call the attention of the membership to those changes in order that they may know exactly what they are voting for in this bill. In the preface of my remarks on this bill, I would like to state that many long hours of work have been put into the bill by Members of this House and others in the classification of the marriage laws of Pennsylvania.

The bill was introduced in February and each week some work has been done on the bill. The sub-committee of the committee on Judiciary General has consulted leading scholars and professors relative to it; clergymen have been consulted concerning the provisions of the bill, and I believe every type of person who might be interested in the marriage laws of Pennsylvania has been consulted. There was an attempt made in 1939 to codify the marriage laws of this state. This bill, as I recall, passed the House unanimously, and I believe also passed the Senate, but due to certain defects in the draftsmanship, certain things being overlooked, the Governor was compelled to veto the bill.

There has been no revision or codification of the marriage laws of Pennsylvania since the time we began passing them. You have read this bill, you have it before you and can read it now; you will find in it laws passed back as far as 1815. It was the intention of the sponsors of the bill and of the sub-committee to keep the works of the marriage laws as similar as possible to the words as they now stand on our statute books. We sought to make as few changes in the marriage laws as possible.

All of the safeguards which have been set up through the years, for example, the waiting period of three days, the restrictions on the issuance of marriage licenses and so forth have been retained in this bill. The manner of obtaining a license has been kept the same, and a license issued in the county where one of the applicants resides may be still used in any county of the Commonwealth, but I desire to point out to you two important changes made in the laws relating to marriage which are contained in this bill. The first one is section thirteen which seeks to abolish the common law marriage after the effective date of this act.

Section 13, on page 14 of the bill reads: "No common law marriage may hereafter be legally entered into in this Commonwealth and all such marriages hereafter entered into shall be null and void."

When Pennsylvania was growing into a new State there was a real solid reason for recognizing common law marriages. It was very hard to get to the county seat; it was often difficult to find a minister to marry, but today with our ease of travel and with our increased and improved, educational facilities the sponsors of this bill believe the reason for recognizing common law marriages has virtually ceased.

In this bill we have not increased the cost of obtaining a marriage license; it is still two and one-half dolalrs. We believe we passed some good laws in the 1939 session, namely the pre-marital syphilis examination law and to allow people to become validly married as they now can under common law solely by taking each other as husband and wife and living together, we believe all of those laws set up to safeguard our citizens can be sidestepped at will. All of these laws relating to the issuance of marriage licenses and so forth are devised and passed partly to keep accurate records of who is married and who is not married and to allow the recognition of common law marriages defeats the purpose behind all of these laws. Marriage licenses are easy to procure; we want to set up no obstacle in the way of any person who wants to be married in Pennsylvania. We believe marriage should be encouraged, but we do not believe it is any great task for persons desiring to marry to say to them "You must obtain a marriage license before you can be married in the state." And to say, in order to safeguard the health of our citizens, "We want you to take a pre-marital syphilis examination." To allow our courts to continue to recognize common law marriages would defeat all of these things.

I might point out to the membership that the common law age of marriage is fourteen years for a boy and twelve years for a girl. Are we going to wait until we have children of that age becoming husband and wife under the common law before their eyes are opened? It is a very remote possibility, I grant you, but it can happen in Pennsylvania and we do not want to see it happen.

Mr. CORDIER. Mr. Speaker. I rise to make a short statement. I want to speak upon the difficulty under which the Member is trying to put a point across. I am certain he is speaking on one of the most important pieces of legislation that has come before this body. I believe respect is due to him in presenting this matter to us, and I am certain there are many of us, who desire to hear the debate on this important piece of legislation.

The SPEAKER. The Chair thanks the gentleman from Lackawanna.

Mr. READINGER. I also thank the gentleman from Lackawanna.

I have been informed that twenty-eight states in the union have abolished common law marriages and now, the courts provide that a person desiring to marry in those states must follow the marriage laws. I think it is time that Pennsylvania followed suit. New Jersey in 1939 abolished the common law marriage and they also made their marriage license laws a great deal stricter than we seek to do under this bill. The State of New Jersey provides that its license laws are mandatory, not directory only, and marriages performed not in accordance with their license laws are absolutely void. We do not do that under this bill; we are leaving to the courts the decision to say whether a marriage performed not in accordance with the license laws shall be valid, voidable or void.

You may notice in the bill that some extensive amend-

ments were stricken out the other night. Those amendments were placed there by the sub-committee of Judiciary General in the belief that our marriage license laws should be followed strictly if parties are to be married in the Commonwealth. Other members of that Committee were of another opinion, that we should not possibly create a lot of invalid marriages by that amendment, and I as sponsor had no objection to the amendments being taken out. We do not want to create a large number of invalid marriages and have no desire to do so, but we do desire that people follow our license laws and for that reason we want to abolish this common law marriage.

Another important change in this bill I want to call to your attention, and I shall not detain you much longer, is the provision which raises the marriageable age, the age at which a person can marry with the consent of the parents from sixteen years to eighteen years.

Our present school laws provide that a child must attend school until it is eighteen years of age, and this leaves us in the peculiar position of having at least some persons marrying at the age of sixteen and continue going to school for two more years. We do not believe that is advisable and for that reason we have inserted the provision that a person must be eighteen years and upwards in order to obtain a license to marry, except in certain extraordinary cases in which a license may be issued upon the request to an Orphans' Court judge. If the Orphans' Court judge deems it to be proper he may issue a license to that person, no matter what the age of that person is.

Those I would say are two of the important changes made in this act. Several of the penalties have been changed slightly and under this bill the party who violates the laws relating to these marriage licenses is also made to suffer a penalty of a fine not exceeding fifty dollars. At the present time the officiating officer, the clerk of the orphans' court and every other person connected with the marriage not in accordance with the license laws will be subject to a penalty, but the person who marries contrary to the law suffers no penalty whatsoever.

I would like to reiterate that much careful study has gone into the preparation of this bill. Many people have complained "You have got to be a lawyer to find out what the marriage laws of Pennsylvania are." Many clergymen are requested by mail to tell somebody outside the state what the marriage laws of Pennsylvania are, and oftentimes they cannot do it because they do not have all the law books available.

We tried in this bill to bring together all the laws relating to marriage in Pennsylvania, so that a layman may pick it up and read it and understand just how a person marries, who may marry and anything incidental to marriage.

As I said before, the marriage laws have never been codified in this state to my knowledge, and you practically have got to be a lawyer to find them. I sincerely ask your support for this bill. I do not expect everybody to agree with me that we should abolish the common law marriage or that we should raise the marriageable age, but I believe if you will sit down and consider these things carefully, you will probably agree that this is a good bill and should be supported.

Mr. CULLEN. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Readinger.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. CULLEN. Mr. Speaker, I would like to ask Mr. Readinger under this bill as amended, in the situation where a man takes a woman without taking out a license, they live together for a period of years, they have children. Let us assume in the interim the father of the child acquires property. Now, the father dies. What standing has the child got to acquire that property under this bill?

Mr. READINGER. Mr. Speaker, if the gentleman is assuming the case of a man and woman taking each other as husband and wife after the affective date of this act, and assuming the father dies and leaves no will, I would say the child has no claim upon his estate.

Mr. CULLEN. I thank the gentleman, Mr. Speaker.

Mr. Speaker you cannot regulate the morals in grown-up people. Here is a case where you take two people living together against the marriage laws; you cannot legislate whether they live together or whether they do not, neither this House nor any other body can, but this bill as I see it, penalizes the child of this particular relationship. This particular child has absolutely nothing to do with the faults of the parents, but we of the legislative body say this: "We are going to penalize you for the sins of your father and mother." I do not think it is fair to the child and for that reason I will have to vote against this bill.

Mr. BROWN. Mr. Speaker, I do not feel it necessary to explain the provisions of this bill, however, I ask the indulgence of the House in publicly recognizing the services of several people on this bill.

I would like to answer the gentleman from Philadelphia who just spoke in this regard. During years past the state of Pennsylvania has set up certain safeguards to marriage, the three day waiting period, the test for syphilis and other provisions designed to protect the marital status in Pennsylvania. We recognize that a common law marriage is not amenable to any of these tests, and you can see the justification for this bill. There is absolutely no necessity now in this state or any other state to recognize common law marriages and at the same time attempt to set up certain safeguards for marriages, because common law marriages do not come within the purview of these safeguards. It is high time that we in Pennsylvania codify our marriage laws and make these safeguards applicable to all marriages alike.

I should like as Chairman of the Committee on Judiciary General to make a public acknowledgment of the services of certain persons who helped on this bill. We recognized in the very beginning that we were dealing perhaps with one of the most sacred institutions in civilization, that of marriage, and we appointed a committee composed of the gentleman from Westmoreland, Mr. Weiss, the gentleman from Lawrence, Mr. Weingartner, the gentleman from Cumberland, Mr. McIntosh, and the gentleman from Philadelphia, Mr. McClanaghan, and the gentleman from Philadelphia, Mr. Modell. They worked for many hours on this bill and after a while they set out to get the most outstanding authorities on the matter of family relationship in Pennsylvania. The committee debated this matter with men who are outstanding in this field, and we make public acknowledgement of their services to this committee: Professor Reader of Dickinson, Professor Freedman of Temple Uni-

versity Law School and John H. Fertig, former Director of the Legislative Reference Bureau. They appeared before the committee and gave the benefit of their experience in this matter. These gentlemen gave us their experiences so far as codifying is concerned, and as far as the merits of the bill are concerned. I want to make public acknowledgment to those members whose names I mentioned, the professors I mentioned, and John Fertig.

I do not feel that the situation the gentleman from Philadelphia raises is one that should be paramount in our discussion of this bill. The main thing as I said before, is this, shall we set up safeguards for marriages and at the same time recognize common law marriages that do not come within the safeguards we are setting up? The purpose of this bill is to protect all marriages, and I feel that the gentleman from Philadelphia and the rest of the Members of the House, if they will approach the bill from that standpoint, will see the justification for the bill. I hope you will vote in the affirmative.

Mr. ECKELS. Mr Speaker, I did not intend to say anything on this bill, but on the question of common law marriages there is another matter that has not been touched upon, and that is while we would like to throw every safeguard around the children, illegitimate children are not to blame, of course, for their parents' indiscretions and sins, but the marriage relationship has so many things dependent upon it that it should be safeguarded in every respect.

Common law marriage laws of this state have become a fertile field for fraud and perjury. In many States false claims have ben set up by some woman or some person claiming to be a common law wife, and that claim has been established by perjury, and the marriage laws have been made a mockery. Also in cases of workmen's compensation where workmen have been killed that thing has come up many times, and the President Judge of the Superior Court of this State has recently stated that common law marriages were tolerated by the law but not encouraged, and that they offered great chances for fraud and perjury. I think that is another reason for safeguarding and protecting the rights of families through marriage laws which have teeth in them, which can be enforced and will be enforced.

Mr. McCLANAGHAN. Mr. Speaker, I just want to say a few words in relation to the line of thought raised by the gentleman from Philadelphia, Mr. Cullen. There are many people here who are concerned about their children. They feel this act will disinherit them, but if you analyze the common law marriage you will find that the law sets up certain requirements which must be established to have a valid common law marriage. I dare say that in ninety percent of the cases, those requirements are not met. We have to understand that mere cohabitation between a man and a woman does not establish a common law marriage regardless of the numbers of years during which they cohabit. Further than that we have to realize that the mere holding out of another as your husband or wife does not establish the validity of the common law marriage. The law has repeatedly told us in decisions that these things are merely evidence of a marriage. The law still requires that there be a marriage contract and that the marriage contract be in the present tense, that when people start living together they agree among themselves to be husband and wife, not at some time in the future, but when they commence living together, so that visiting the sins of the parents upon the children is not the fact.

Where do these claims of common law marriage arise? As the previous speaker told the House they usually arise in two classes of cases, estate cases and Workmen's Compensation claims.

I say to the Members of this House that when those claims are asserted in a case in court, the party asserting the validity of the marriage must prove the essential factors required, so that they must establish that a marriage contract was entered into. They cannot merely establish that their parents lived together. They cannot merely establish that one held the other out as husband or wife, so that we face the proposition that a child is not disinherited by the action of the law; it is disinherited by the action of its parents.

Further, this act does not involve property rights. If you feel that you want an illegitimate child to take property through its father, then the remedy does not lie on this floor, but it lies in amending the estate laws of this Commonwealth, and in order to protect family life, to protect the integrity of society, we must at this time acknowledge that these claims of common law marriages are in most cases fraudulent. I ask the Members to support this bill.

Mr. READINGER. Mr. Speaker, I will not detain the members much longer with what I have to say, but in order to clear up any doubts as to the effect of this bill on any existing common law marriages, I would like to point out that the effective date is January 1, 1942, and it does not affect any common law marriages now existing. In other words, if a man and woman are now living together as husband and wife, even though the proof of that does not become necessary for another twenty or twenty-five years, that marriage will not be affected by this law. It only affects the attempted creation of that status after January 1st of next year.

Mr. McINTOSH Mr. Speaker, the objection to this bill, if there is an objection, is that it may illegitimize children in the Commonwealth of Pennsylvania. If this bill becomes a law, the result will be exactly the opposite. As the gentleman from Philadelphia, Mr. McClanaghan has stated, the mere fact that a man and woman live together in Pennsylvania is not sufficient for a valid common law marriage; there must be a contract. For instance, if the man says, "I take you, Mary Roe, to be my lawful wife," and the woman says, "I take you, John Doe, to be my lawful husband," that is a valid marriage; that is a marriage contract, but in cases involving common law marriages in Pennsylvania, the situation may well arise that two people live together in what is called meretricious relationship, that is they live together and there has been no marriage contract.

In actual cases what has happened is this, the woman comes in and tries to prove her marriage. She says as to her husband, she lived in this meretricious relationship for a number of years without a marriage contract, and that one day he said to her, "We should be married," and she said, "Yes, we should be married." She agreed. Then the husband said, "Well, it is not necessary to get a license. We will just continue to live as we are living now and we will be validly married." The courts have held in that particular case,—that is an actual case,—that that is not a valid marriage. The result in that case was that any children born of that marriage were illegitimate children.

This bill, if it becomes an act, will do away with the illegitimizing of children, and under this bill, if it becomes an act, there will be but one way to get married and that

is by applying for a license, get the license, and have a civil or religious ceremony. There isn't any vagueness or indefiniteness about it and this very hazy field of common law marriages, where the court decides in one instance that you are married and in the next case decides that you are not married, wil be eliminated. For this reason, Mr. Speaker and Members of the House, because this bill will do away with illegitimizing of children, I ask for you to support this bill.

Mr. WEISS. Mr. Speaker, as Chairman of the sub-committee on this particular bill, I want to thank Mr. Brown for commending the sub-committee's work. I feel I would be amiss, however, in not giving due credit to one of the members who worked many long hours and worked hard on this bill, and that is the gentleman from Cumberland, Mr. McIntosh.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—164

Allmond,	Fiss,	Marks,	Rose, S.,
Auker,	Fleming,	Maxwell,	Rose, W. E.,
Baker,	Fletcher,	McClanaghan,	Rosenfeld,
Balthaser,	French,	McClester,	Royer,
Bentley,	Gallagher,	McDermott,	Rush,
Bentzel,	Gates,	McDowell,	Sarge,
Boies,	Gerard,	McFall,	Sarraf,
Boney,	Gillette,	McGrath,	Scanlon,
Boorse,	Goodwin,	McIntosh,	Schwab,
Bower,	Gross,	McKinney,	Shaffer,
Bradley,	Gryskewicz,	McLanahan,	Skale,
Breth,	Gyger,	McLane,	Sollenberger,
Bretherick,	Habbyshaw,	McMillen,	Sorg,
Brown,	Haberlen,	McSurdy,	Stank,
Brunner, C. H.,	Haines,	Melchiorre,	Stine,
Brunner, P. A.,	Hall,	Mihm,	Stockham,
Burns,	Hamilton,	Modell,	Tarr,
Cadwalader,	Hare,	Monks,	Tate,
Chervenak,	Harmuth,	Mooney,	Thompson, E. F.,
Chudoff,	Heatherington,	Moran,	Thompson, R. L.,
Cochran,	Herman,	Moul,	Trout,
Cohen, R. E.,	Hersch,	Muir,	Turner,
Cook,	Hewitt,	Munley,	VanAllsburg,
Cooper,	Hirsch,	Nagel,	Vogt,
Cordier,	Holland,	Nunemacher	Voldow,
Corrigan,	Imbrie,	O'Dare,	Wagner,
Croop,	Jefferson,	O'Mullen,	Watkins,
Dalrymple,	Jones, P. N.,	Owens,	Weingartner,
Dennison,	Keenan,	Pettit,	Weiss,
DiGenova,	Kline,	Polaski,	Welsh, M. J.,
Dix,	Knoble,	Polen,	Williams,
Dolon,	Kolankiewicz,	Powers,	Winner,
D'Ortona,	Komorofski,	Rank,	Wolf,
Duffy,	Krise,	Readinger,	Wood, L. H.,
Early,	Lee, E. A.,	Reagan,	Wood, N.,
Eckels,	Lee, T. H.,	Reese, D. P.,	Woodring,
Elder,	Leisey,	Reese, R. E.,	Woodside,
Elliott,	Leonard,	Regan,	Wright,
Ely,	Lichtenwalter,	Reynolds,	Yeakel,
Finestone,	Longo,	Rhea,	Yester,
Finnerty,	Lyons,	Riley,	Young,
		Rooney,	Kilroy, Speaker

NAYS—13

Achterman,	Levy,	O'Connor	Prosen,
Cullen,	Lovett,	O'Neill,	Rausch,
Harkins,	O'Brien,	Petrosky,	Welsh, E. B.,
Lesko,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

DERRY TOWNSHIP HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Senior class of the Derry Township High School, Mifflin County, the guests of the gentleman from Mifflin, Mr. French.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1023, as follows:

An Act prohibiting employers from directly or indirectly offering for sale selling procuring for sale having in possession or under control for sale to employes or others any merchandise not produced by employers or not handled in the regular course of employer's business providing exceptions thereto declaring such prohibited sales to be unfair competition and repealing prior inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Reason and Purpose (a) The Legislature hereby finds that the existence in the Commonwealth of Pennsylvania of the practice whereby employers sell or procure for sale to employes or other persons any merchandise not of the employer's own production or not handled in the regular course of the employer's business is detrimental to the health safety morals convenience and general well-being of the public in that such practice (1) results in the loss of taxes to the Commonwealth and the various taxing instrumentalities existent in the Commonwealth (2) unreasonably interferes with and diverts the proper and normal flow of trade and commerce (3) constitutes an unfair method of competition by such employers against others engaged in commerce

(b) It is hereby declared to be the policy of this act through the exercise by the legislature of its police powers to correct and to eliminate the conditions referred to above declaring certain sales to constitute unfair competition and prohibiting same

Section 2 No person partnership corporation or association engaged in any business or trade in this Commonwealth shall by any method or procedure directly or indirectly by itself or through a subsidiary agency sell or procure for sale or have in its possession or under its control for sale to its employes or to any other person any article material product or merchandise of whatever nature not of his or its own production or not handled in his or its regular course of trade or business Provided That this section shall not apply to the sale or distribution of (1) meals candy cigarettes cigars tobacco or (2) tools and material used by employes in such trade or business or appliances and products which are used therein and are or may be beneficial to the safety health and working conditions of such employes And provided further That the provisions of this act shall not apply to co-operative associations organized under the laws of this Commonwealth

The doing of any of the acts as prohibited above shall constitute unfair competition to any retail store operator or owner dealing in the same kind type nature or class of merchandise as that so sold as aforesaid within the same city or county in which such above prohibited sale occurs

Section 3 Remedy Wilfully and knowingly selling or procuring for sale or having in possession or under control for sale directly or indirectly by any person partnership or corporation or subsidiary agency to his or its employes any article material product or merchandise of whatever nature not of his or its own production or not handled in his or its regular course of trade or business is unfair competition and is actionable at the suit of any person damaged thereby

Section 4 Constitutionality If any clause sentence paragraph or part of this act or the application thereof

to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act and the application of such provision to other persons or circumstances but such decision shall be confined in its operation to the cause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included herein

Section 5 Repealing Clauses All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 6 Effective Date This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SKALE. Mr. Speaker, I rise in opposition to this bill. I may say it grieves me very much because the sponsor of this bill is my colleague and good friend from Philadelphia, Mr. Cohen. I feel however that this bill is one that goes a little too far in its regulatory measures.

First of all, this bill is apparently intended to come under the police powers of the state, because you will notice in the first section of the bill it refers to the health, safety, morals, convenience and general well being of the public, and then goes on to cite certain reasons and purposes. I find, however, in my opinion, that there is no reasonable connection between the reasons stated in this bill and the police powers of the state.

Secondly, I feel that this bill is bad because it prohibits transactions, for example such as this: if any Member were to have a brother or any member of a family in a business, let us say, as a plumber and this particular member should desire to have him install in his house an oil burning system, he goes to this member of the family and asks him to install the system or to get somebody to install it. The plumber would not be able to go out and get the oil burning system at a reduced rate for his brother nor can he install it at a reduced rate, but he will have to charge him and have him pay the regular price.

Now, let us suppose the brother in business desires to circumvent the provisions of this act and install the oil burning system. Then under section three of this bill every plumber in the vicinity would have a right to institute some kind of action for damages, because section three provides that if any person wilfully and knowingly sells or procures for sale any article not of his own production or not handled in his regular course of trade or business, then this section declares it to be unfair competition and makes it actionable at the suit of any person damaged thereby. Therefore all persons in the same trade, all the plumbers in the city or the county could institute an action for damages against that particular plumber. You can see how far this can go and how ridiculous it can become.

Those are my objections, Members of the House, and I ask you to oppose this bill.

Mr. REUBEN E. COHEN. Mr. Speaker, I do not want to get into any protracted debate or argument with my colleague from Philadelphia. I wish he had discussed the merits of the bill with me prior to coming on the floor. I think I could have answered him privately and I will now answer him publicly.

The term "police powers" is a term in law which is well-known to our courts and to most of our people. It is a term which indicates that there is a condition which requires and in some cases cries out for remedy.

As to the question of social legislation, we have in the past years put on our books laws which properly came within the purview of the announced policy of the law, the police power of the Commonwealth. It seems to me we have forgotten that the merchants of Pennsylvania ought also to come within the helpful protection of the Commonwealth under the broad interpretation of the term "police power." In other words, we are asking that social legislation which is enacted now under the theory of the police power move over a little bit and for a change have some merchant legislation, which might be protective under the same broad arm and theory of the law.

With respect to the specific case which was raised by my friend may I say this. There is nothing in the bill which would prevent a person's selling to any person at any price tools which he regularly sells to his own trade. So that Mr. Plumber, who is going to install an oil heater for my brother, who regularly deals in that kind of merchandise, may go to the source of supply. We all know from experience that the plumber is on the wholesale list, and he procures the oil burner from a person who regularly supplies oil burners. That is not prohibited by the act. He may then install the oil burner and if he wants to give it away that is his business, if he wants to sell it at the wholesale price that is also his business, or if he wants to get a profit more power to him.

There is no question about a suit for damages if there is a violation of the terms of this act because we have very carefully in the framing of this legislation taken into account similar legislation in the State of Wisconsin, which I believe is one of these United States. Wisconsin made it a penal offense, and lawyers will tell you that you must adhere strictly to the language of a criminal statute. We have taken out the penal provision and we have put in it instead an injunctive remedy which does not call for damages but provides that the person offended may apply to the courts to enjoin one who commercializes commerce.

Mr. Speaker, may I say that if this were to hurt commerce, I doubt whether I as sponsor of the bill would have been deluged from all parts of the State, from big cities and small cities, from first class counties down to the eighth class counties, and from every possible catagory of township in the State. I have letters from individuals and from associations, a few of which I hold in my hand here, all sorts of retail jewelers, Better Business Bureaus, Trade Associations, Chambers of Commerce and other organizations throughout the State who are urging that this bill be passed. If there are defects in the bill, or rather in the operation of the bill, we are attempting something in Pennsylvania which I believe will help the merchants, and if there is anything wrong with this bill in its operation, we are going to be doing business at the same old stand two years hence, and I

think we can then remedy any crying need for change in this act if it is enacted into law.

May I say to you, members of the jury, attempting to protect the merchants,—if I said "members of the jury," I ask the House to bear in mind that there is legislation pending in committee here, which says that the verdict of the jury may be by majority vote of the jury and not by the unanimous vote of the jury. I hope that the one or two votes which the gentleman from Philadelphia seems to have conspired against me will not defeat or injure the bill.

Mr. Speaker, the merchants of Pennsylvania pay mercantile taxes, they pay all sorts of other license taxes, they pay income taxes and so on. The people against whom this particular type of legislation is directed are people who are part of that great scheme in America which is known as the "I-can-get-it-for-you-wholesale" racket. They are the people who are in business without paying a municipal tax, without paying a mercantile license, without paying an income tax, or workmen's compensation, unemployment insurance, and so forth. I could go on endlessly and enumerate the merchants' enormous burden of taxation. The people who want this bill are the people who live up to the law and the people whom we are attempting to stop from pirating on business in Pennsylvania are the people who live under the protection of the law without contributing their fair share for the maintenance of the law.

Mr. Speaker, I cannot too strongly urge that the Members give this bill their whole hearted and full support.

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Cohen.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. REUBEN E. COHEN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Philadelphia whether he considers this bill will meet the constitutional objections.

Mr. REUBEN E. COHEN. Mr. Speaker, I think so, because particularly we have left the interpretation of what may be an offense under the police power of the Commonwealth to the broad interpretation of the courts sitting in equity.

Mr. TURNER. Mr. Speaker, will the gentleman explain how he believes this comes under police power of the State?

Mr. REUBEN E. COHEN. Mr. Speaker, in my answer to the gentleman from Philadelphia on the question of police power I believe I explained to the Members of the House that the terminology "police power" is not to be strictly defined. It is interpreted to cover not only one person but all persons, not only individuals but also business.

Mr. TURNER. Mr. Speaker, does the gentleman believe he can stretch that protective power as far as this bill does?

Mr. REUBEN E. COHEN. Mr. Speaker, I believe it can. However, it might be that some one might think we are stretching it too far. I do not know. I am willing to leave that decision to the courts.

Mr. BROWN. Mr. Speaker, sometimes it is hard to oppose a bill strictly on the standpoint of unconstitutionality of the bill. This bill perhaps has some good in it. It is hard at times to see how we can deny a person who feels that he has the right to certain protection that right because the bill is unconstitutional.

I have talked with Mr. Cohen and I do not want to impose my opinion on any one. I simply want to give this word of warning if this bill is to be justified by a proper exercise of the police power of the state, it is absolutely worthless in my opinion. The police power of the state is that power which resides in the sovereign state for the protection of the public good, the public welfare and public morals. It is that power which even clashes with constitutional individual rights, and where the police power is properly invoked, sometimes individual constitutional rights must fall. It seems to me we ought to be excedingly careful in guarding this extraordinary power which is an inherent right of sovereign state. When you take the definition of police power, which is for the protection of public good, public welfare, and public morals, it must be strictly construed, and our supreme court time and time again has stated that even when the Legislature declares a thing to be within the police power that does not necessarily make it come within the police power, if it is arbitrary, if it is limited, if it is capricious. It must be for the protection of the public good, the public welfare, and the public morals.

I stated to the gentleman from Philadelphia, Mr. Cohen, when I talked with him privately, that I believe this bill cannot be justified under a proper valid exercise of the police power of the Commonwealth of Pennsylvania. The Legislature in announcing that it comes within the police power does not necessarily make it so unless it falls within the definition of police power as it has been announced not only by our Supreme Court but by the Supreme Court of the land. As I said before, if these people are escaping taxation by a method of sales which will be prohibited by this bill, then it is a question of the law of taxation and not a question of police power. If someone is being harmed, or if a competitor is underselling because somebody is doing what they attempt to prohibit in this bill, there again is a question of remedy outside of the pale of police power. If this bill can not be justified on the ground that it is enacted for the protection of public good, public morals, or public welfare, it will necessarily fall.

Mr. TURNER. Mr. Speaker, I want to thank the gentleman from Allegheny for his very able legal explanation on the question of police power and the question of the unconstitutionality of this bill. As I see it, I maintain that this bill cannot be upheld by the courts. I have the greatest sympathy for those persons who feel they are meeting unfair competition. I understand the real reason back of this bill is that some of the larger corporations, those who employ a large number of people, sometimes through their purchasing departments buy certain things that are not within the use of their employees not things which they themselves manufacture, and in that way their employees buy these goods at the wholesale price. It is a custom in some businesses today which is causing many of our merchants a great deal of difficulty and they feel that they are meeting unfair competition. I have had a great number of calls from merchants in my own community urging me to vote in favor of this bill and explaining to me their difficulties. I have said to them just what the gentleman from Allegheny has said, if they feel they are meeting unfair competition their

remedy should be through the taxing power. If they are carrying on more or less of a mercantile business in some of their operations, we ought to subject them to a mercantile tax. That would most likely eliminate most of the difficulties, because the more companies, particularly the large manufacturers, will be driven away from this practice.

I do not like to vote against this bill because of the large interests of these merchants. They pay taxes, they pay rent, they employ people, they pay mercantile tax and they should have some protection. I am in sympathy with them but that sympathy cannot extend to an act which, in the first place I think is unconstitutional, in the second place, I believe if you pass this legislation you will have in the halls of the Legislature in the future many other bills seeking to protect other groups from what they feel to be unfair competition by reason of the ability of somebody in some instances to purchase things, to have work done or to employ people on a different basis from that of the ordinary contract and the ordinary purchasing of supplies.

Therefore, it seems to me, members of the House, this is a very bad precedent for us to establish here, outside of the legal question of the unconstitutionality of the act.

Mr. AUKER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Cohen.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. REUBEN E. COHEN. I will, Mr. Speaker.

Mr. AUKER. Mr. Speaker, will the gentleman from Philadelphia inform me in his opinion whether or not he thinks this bill will affect the employes of cooperative associations.

Mr. REUBEN E. COHEN. Mr. Speaker, this bill specifically exempts cooperative purchasing associations, as the gentleman will notice on page three, the top three lines.

Mr. AUKER. Mr. Speaker, I did not catch it. I thank the gentleman.

Mr. REUBEN E. COHEN. Mr. Speaker, may I just briefly answer two of the points which have been raised. I said in my first speech that the words "police powers" should, in this particular instance, and possibly in more than this particular instance, be broad enough to cover the merchants of Pennsylvania.

As to the public welfare of Pennsylvania, it seems to me it is the right of the Commonwealth to properly collect taxes. I want to use the language I used in my first address to fit it into the public welfare argument in order to indicate to the Members of the House that I do seriously contend that public welfare means the proper taxing of persons who should pay taxes and who should be responsible to the Commonwealth for the payment of taxes for business done within the Commonwealth.

In answer to the gentleman from Delaware, Mr. Turner, on the point of big business corporations and big industrialists who do use their purchasing agent for the purpose of purchasing goods for employes, may I say that the bill specifically has nothing to do with tools and equipment and so forth which are used in the particular business for which the employe is working and which are used in furtherance of the work in which he is engaged but certainly we know that purchasing agents are able because of their powerful positions as purchasing agents for corporations to suddenly enlarge the scope of their own family, down to the most distant cousin that they could possibly conceive.

It seems to me the custom has grown up in that respect that they can get it for wholesale because the people he can get it from are also looking for orders from him. It is that kind of a person who is able to suddenly enlarge his family to an extent much larger than any man can possibly conceive in order to do them a favor. It does him no good except as a matter of friendship, and it does harm to the merchants of Pennsylvania.

Mr. WOODRING. Mr. Speaker, just one word on the practical side of this bill. We have heard a learned discussion on the constitutional question and on the question of police powers. Practically I have heard no objections to the bill. I have received a great many communications from two large groups of people who are strongly in favor of the bill and who urge its passage. One of these groups, of course, is the merchants. I might add in passing the merchants to my notion are the forgotten man of the day. We in this hall of the Legislature have enacted all types of relief measures for labor, for the farmer and for industry but we have done virtually nothing for the benefit and protection of the retail merchants, who are a very large, stable and responsible part of our citizenry.

The other branch of people who have strongly urged the passage of this bill are the large manufacturing plants. They ask for the bill as a safeguard to this objectionable practice which has grown up. Industry itself or the manufacturing plants do not want a continuation of this practice, whereby they say they can get goods wholesale for you through their plants, and they want some screen behind which they can hide. Industry does not care whether this act is constitutional or not. As a practical matter it wants this act so that when somebody asks that an article be purchased through their purchasing agents they can point to this act in their own defense and say, "We are sorry, we cannot do it for you because this act of the 1941 session of the Legislature prohibits it." I think aside from the technical question involved, as a practical matter this is a good act and a large number of people are strongly urging its adoption, and in my opinion at the present time there is nobody strongly against it. I urge the members to vote for this measure.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 146

Allmond,	Habbyshaw,	McGrath,	Sarge,
Balthaser,	Haberlen,	McKinney,	Sarraf,
Bentley,	Haines,	McLanahan,	Scanlon,
Boles,	Hall,	McLane,	Schwab,
Boney,	Hamilton,	McSurdy,	Shaffer,
Brunner, P. A.,	Harkins,	Melchiorre,	Stank,
Burris,	Harmuth,	Mihm,	Stockham,
Cadwalader,	Heatherington,	Modell,	Tarr,
Cohen, R. E.,	Herman,	Monks,	Tate,
Cooper,	Hersch,	Mooney,	Taylor,
Cordier,	Hirsch,	Moran,	Thompson, E. F.,
Corrigan,	Holland,	Muir,	Thompson, R. L.,
Croop,	Imbrie,	Munley,	Trout,
Cullen,	James,	Nagel,	Van Allsburg,
Dalrymple,	Jefferson,	Nunemacher,	Vincent,
Dennison,	Jones, G. E.,	O'Brien,	Vogt,
DiGenova,	Jones, P. N.,	O'Connor,	Voldow,
Dix,	Kline,	O'Dare,	Voorhees,
Dolon,	Knoble,	O'Mullen,	Watkins,

D'Ortona,	Kolankiewicz,	O'Neill,	Weingartner,
Duffy,	Komorofski,	Owens,	Weiss,
Early,	Krise,	Petrosky,	Welsh, E. B.,
Elder,	Lee, E. A.,	Pettit,	Welsh, M. J.,
Elliott,	Leisey,	Polaski,	Wilkinson,
Finestone,	Lesko,	Polen,	Williams,
Finnerty,	Levy,	Powers,	Winner,
Fiss,	Lichtenwalter,	Prosen,	Wolf,
Fleming,	Longo,	Rausch,	Wood, L. H.
Fletcher,	Lovett,	Readinger,	Woodring,
Gallagher,	Lyons,	Reese, David P.,	Woodside,
Gates,	Malloy,	Reese, R. E.,	Wright,
Gerard,	Marks,	Rhea,	Yeakel,
Gillette,	Maxwell,	Riley,	Yester,
Goodwin,	McClanaghan,	Rose, W. E.,	Young,
Gross,	McClester,	Rosenfeld,	Kilroy,
Gryskewicz,	McDermott,	Royer,	Speaker
Gyger,	McFall,	Rush,	

NAYS 25

Achterman,	Burns,	Foor,	Shaw,
Auker,	Chervenak,	Gillan,	Skale,
Baker,	Chudoff,	Hare,	Snyder,
Beitzel,	Cochran,	Harris,	Sora,
Boorse,	Eckels,	Hewitt,	Stine,
Bradley,	Ely,	McMillen,	Turner,
Brown,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. CHARLES H. BRUNNER filed the following reasons for his vote.

I am voting "no" on House Bill 1023 because I feel that the measure as framed is unconstitutional. The objectives of the bill are to be praised and I have received many requests to vote in its favor but I cannot support any bill, no matter how praiseworthy it may be with respect to its objectives, when I sincerely and honestly believe it violates the Constitution of our state.

Mr. ECKLES filed the following reasons for his vote.

I am voting "no" on House Bill 1023 solely because I believe the same to be unconstitutional. I am in sympathy with the purposes of the bill and would vote "yea" if I did not believe it violates the Constitution.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1021, as follows:

An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding immediately after section six hundred and seventeen thereof a new section to read as follows

Section 617.1 Whenever any school building or buildings have been rendered totally unfit for use by reason of fire acts of God or other unforeseen cause the board of school directors of any school district shall have power with the approval of the Department of Public Instruction to appropriate money out of the general fund of the school district to any non-profit corporation established for the purpose of constructing school buildings for the use of the school district Provided That before any such money is paid over the corporation shall have entered into a lease with the school district for the buildings proposed to be erected whereby the school district shall have the right to renew such lease at stated periods at a stipulated rental and at any time during the continuance of the lease to purchase the buildings from the corporation at a stipulated price

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, I merely wish to call the attention of the Members of the House to this particular bill. I do not rise for the purpose of opposing it but merely to call attention to the fact that if the Republican administration had not been responsible for the death of a series of bills known as the Thompson bills for the construction of schools, the creation of an authority, Mr. Haines would not find himself in the position where he needs this particular special legislation for the school district in his county. However, may I say, Mr. Speaker, that this side of the House certainly can feel sorry for him He certainly can understand and appreciate the loss of his school district which was occasioned by the death of the Thompson bills, and I am urging the Democratic Members of the House to help Mr. Haines in his problem and support the bill.

Mr. TURNER. Mr. Speaker, during this session I have heard the majority leader go far afield to find all sorts of things to blame on the Republican Party. I have listened to a great many arguments which seemed to reach the depths of ridiculousness in placing some sort of blame on the James administration. In most instances we have not even answered those arguments because we thought they were so silly that no one would pay any attention to them.

The gentleman from Monroe has now advanced an argument which he as a lawyer, should not advance on the floor of this House, and that is that the gentleman from Centre, Mr. Haines, has been compelled to introduce this bill because the Republican party killed the Thompson bill, which was a program to build schools by the use of authorities.

Had the gentleman from Monroe studied the opinions of the Supreme Court of Pennsylvania he would have found that it would be utterly impossible to have made the Thompson bill operative because under their decision any authority to be constitutional, and any project to be constitutional, must be dependent solely upon revenues

which are derived by the particular political subdivision. Those revenues under the decision in the Philadelphia case within the last year, handed down by the Supreme Court in Pittsburgh, the Court there said that you could not do anything that had the semblance of taxation. A school district has no income beyond that derived from the taxes and therefore it has nothing upon which it could make itself a self liquidating project.

Therefore, the Thompson bill, a fine piece of legislation as it was,—I recall being on the committee at the time they reported it out, and while I had some doubts about the matter, as I thought there should be a definite program before an act of that kind was passed, nevertheless you could not go along with the Thompson plan because it would have been inoperative and no school district could have taken advantage of it because under the decisions of the Supreme Court of Pennsylvania its borrowing would have been unconstitutional, because it had no source of revenue outside of taxes for the purpose of amortization and paying interest on the fund. I would like to place this in the lap of the gentleman from Monroe and let him chalk that off as being one that doesn't count.

Mr. ACHTERMAN. Mr. Speaker, may I say to the gentleman from Delaware that I am familiar with the vagaries of the Supreme Court of the state of Pennsylvania. Not for one minute, nor do I think any other attorney for one minute, would endeavor to interpret one decision of the Supreme Court of Pennsylvania as having an application to any other set of facts, or different facts. One can never tell, one never knows what the Supreme Court is going to do. As a matter of fact this court on occasions has reversed itself. I have not forgotten the vagaries of the Supreme Court on the General State Authority. I say to the gentleman that his answer on this occasion is very much the same as when "they say nothing" because it carries neither weight nor authority. Mr. Speaker, I assume and I believe I am correct in assuming that the main reason the other side of this House has not been answering the arguments we have been making during this session is because they have no answer.

Mr. TURNER. Mr. Speaker, we have an answer to that one, and that is that the Supreme Court did not change its line of decisions, and there were no vagaries in the General State Authority case, because in the first General State Authority case there were certain provisions in the law and in the contract that would have violated all the decisions of the Supreme Court of Pennsylvania over a long period of years as to increase of indebtedness by a political subdivision. After the act had been amended by the Democratic majority, in 1937 I think it was, so as to meet the objections of the Supreme Court, the Supreme Court then decided it was not unconstitutional.

I am inclined to think that the gentleman from Monroe is just a little muddled again in his thinking, in that he is thinking about the Supreme Court of the United States, since the recent changes have been made under the present administration. There you have a court which three or four times recently made decisions that were in violation of all the precedents of the Supreme Court, over periods going back as far as twenty-five to fifty years. They seem to think nothing at all of changing the law at any time, but as far as the Supreme Court of Pennsylvania is concerned, it has held consistently to a very long line of decisions except, of course, the variation occasioned by the new device of the Authority.

Mr. HARKINS. Mr. Speaker, in order that none of us will be confused by the exchanges between the two gentlemen who have spoken hitherto, I would like to say that this particular bill is a good measure. All the people who have been active in Centre county are interested in this bill. I have found that not only the gentleman who introduced the bill favors the bill but also the bill is well thought of in other quarters. In fact I was personally exhorted by the treasurer of the Democratic State Committee, Mr. Henry A. Brockerhoff, to give every consideration to the measure while it was in the Committee on Education.

I, therefore, feel that all the Members of the House, knowing that both the Democrats and the Republicans in Center County are for this bill, can approve the measure, even if it is an indirect recognition, but nevertheless a very positive recognition, of the principle of Authority which was promulgated by the Democrats.

I ask everyone to vote for the bill and not to allow themselves to be confused by the legal dissertation which we listened to just a few moments ago.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 188

Achterman,	French,	Maxwell,	Royer,
Allmond,	Gallagher,	McClanaghan,	Rush,
Auker,	Gates,	McClester,	Sarge,
Baker,	Gerard,	McDermott,	Sarraf,
Balthaser,	Gillan,	McFall,	Scanlon,
Bentley,	Gillette,	McGrath,	Schwab,
Bentzel,	Goodwin,	McIntosh,	Shaffer,
Boies,	Gross,	McKinney,	Shaw,
Boney,	Gryskewicz,	McLanahan,	Shepard,
Boorse,	Gyger,	McLane,	Simons,
Bradley,	Habbyshaw,	McMillen,	Skale,
Breth,	Haberlen,	McSurdy,	Snyder,
Brown,	Haines,	Melchiorre,	Sorg,
Brunner, P. A.	Hall,	Mihm,	Stambaugh,
Burns,	Hamilton,	Modell,	Stank,
Burris,	Hare,	Monks,	Stine,
Cadwalader,	Harkins,	Mooney,	Stockham,
Chervenak,	Harmuth,	Moran,	Tarr,
Chudoff,	Harris,	Moul,	Tate,
Cochran,	Heatherington,	Muir,	Taylor,
Cohen, R. E.,	Helm,	Munley,	Thompson, E. F.,
Cook,	Hering,	Nagel,	Thompson, R. L.,
Cooper,	Herman,	Nunemacher,	Trout,
Cordier,	Hersch,	O'Brien,	Turner,
Corrigan,	Hewitt,	O'Connor,	Van Allsburg,
Croop,	Hirsch,	O'Dare,	Vincent,
Cullen,	Holland,	O'Mullen,	Vogt,
Dalrymple,	Imbrie,	O'Neill,	Voldow,
Dennison,	James,	Owens,	Voorhees,
DiGenova,	Jefferson,	Petrosky,	Watkins,
Dix,	Jones, G. E.,	Pettit,	Weiss,
Dolon,	Jones, P. N.,	Polaski,	Weingartner,
D'Ortona,	Keenan,	Polen,	Welsh, E. B.,
Duffy,	Kline,	Powers,	Welsh, M. J.,
Early,	Knoble,	Prosen,	Wilkinson,
Eckels,	Kolankiewicz,	Rausch,	Williams,
Elder,	Komorofski,	Readinger,	Winner,
Elliott,	Krise,	Reagan,	Wolf,
Ely,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leisey,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Regan,	Woodside,
Finnerty,	Levy,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
Foor,	Malloy,	Rose, W. E.,	Speaker
	Marks,	Rosenfeld,	

NAYS 0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 99, as follows:

An Act to amend section two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" by exempting clubs from such limitation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 806) entitled "An act limiting the number of licenses for the retail sale of liquor malt or brewed beverages or malt and brewed beverages to be issued by the Pennsylvania Liquor Control Board defining hotels and prescribing the accommodations required of hotels in certain municipalities" is hereby amended to read as follows

Section 2 No licenses shall hereafter be granted by the Pennsylvania Liquor Control Board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand inhabitants or fraction thereof in any municipality exclusive of licenses granted to hotels as defined in this act and clubs but at least one such license may be granted in each municipality except in municipalities where the electors have voted against the granting of any retail licenses Nothing contained in this section shall be construed as denying the right to the Pennsylvania Liquor Control Board to renew or to transfer existing retail licenses of any class nothwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed but where such number exceeds the limitation prescribed by this act no new license except for hotels as defined in this act and clubs shall be granted so long as said limitation is exceeded

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HUNTLEY. Mr. Speaker, this is another one of those special privilege bills which find their way through the Legislature through the influence of a self constituted class of liquor vendors. The legalized selling of intoxicating liquor is not a right but a privilege. We are now faced with the peculiar situation of granting a special privilege within a privilege. I can take you into towns that have more licensed clubs than licensed hotels. These hotels can not compete with the clubs in selling liquor because of the special privileges which the clubs enjoy. I can take you into sections where road houses and eating places seem to be a public necessity. Yet, they are limited by law. They are constantly watched by law enforcement officers to get something on them that will revoke their license and put them out of business. The same officials who strain a point to close the road house as well as farmer customers of the road house, very often are apprehended at a club bar on Sunday having a time of revelry. Why close the bars of the road houses to give a monopoly to the clubs?

No good reason has been advanced why one liquor vendor should be preferred to another liquor vendor. Nevertheless, these so called clubs have enough political power to demand and get whatever special privileges they want and you may take it or leave it. Our democracy has been built on the principle of equal opportunity for all and special privilege for none. Whenever any group of people through arbitrary power acquire special privileges to the detriment of the rest of the people, our democracy is on the down grade and nobody can tell where it will stop. It is headed for ruin because a democracy is bound to reap whatever it sows.

I contend that all liquor selling joints should be treated alike and for that reason I oppose this bill.

Mr. TURNER. Mr. Speaker, it seems to me that this bill is merely correcting a situation that arose in the 1939 session. There was no intent to place the clubs under the quota as provided in the bill that was passed by the Legislature in 1939. You will remember in the closing hours of that session there was quite a dispute, and it was thrown into conference committee. The members of that conference committee all have said that they were very clear in their minds that the bill did not contain a provision that the clubs were included within the quota law. When the question was raised subsequently by the Liquor Control Board and a search was made, there was nothing to show that the clubs were excluded, but every member of that committee on conference with whom I came in contact, was confident that it had been excluded.

This bill, as I see it, merely corrects the situation that arose because of that confusion in the conference report of the conference committee in the 1939 session.

Mr. BROWN. Mr. Speaker, I was a member of the Conference Committee in 1939 and I recall the many hours we spent over the liquor bills that were in the Conference Committee in that session. It is not my purpose to divulge anything that went on in the Conference Committee, but I as one of the conferees was much surprised when I read last year that the Attorney General of this Commonwealth had by a mere technicality decided in an opinion that the clubs came within this limitation in the license act of 1939. I disagreed even then with the Attorney General's opinion. It creates a situation in this State where some corrective measure must be taken. As I recall, after the Attorney General's opinion was rendered the Quarter Sessions Court of Lackawanna County decided that clubs were without the limitation of the act. In other counties the courts decided clubs were within the act. Finally when the matter reached the Superior Court, the Superior Court passed, not upon the question of this limitation of the license act as applied to clubs, but upon the procedure and did not decide the question. So that we have this very unusual situation concerning this legislation: we have the members of the conference committee, of whom I was one, believing clubs and hotels were excluded from the act; we have the Quarter Sessions Court of one county declaring that clubs are out of the act and other courts declaring clubs are within the act, and the Superior Court not passing upon the question of the limitation at all. It seems to me in fairness that we ought to pass this act but we ought to caution the Liquor Control Board that no license should

be issued to any club unless that club is a bona fide club within the act and will live up to all the rules and regulations.

I agree with what the gentleman from Cameron, Mr. Huntley, said, in that it is perhaps unfair for this Legislature of 1941 to pass an act which seems to give the clubs a preference over the retail licensees, but I am certain if we deflect upon what was attempted in 1939, believing that the clubs should have been without the act and with the confusion that exists now in Pennsylvania as far as the law is concerned, this act should be passed and I ask the Members to vote for it.

Mr. HUNTLEY. Mr. Speaker, I was on the Liquor Control Committee last session, and I agree with what the gentleman from Delaware has said and what the gentleman from Allegheny, Mr. Brown, has said. It was not the intention of that act to limit the clubs, but that is not the question before the House. If you want to confuse anything, all you need to do is to get a couple lawyers in it and they can make a good job of it. Because we made a mistake two years ago is not reason why we should make that mistake again. You and I well remember that there was not a dissenting vote the last time against the clubs. I did have the nerve to get up here and speak against a special privilege license system. I have no crow to pick with the clubs. My position is this, that we ought not to grant special privileges in selling to one liquor dealer as against liquor dealer, which is to the detriment of those liquor dealers who seem to be a public necessity. Selling liquor in clubs is not a public necessity. Clubs sell liquor to raise money with which to run their clubs. They are bon fide liquor vendors. It does not matter what name you give to them or how many lawyers there are to confuse the issue. That is the actual fact. Clubs are liquor vendors. What I wish to say is this, that the question before the House today is whether we shall limit the number of licenses to liquor clubs, the same as we do to road houses and some other poor liquor vendors who are trying to make a living legally. I believe it is unfair and for that reason I am against this system of granting liquor licenses.

Mr. HEWITT. Mr. Speaker, I desire to interrogate the gentleman from Cameron, Mr. Huntley.

The SPEAKER. Will the gentleman from Cameron permit himself to be interrogated?

Mr. HUNTLEY. I shall, Mr. Speaker.

Mr. HEWITT. Mr. Speaker, will my good friend, the gentleman from Cameron, tell me whether or not he is a lawyer?

Mr. HUNTLEY. Mr. Speaker, well, I used to be and I could not make a decent living out of it so I quit.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—134

Achterman,	Finnerty,	McClanaghan,	Rose, S.,
Allmond,	Flynn,	McDermott,	Rose, W. E.,
Baker,	Gallagher,	McFall,	Rosenfeld,
Balthaser,	Gerard,	McGrath,	Royer,
Bentley,	Goodwin,	McLane,	Rush,
Bentzel,	Gross,	McSurdy,	Sarraf,
Boles,	Gryskewicz,	Melchiorre,	Scanlon,
Boney,	Haberlen,	Mihm,	Schwab,
Boorse,	Haines,	Modell,	Shaffer,
Bower,	Hall,	Monks,	Shaw,
Bradley,	Hamilton,	Mooney,	Skale,
Bretherick,	Harkins,	Moran,	Sorg,
Brown,	Heatherington,	Moul,	Stank,
Brunner, C. H.,	Hering,	Muir,	Stockham,
Brunner, P. A.,	Herman,	Munley,	Tarr,
Burns,	Hersch,	Nagel,	Tate,
Cadwalader,	Hirsch,	Nunemacher,	Taylor,
Chervenak,	Holland,	O'Brien,	Thompson, E. F.,
Chudoff,	Jefferson,	O'Connor,	Thompson, R. L.,
Cochran,	Jones, P. N.,	O'Mullen,	Trout,
Cohen, R. E.,	Keenan,	O'Neill,	Turner,
Cooper,	Kline,	Owens,	Vincent,
Cordier,	Kolankiewicz,	Petrosky,	Vogt,
Corrigan,	Komorofski,	Pettit,	Voldow,
Croop,	Krise,	Polaski,	Watkins,
Cullen,	Lee, E. A.,	Polen,	Weiss,
Dalrymple,	Lee, T. H.,	Powers,	Welsh, E. B.,
DiGenova,	Lesko,	Prosen,	Welsh, M. J.,
Dolon,	Levy,	Rausch,	Williams,
D'Ortona,	Lichtenwalter,	Readinger,	Winner,
Duffy,	Longo,	Reese, R. E.,	Wolf,
Early,	Lovett,	Regan,	Woodring,
Elder,	Malloy,	Reynolds,	Yester,
Finestone,	Marks,	Rhea,	Young,
	Maxwell,	Rooney,	Kilroy, Speaker.

NAYS—26

Auker,	Gillette,	Imbrie,	Reagan,
Burris,	Gyger,	Knoble,	Sarge,
Dennison,	Habbyshaw,	Lyons,	Sollenberger,
Dix,	Hare,	McClester,	Stambaugh,
Elliott,	Helm,	McLanahan,	Weingartner,
Foor,	Hewitt,	McMillen,	Wood, N.,
Gates,	Huntley,	O'Dare,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. ACHTERMAN IN THE CHAIR

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 752, as follows:

An Act authorizing cities of the second class A with the consent of the owners thereof to improve and beautify property adjoining or adjacent to State-owned hospitals within such cities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The council of any city of the second class A may with the consent of the owner or owners of any property within the limits of such city adjoining or adjacent to any State-owned hospital may tear down buildings thereon and do such other work in connection therewith as shall increase the beauty of its appearance and its usefulnes for park or other purposes Such work may be done either at the cost of the city or with funds supplied by any Federal or State agency or partly at the costs of the city and partly with such funds

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	French,	Maxwell,	Rosenfeld,
Allmond,	Gallagher,	McClanaghan,	Royer,
Auker,	Gates,	McClester,	Rush,
Baker,	Gerard,	McDermott,	Sarge,
Baugher,	Gillian,	McFall,	Sarraf,

Bentley,	Gillette,	McGrath,	Scanlon,
Bentzel,	Goodwin,	McIntosh,	Schwab,
Boles,	Gross,	McKinney,	Shaffer,
Boney,	Gryskewicz,	McLanahan,	Shaw,
Boorse,	Gyger,	McLane,	Shepard,
Bradley,	Habbyshaw,	McMillen,	Simons,
Breth,	Haberlen,	McSurdy,	Skale,
Brown,	Haines,	Melchiorre,	Snyder,
Brunner, P. A.,	Hall,	Mihm,	Sorg,
Burns,	Hamilton,	Modell,	Stambaugh,
Burris,	Hare,	Monks,	Stank,
Cadwalader,	Harkins,	Mooney,	Stine,
Chervenak,	Harmuth,	Moran,	Stockham,
Chudoff,	Harris,	Moul,	Tarr,
Cochran,	Heatherington,	Muir,	Tate,
Cohen, R. E.,	Helm,	Munley,	Taylor,
Cook,	Hering,	Nagel,	Thompson, E.,
Cooper,	Herman,	Nunemacher,	Thompson, R.,
Cordier,	Hersch,	O'Brien,	Trout,
Corrigan,	Hewitt,	O'Connor,	Turner,
Croop,	Hirsch,	O'Dare,	Van Allsburg,
Cullen,	Holland,	O'Mullen,	Vincent,
Dalrymple,	Imbrie,	O'Neill,	Vogt,
Dennison,	James,	Owens,	Voldow,
DiGenova,	Jefferson,	Petrosky,	Voorhees,
Dix,	Jones, G. E.,	Pettit,	Watkins,
Dolon,	Jones, P. N.,	Polaski,	Weingartner,
D'Ortona,	Keenan,	Polen,	Weiss,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rausch,	Wilkinson,
Elder,	Komorofski,	Readinger,	Williams,
Elliott,	Krise,	Reagan,	Winner,
Ely,	Lee, E. A.,	Reese, D. P.,	Wolf,
Falkenstein,	Leisey,	Reese, R. E.,	Wood, L. H.,
Finestone,	Lesko,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Woodside,
Fiss,	Lichtenwalter,	Rhea,	Wright,
Fleming,	Longo,	Riley,	Yeakel,
Fletcher,	Lovett,	Rooney,	Yester,
Flynn,	Lyons,	Rose, S.,	Young,
Foor,	Malloy,	Rose, W. E.,	Kilroy,
	Marks,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 124, Printer's No. 337, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 837, entitled:

An Act to further amend section one thousand six hundred and seven of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" permitting the teaching in high schools and vocational schools of the theories of proper and safe operation of motor vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand six hundred and seven of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twentieth day of May one thousand nine hundred and thirty-seven (P. L. 732 is hereby further amended to read as follows

Section 1607 In every elementary public and private school established and maintained in this Commonwealth the following subjects shall be taught in the English language and from English texts English including spelling reading and writing arithmetic geography the history of the United States and of Pennsylvania civics including loyalty to the State and National Government safety education which in high schools or vocational schools as each school district may designate may include the theories underlying and the practice of the proper and safe operation of motor vehicles and the humane treatment of birds and animals health including physical training and physiology music and art Other subjects shall be taught in the public elementary schools and also in the public schools as may be designated or approved by the State Board of Education All such subjects except foreign languages shall be taught in the English language and from English texts Each school district in this Commonwealth shall provide and distribute to each pupil enrolled in the eighth grade of the public schools one illustrated copy of the National Flag Code and shall from time to time make available such copies as are necessary for replacements from year to year and it shall be the duty of each teacher in the public schools to make use of the said code as may from time to time seem proper

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Foor,	Marks,	Rosenfeld,
Allmond,	French,	Maxwell,	Royer,
Auker,	Gallagher,	McClanaghan,	Rush,
Baker,	Gates,	McClester,	Sarge,
Baugher,	Gerard,	McDermott,	Sarraf,
Bentley,	Gillan,	McFall,	Scanlon,
Bentzel,	Gillette,	McGrath,	Schwab,
Boles,	Goodwin,	McIntosh,	Shaffer,
Boney,	Gross,	McKinney,	Shaw,
Boorse,	Gryskewicz,	McLanahan,	Shepard,
Bradley,	Gyger,	McLane,	Simons,
Breth,	Habbyshaw,	McMillen,	Skale,
Brown,	Haberlen,	McSurdy,	Snyder,
Brunner, P. A.,	Haines,	Melchiorre,	Sorg,
Burns,	Hall,	Mihm,	Stambaugh,
Burris,	Hamilton,	Modell,	Stank,
Cadwalader,	Hare,	Monks,	Stine,
Chervenak,	Harkins,	Mooney,	Stockham,
Chudoff,	Harmuth,	Moran,	Tarr,
Cochran,	Harris,	Moul,	Tate,
Cohen, R. E.,	Heatherington,	Muir,	Taylor,
Cook,	Helm,	Munley,	Thompson, E.,
Cooper,	Hering,	Nagel,	Thompson, R.,
Cordier,	Herman,	Nunemacher,	Trout,
Corrigan,	Hersch,	O'Brien,	Turner,
Croop,	Hewitt,	O'Connor,	Van Allsburg,
Cullen,	Hirsch,	O'Dare,	Vincent,
Dalrymple,	Holland,	O'Mullen,	Vogt,
Dennison,	Imbrie,	O'Neill,	Voldow,
DiGenova,	James,	Owens,	Voorhees,
Dix,	Jefferson,	Petrosky,	Watkins,
Dolon,	Jones, G. E.,	Pettit,	Weingartner,
D'Ortona,	Jones, P. N.,	Polaski,	Weiss,
Duffy,	Keenan,	Polen,	Welsh, E. B.,
Early,	Kline,	Powers,	Welsh, M. J.,
Eckels,	Knoble,	Prosen,	Wilkinson,
Elder,	Kolankiewicz,	Rausch,	Williams,
Elliott,	Komorofski,	Readinger,	Winner,
	Krise,	Reagan,	Wolf,
	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,

Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Lesko,	Regan,	Woodside,
Finestone,	Levy,	Reynolds,	Wright,
Finnerty,	Lichtenwalter,	Rhea,	Yeakel,
Fiss,	Longo,	Riley,	Yester,
Fleming,	Lovett,	Rooney,	Young,
Fletcher,	Lyons,	Rose, S.,	Kilroy,
Flynn,	Malloy,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 897, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank suspension and removal of paid members of the police force in boroughs incorporated towns and townships of the first class maintaining a police force of not less than three members creating a civil service commission in each borough incorporated town and townships of the first class defining the duties of such civil service commission imposing certain duties and expenses on boroughs incorporated towns and townships of the first class imposing penalties and repealing inconsistent laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Appointments Etc in Police Forces in Boroughs Incorporated Towns and Townships of the First Class This act shall not apply to any borough incorporated town or township of the first class having a police force of less than three members Hereafter each and every appointment to and promotion in the police force in every borough incorporated town and township of the first class (hereinafter called a municipality) shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive as hereinafter provided

The provisions of this act and of any amendments or supplements thereto shall be in effect as to boroughs only while Sections 1125 1127 and 1128 as now contained in "The General Borough Act" are in force subject however to the method of appointment and removal hereinafter provided

No person shall hereafter be suspended removed or reduced in rank as a paid employe in any police force of any municipality except in accordance with the provisions of this act

Section 2 Civil Service Commission Created Appointments Vacancies There is hereby created in each borough incorporated town and townships of the first class where a police force of not less than three members is being maintained a civil service commission hereinafter referred to as the Commission Each commission shall consist of three commissioners who shall be qualified electors of the political subdivision for which appointed and shall be appointed initially to serve for the terms of two four and six years and as terms thereafter expire shall be appointed for terms of six years as follows

In the case of a borough the appointments shall be made by the borough council in the case of an incorporated town appointments shall be made by the town council and in the case of the townships of the first class the appointments shall be made by the township commissioners

The members of each commission first appointed under the provisions of this act shall be so appointed within thirty days after effective date of this act

Any vacancy occurring in any commission for any reason whatsoever shall be filled for the unexpired term within the period of thirty days after such vacancy occurs Such vacancies shall be filled by the appointing power which made the original appointment

Each member of the commission created by this act before entering upon the discharge of the duties of his office shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelty

Section 3 Officers Incompatible With Civil Service Commissioner Political Activities Prohibited No commissioner shall at the same time hold an elective or appointed office under the United States government the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth except that one member of the commission may be a member of the council of the borough or incorporated town or board of township commissioners as the case may be

Section 4 Organiaztion of Commission Quorum The commission of each municipality first appointed shall organize within ten days of its appointment and shall elect one of its members as the chairman and one as the secretary of the commission Each commission shall thereafter meet and organize on the first Monday of each even-numbered year Each commissioner shall be notified in writing of each and every meeting Two members of the commission shall constitute a quorum and no action of the commission shall be valid unless it shall have the concurrence of at least two members

Section 5 Clerks and Supplies Etc The municipality shall furnish to the commission on its requisition such clerical assistance as may be necessary for the work of the commission The municipality shall provide a suitable and convenient room for the use of the commission The commission shall order from the municipality the necessary stationery postage printing or supplies and the elected and appointed officials of every such municipality shall aid the commission in all proper ways in carrying out the provisions of this act

Section 6 Rules and Regulations Each commission shall have power to prescribe amend and enforce rules and regulations for carrying into effect the provisions of this act and shall be governed thereby Before any such rules and regulations are in force the same shall first be approved by the council of the borough or incorporated town or the township commissioners as the case may be When such rules and regulations have been so approved they shall not be annulled amended or added to without the approval of the said council or commissioners All rules and regulations and modifications thereof shall be printed for public distribution at the expense of the municipality

Section 7 Minutes and Records Each commission shall keep minutes of its proceedings and records of examinations and other official actions All recommendations of applicants for appointment received by the commission shall be kept and preserved for a period of five years and all such records and all written causes of removal filed with the commission shall be subject to reasonable regulation and open to public inspection

Section 8 Investigations The commission shall have power to make investigations concerning all matters touching the administration and enforcement of the provisions of this act and rules and regulations adopted thereunder The acting chairman of the commission is hereby given power to administer oaths as oaths are administered by other public officers with the same force and effect and carrying the same penalties

Section 9 Subpoenas The commission shall have power to issue subpoenas over the signature of the chairman to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry authorized by this act The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expenses of the commission

All officers in public service and employes shall attend and testify when required to do so by the commission

If any person shall refuse or neglect to obey any subpoena issued by the commission it may apply by petition to the court of common pleas of the county for

its subpoena requiring the attendance of such persons before the commission or the court there to testify and to produce any records and papers necessary and in default thereof shall be held in contempt of court and punished therefor

Section 10 Annual Report The commission shall make an annual report to the council or commissioners of the municipality as the case may be containing a brief summary of its work during the year which shall be available for public inspection five days after the filing thereof

Section 11 General Provisions Relating to Examinations Each commission shall make rules and regulations to be approved as provided in section 6 hereof providing for the examination of applicants for positions in the police force and for promotions therein which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing the police force of any municipality shall be practical in grades All examinations for positions or promotions in the police force of any municipality shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations Each applicant for examination shall be subject to the regulations adopted by the commission and shall be required to submit to a physical examination before being admitted to the regular examination held by the commission

Public notice of the time and place of every examination together with the information as to the kind of position or place to be filled shall be given by publication once in a newspaper of general circulation in the municipality or in a newspaper circulating generally in the municipality at least two weeks prior to each examination and a copy of the notice shall be prominently posted in the office of the commission or other public place

The commission shall post in its office the eligible list containing the names and grades of those who have passed the examination for position under this act Soldiers as defined by the act of June 27 1939 P. L. 1103 who have successfully passed the examination shall be given the additional credits provided for by said act

Section 12 Application for Examination Each person desiring to apply for examination shall file with the commission a formal application in which the applicant shall state under oath or affirmation (a) his full name and residence or post office address (b) his citizenship place and date of birth (c) his condition of health and physical capacity for public service (d) his business or employment and his residence for the past five years and (e) such other information as may be required by the commission's rules and regulations showing the applicant's qualifications for the position for which he is being examined

Section 13 Rejection of Applicant Hearing The commission may refuse to examine any applicant or if examined may refuse to certify after examination as eligible anyone who is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which he has applied or who is physically disabled and unfit for the performance of the duties of the position to which he seeks employment or who is addicted to the habitual use of intoxicating liquors or drugs or who has been guilty of any crime involving moral turpitude or of infamous or notorious disgraceful conduct or who has been dismissed from public service for delinquency or misconduct in office or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and laws of the United States and Pennsylvania

If any applicant or person feels himself aggrieved by the action of the commission in refusing to examine him or to certify him as eligible after examination the commission shall at the request of such person within ten (10) days appoint a time and place where he may appear personally and by counsel whereupon the commission shall then review its refusal to make such examination or certification and take such testimony as may be offered The decision of the commission shall be final

Section 14 Manner of Filling Appointments Every position or employment unless filled by promotion reinstatement or reduction shall be filled only in the following manner the appointing officer or body of the municipality shall notify the commission of any vacancy in the police force which is to be filled and shall request the certification of a list of eligibles The commission shall certify for each existing vacancy from the eligible list the names of three persons thereon who have received the highest average in the last preceding examination held within a period of one year next preceding the date of the request for such eligibles The appointing officer or body shall thereupon with sole reference to the merits and fitness of the candidates make an appointment from the three names certified unless he or they make objections to the commission as to one or more of the persons so certified for any of the reasons stated in section 13 of this act Should such objections be sustained by the commission as provided in said section the commission shall thereupon strike the name of such person from the eligible list and certify the next highest name for each name stricken off As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed

Section 15 Age Applicants Residence No person shall be eligible to apply for examination unless he is more than twenty-one years of age at the date of application and has been a resident of the municipality for at least one year preceding immediately his application unless no resident applicants are available

Section 16 Probationary Period All original appointments to any position in the police force shall be for a probationary period of six months but during the probationary period an appointee may be dismissed only for a cause specified in section 13 of this act If at the close of a probationary period the conduct of fitness of the probationer has not been satisfactory to the appointing officer or body the probationer shall be notified in writing that he will not receive a permanent appointment Thereupon his appointment shall cease otherwise his retention shall be equivalent to a permanent appointment

Section 17 Provisional Appointments Whenever there are urgent reasons for the filling of a vacancy in any position in the police force and there are no names on the eligible list for such appointment the appointing officer or body may nominate a person to the commission for non-competitive examination and if such nominee shall be certified by the commission as qualified after such non-competitive examination he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination in the manner prescribed in this act No such provisional appointment shall continue for a longer period than three months nor shall a successive provisional appointment be made to the same position Provided however that nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers in emergency cases for the suppression of riots tumults in times of war pestilence conflagration or public celebration

Section 18 Promotions Promotions shall be based on merits to be ascertained by examinations to be prescribed by the commission All questions relative to promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking promotion

The appointing officer or body shall have power to determine in each instance whether an increase in salary shall constitute a promotion

Section 19 Physical Examinations All applicants for examination shall undergo a physical examination which shall be conducted under the supervision of a doctor of medicine appointed by the civil service commission No person shall be eligible to take an examination until said doctor certifies that the applicant is free from any bodily or mental defects deformity or disease that might incapacitate him from the discharge of the duties of the position desired

Section 20 Removals No person employed in any police

department of any political subdivision shall be suspended removed or reduced in rank except for the following reasons (1) physical or mental disability affecting his ability to continue in service in which cases the persons shall receive an honorable discharge from service (2) neglect or violation of any official duty (3) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony (4) inefficiency neglect intemperance disobedience of orders or conduct unbecoming an officer (5) intoxication while on duty (6) engage or participate in the conducting of any political or election campaign otherwise than to exercise his own right of suffrage A person so employed shall not be removed for religious racial or political reasons A written statement of any charges made against any person so employed shall be furnished to such person within five days after the same are filed

If for reasons of economy or other reasons it shall be deemed necessary by any municipality to reduce the number of paid employes of the police department then such political subdivision shall apply the following procedure (a) if there are any employes eligible for retirement under the terms of any retirement or pension law then such reduction in numbers shall be made by retirement if the party to be retired is sixty-five years of age or over (b) if the number of paid employes in the police force eligible to retirement is sufficient to effect the necessary reduction in numbers or if there are no persons eligible for retirement or if no retirements or pension fund exist then the reduction shall be affected by furloughing the man or men including probationers last appointed to said police force Such removal shall be accomplished by furloughing in numerical order commencing with the man last appointed until such reduction shall have been accomplished In the event the said police force shall again be increased the employes furloughed shall be reinstated in the order of their seniority in the service

Section 21 Hearings on Dismissals and Reduction If the person sought to be suspended removed or reduced in rank shall demand a hearing by the commission the demand shall be made to the commission Such person may make written answers to any charges filed against him The commission shall grant him a hearing which shall be held within a period of ten days from the filing of charges in writing and written answers thereto filed within five days and may be continued by the commission for cause or at the request of the accused At any such hearing the person against whom the charges are made may be present in person and by counsel The appointing officer or body may suspend any such person without pay pending the determination of the charges against him but in the event the commission fails to uphold the charges then the person sought to be suspended removed or demoted shall be reinstated with full pay for the period during which he was suspended and no charges shall be officially recorded against his record

A written record of all testimony taken at such hearings shall be filed with and preserved by the commission which record shall be sealed and not be available for public inspection in the event the charges are dismissed

In the event the commission shall sustain the charges and order the suspension removal or reduction in rank the person suspended removed or reduced in rank shall have immediate right of appeal to the court of common pleas of the county and the case there determined as the court deems proper No order of suspension made by the commission shall be for a longer period than one year Such appeal shall be taken within sixty days from the date of entry by the commission of its final order and shall be by petition Upon such appeal being taken and docketed the court of common pleas shall fix a day for a hearing and shall proceed to hear the appeal on the original record and no additional proof or testimony shall be permitted to be introduced The decision of the court affirming or reversing the decision of the commission shall be final and the employe shall be suspended discharged demoted or reinstated in accordance with the order of the court

The appointing officer or body and the person sought to be suspended removed or demoted shall at all times have the right to employ counsel before the commission and upon appeal to the court of common pleas

Section 22 Present Employes Exempted All appointments in the police force of municipalities upon the effective date of this act shall continue to hold their positions and shall not be required to take any examination under the provisions of this act shall continue to hold their positions and shall not be required to take any examination under the provisions of this act except such as may be required for promotion Provided however that this section shall not be construed to apply to persons employed temporarily in emergency cases

Section 23 Discrimination on Account of Political or Religious Affiliations No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any application nor shall inquiry be made concerning such opinion or affiliations and all disclosures thereof shall be discountenanced

No discrimination shall be exercised threatened or promised by any person against or in favor of any applicant or employe because of political or religious opinions or affiliations or race and no offer or promise of reward favor or benefit directly or indirectly and shall be made to or received by any person for any act done or duty omitted or to be done under this act

Section 24 Penalty Any councilman or township commissioner who by his vote causes to be appointed any person to the police force of any municipality contrary to the provisions of this act or any councilman township commissioner or member of the commission who wilfully refuses to comply with or conform to the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or suffer imprisonment not exceeding three months or both

Section 25 Salaries of Civil Service Commission The civil service commissioners of municipalities shall receive no compensation

Section 26 Repeal and Construction Except as provided in section 1 all acts and parts of acts inconsistent with this act are hereby repealed

It is the purpose of this act to furnish a complete and exclusive system for the appointment promotion reduction suspension or removal of members of the police force in every borough incorporated town and township of the first class within this Commonwealth which maintains a police force

Section 27 Police Force Defined Police force as used in this act shall mean a police force organized and operating as prescribed by law the members of which devote their normal working hours to police duty or duty in connection with the bureau agencies and services connected with police protection work and who are paid a stated salary or compensation for such work by the municipality

Section 28 Effective Date This act shall become effective on the first day of July one thousand nine hundred and forty-one

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—181

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Rush,
Auker,	Gates,	McClanaghan,	Sarge,
Baker,	Gillan,	McClester,	Sarraf,
Baugher,	Gillette,	McDermott,	Scanlon,
Bentley,	Gerard,	McFall,	Schwab,
Bentzel,	Goodwin,	McGrath,	Shaffer,
Boles,	Greenwood,	McIntosh,	Shaw,
Boney,	Gross,	McKinney,	Shepard,
Boorse,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Brown,	Haberlen,	McSurdy,	Snyder,
Breth,	Haines,	Melchiorre,	Sorg,
Brunner, P. A.,	Hall,	Mihm,	Stambaugh,
Burns,	Hamilton,	Modell,	Stank,
	Hare,	Monks,	Stine,

Burris,	Harkins,	Mooney,	Stockham,
Cadwalader,	Harmuth,	Moul,	Tarr,
Chervenak,	Harris,	Muir,	Tate,
Chudoff,	Heatherington,	Munley,	Taylor,
Cochran,	Helm,	Nagel,	Thompson E. F.,
Cohen, R. E.,	Hering,	Nunemacher,	Thompson, R. L.
Cook,	Herman,	O'Brien,	Turner,
Cooper,	Hersch,	O'Connor,	Van Allsburg,
Cordier,	Hewitt,	O'Dare,	Vincent,
Corrigan,	Hirsch,	O'Mullen,	Vogt,
Croop,	Holland,	O'Neill,	Voldow,
Cullen,	Imbrie,	Owens,	Voorhees,
Dalrymple,	James,	Petrosky,	Watkins,
Dennison,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Weingartner,
Dolon,	Jones, P. N.,	Polen,	Welsh, E. B.,
D'Ortona,	Keenan,	Powers,	Welsh, M. J.,
Duffy,	Kline,	Prosen,	Wilkinson,
Early,	Knoble,	Rausch,	Williams,
Eckels,	Kolankiewicz,	Readinger,	Winner,
Elder,	Komorofski,	Reagan,	Wolf,
Elliott,	Krise,	Reese, D. P.,	Wood, L. H.,
Ely,	Lee, E. A.,	Reese, R. E.,	Woodring,
Falkenstein,	Leisey,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fiss,	Lichtenwalter,	Riley,	Yester,
Fleming,	Longo,	Rooney,	Young,
Fletcher,	Lovett,	Rose, S.,	Kilroy,
Flynn,	Lyons,	Rose, W. E.,	Speaker.
Foor,	Malloy,		

NAYS—7

Dix,	McMillen,	Royer,	Wood, N.,
Habbyshaw,	Moran,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

REPORTS FROM COMMITTEES

Mr. ELLWOOD B. WELSH, from the Committee on Municipal Corporations, reported as Committed, House Bill No. 1233, entitled:

An Act to amend section three hundred seventy of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing the county commissioners, from time to time, to make supplemental appropriations.

Mr. ELLWOOD B. WELSH, from the Committee on Municipal Corporations, reported as Committed, House Bill No. 1251, entitled:

An Act authorizing and directing the Legislative Reference Bureau to compile, edit and publish, a compilation of laws relating to local taxation; and making an appropriation.

Mr. BENTZEL, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1232, entitled:

An Act to further amend section one thousand eight hundred and four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the council in such cities from time to time to make supplemental appropriations.

Mr. STINE, from the Committee on Agriculture, reported as committed, House Bill No. 522, entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

Mr. GOODWIN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 654, entitled:

An Act authorizing counties, cities, boroughs, towns, townships, school districts, poor districts and institution districts, at any sale of real property for the nonpayment of taxes or municipal claims to take title jointly in proportion to their tax claims; provide for the management of such real property and for the re-sale and conveyance of their interests to a purchaser.

Mr. GOODWIN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1352, entitled:

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," limiting the interest rate imposed on municipal liens so that the same shall not exceed the rate of interest paid by the municipality in financing the improvement.

Mr. LONGO, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1194, entitled:

An Act to amend sections two and three of the act approved the eleventh day of May, one thousand nine hundred and eleven, (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended, by providing for the issuance of certificates of approval for weights and measures of county, city, and borough sealers.

Mr. LONGO, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1282, entitled:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands.

Mr. WILKINSON, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1234, entitled:

An Act to further amend section one thousand seven

hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing the township commissioners from time to time, to make supplemental appropriations.

Mr. MORAN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 652, entitled:

An Act authorizing any county, city, borough, town, township, poor district, school district or institution district to execute a special warranty deed for any real property which it has acquired at any sale for the nonpayment of taxes or municipal claims.

Mr. PRESLEY N. JONES, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1236, entitled:

An Act to further amend section nine hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the township supervisors, from time to time, to make supplemental appropriations.

Mr. O'BRIEN, from the Committee on Appropriations, reported as committed, House Bill No. 1373, entitled:

An Act to amend part of section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

Mr. TARR, from the Committee on Education, reported as amended, House Bill No. 277, entitled:

An Act to further amend subsection seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the minimum salaries of teachers in fourth class school districts, and requiring the Commonwealth to make certain payments on account of such salaries.

Mr. CHERVENAK, from the Committee on Education, reported as amended, House Bill No. 931, entitled:

An Act to further amend section six of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2603), entitled "An act relating to vocational education; creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Education; and providing for referendum in certain cases." fixing the rate of the annual tax levy; requiring county commissioners or boards for the assessment and revision of taxes to furnish, at the expense of the county, certified duplicates of last adjusted valuations of real estate; making the same taxable for vocational school purposes; and making further provision with reference to the bond of tax collectors.

Mr. WILKINSON, from the Committee on Municipal Corporations, reported as amended, House Bill No. 451, entitled:

An Act to further amend section 15 of the act approved May sixteenth, one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled, "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing for the lien of taxes and municipal claims and for the revival of such liens and of judgments obtained thereon.

Mr. COOPER, from the Committee on Judiciary General, reported as amended, House Bill No. 698, entitled:

An Act allowing costs and counsel fees to stakeholder in interpleader proceeding out of fund paid into court.

Mr. AUKER, from the Committee on Municipal Corporations, reported as amended, House Bill No. 540, entitled:

An Act to further amend clause A of section four of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes." by providing for the termination and dissolution of inactive municipal authorities.

BILL ON FIRST READING

Mr. O'BRIEN asked and obtained unanimous consent for House Bill No. 1373 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1373, entitled:

An Act to amend part of section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of 1939, page 60), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years

beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

HOUSE RESOLUTION No. 79

Mr. O'BRIEN. Mr. Speaker, I desire to call up House Resolution No. 79, Printer's No. 338.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 5, 1941.

Whereas The 11th day of October 1779 is the date in American history of the heroic death of Brigadier General Casimir Pulaski who died from wounds received on October 9 1779 at the siege of Savannah Georgia and

Whereas The States of Arkansas California Connecticut Delaware Illinois Indiana Kentucky Louisiana Maryland Massachusetts Michigan Minnesota Missouri Nebraska New Hampshire New Jersey New York Nevada Ohio South Carolina Tennessee Texas West Virginia Wisconsin and other States of the Union through legislative enactment designated October 11th of each year as "General Pulaski's Memorial Day" and

Whereas It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War therefore be it

Resolved (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania hereby requests the Governor of the Commonwealth of Pennsylvania by virtue of the authority vested in him to issue a proclamation designating October 11 1941 as "General Pulaski's Memorial Day" so the memory of this great man may be appropriately honored

On the question,

Will the House adopt the resolution?

Mr. POLASKI. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. O'Brien.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. O'BRIEN. I shall, Mr. Speaker.

Mr. POLASKI. I would like the permission of the House to interrogate the sponsor of this resolution, the gentleman from Philadelphia, in his native language, Polish. Will Mr. O'Brien, please answer this question?

Ja bym chcial wiedziec dla jakiej przyczyny Pan wstawiyl te rezolucje

Mr. O'BRIEN. Mr. Speaker, I say in answer to that, "Ja nie wiem."

Mr. POLASKI. "Bardzo dobze, dziekuje."

PARLIAMENTARY INQUIRY

Mr. WOODSIDE. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Dauphin will state his question of parliamentary inquiry.

Mr. WOODSIDE. Mr. Speaker, I would like to know whether the Parliamentarian or the Chief Clerk is checking all these days off, and if so, how many are left?

The SPEAKER. We have a few more left.

On the question recurring.

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. NAGEL asked and obtained unanimous consent to address the House.

Mr. Speaker, I kind of feel that I have this body of men, the Members of this Legislature, pretty well convinced that Beaver County is one of the greatest counties in this [illegible] Tomorrow, April 24th, is going to be a red letter day in the history of Beaver County. There will be a [illegible] of ground breaking for a five mililon dollar plant, which I think will add enough to Beaver County to make it the Keystone County of this Keystone State.

Now, Mr. Speaker, in order that this function may be properly carried out I ask leave of absence for myself and for my two colleagues from Beaver County in order that we may assist in building this county up to the high pinnacle to which I hope it will finally arrive.

The SPEAKER. The Chair hears no objection and leave is granted.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I was much interested in the statement made by the statesman from Beaver, about the breaking of ground in Beaver County for a plant that is going to make Beaver County a great place. I regret that the gentleman from Monroe, Mr. Achterman, is not in the House because this indicates that some of the James prosperity is going to Beaver County. Mr. Nagel, however, has said it is going to make Beaver a Keystone County. I would just like to say to the gentleman from Beaver and to the members of the House that down in Delaware County tomorrow the Baldwin Locomotive Works is going to deliver to the United States Army the first of the huge tanks they have been constructing. You say this is a prepardness program. We have advanced quite a long way in Delaware County in this preparedness program and if you people up there in Beaver County need any help I suggest that you come down to Delaware and we will show you a progressive county where we are not just starting to break ground but we have been manufacturing different articles for the government for some time.

The SPEAKER. Do the Republicans get credit for these tanks?

Mr. TURNER. Mr. Speaker, it depends upon which tanks you are talking about.

Mr. NAGEL. Mr. Speaker, we are very glad they are making tanks down in Delaware County. Out in Beaver County we are going to make something faster than tanks, we are going to make aeroplane propellors and aeroplanes so that we will go down to Delaware County and get our tanks when we need them.

Mr. BRETHERICK. Mr. Speaker, the personal appearance of the gentleman from Delaware, Mr. Turner, indicates that we know and have known for some time something about large tanks.

The SPEAKER. The gentleman from Delaware, Mr. Turner, "tanks" the gentleman from Delaware, Mr. Bretherick.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair has noticed the absence of Members from Thursday sessions without the consent of the House. After this week Members who absent themselves without leave will do so at their own risk. Members will please take note that there will be no consent calendars after this week.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 524.

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" prohibiting the sale of striped bass or rock fish under eighteen inches in length.

HOUSE BILL No. 616.

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" providing for admission to bail by committing magistrates and coroners in cases involving manslaughter by automobile.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 524.

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" prohibiting the sale of striped bass or rock fish under eighteen inches in length.

HOUSE BILL No. 616.

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" providing for admission to bail by committing magistrates and coroners in cases involving manslaughter by automobile.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

ADJOURNMENT IN RESPECT OF MEMORY OF JAMES BUCHANAN

Messrs. NORMAN WOOD and TROUT offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, April 23, 1941.

Today marks the one hundred and fiftieth anniversary of the birth of the only native son of Pennsylvania elected to the Presidency of the United States from this Commonwealth.

Born near Mercersburg, Franklin County, on April 23rd, 1791, James Buchanan entered Dickinson College at Carlisle in 1805 and graduated in 1819 with high honors,

He studied law with John Hopkins, Esq. in Lancaster, was admitted to the Lancaster County Bar in 1812 and during the same year enlisted in the war of 1812 as a member of Captain Henry Shippen's company.

His career in politics began with his election to this House in 1815. In 1820 he was elected to the Lower House of Congress from the Lancaster district and was reelected every two years until 1830.

In 1831 he was appointed United States Minister to Russia but disliking the formal etiquette of the Court, he resigned.

In 1834 he was elected United States Senator from Pennsylvania to fill a vacancy and was reelected in 1837 and 1843, but resigned in 1845 to accept appointment as Secretary of State under President Polk.

In 1849 he retired to private life until his appointment as United States Minister to England by President Pierce.

In 1856 he was elected President of the United States over Colonel John Charles Fremont and ex-President Millard Fillmore.

After the election of Lincoln in 1860 he returned to his home "Wheatland" near Lancaster, where he announced his support of President Lincoln's administration and where he spent his last years.

His twenty years' record as Congressman and Senator was one of useful service. He was quiet and well mannered; a conservative gentleman of the old school whose only ambition was to serve the State.

He died at "Wheatland" on June 1st, 1868 and is buried in Woodward Hill Cemetery, Lancaster; therefore be it

Resolved, That we, the Members of this House of Representatives in full recognition and appreciation of the services rendered to the State and Nation by our illustrious former member hereby direct that this resolution be printed in the Legislative Journal and that when this House adjourns today it adjourns of respect to the memory of that outstanding Pennsylvanian, James Buchanan, the fifteenth President of the United States.

COMMITTEE MEETINGS

Constitutional Amendments, Wednesday, April 23, immediately after the session in Room 327.

Welfare, Thursday, April 24, at 9:30 a. m. in Room 246.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 1048 on Wednesday, April 23, 1941 at 7:00 p. m. in the New House Caucus Room.

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, April 29, 1941, at 6:00 p. m., E. S. T., in the New House Caucus Room.

ANNOUNCEMENT

The Chair has noted the absence of Members from Thursday sessions without the consent of the House. After this week Members who absent themselves without leave will do so at their own risk. There will be no consent calendars after this week.

ADJOURNMENT

Mr. NORMAN WOOD. Mr. Speaker, in accordance with the provisions of the resolution just adopted, I move that this House do now adjourn until Thursday, April 24th, at 10 a. m., out of respect for the memory of James Buchanan a former Member of this body and former President of the United States.

The motion was agreed to, and (at 4:05 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

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HOUSE OF REPRESENTATIVES

THURSDAY, April 24, 1941

The House met at 10 a. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

Mr. Charles McFall, a member from Northampton County offered the following prayer:

Gracious God and Father of us all, we thank Thee for the Children whom thou hast given us. May our love for them go with them wherever they may be. Help us to build our homes, our community, our state, and our nation in so wise and holy a fashion that they shall be fit for these little ones, who are Thine also. Arm us with holy indignation against all those who would do them harm, who would feed their hunger for wholesome fun with the poison of wicked pleasure. Give us vision we pray Thee, to provide for all their needs. In Jesus' Name we make unto Thee our petition. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. RILEY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. ROSENFELD. HOUSE BILL No. 1388.

An Act to further amend clause (a) of section three of the act, approved the twenty-fifth day of July, one thousand nine hundred and thirteen P. L. 1024), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," further regulating the hours of labor for female employes of non-profit charitable or welfare institutions.

Referred to the Committee on Labor.

By Messrs. STOCKHAM and YEAKEL.
HOUSE BILL No. 1389.

An Act making an appropriation to the Department of Forests and Waters for the maintenance, preservation and upkeep of certain canal properties along the Delaware River in Northampton and Bucks County.

Referred to the Committee on Appropriations.

By Mr. READINGER. HOUSE BILL No. 1390.

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented.

Referred to the Committee on Appropriations.

By Messrs. HARKINS and BRETH.
HOUSE BILL No. 1391.

An Act to amend section three hundred eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings, conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the pro-

visions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," making further provision relative to the valuation of property of public utilities.

Referred to the Committee on Public Utilities.

By Mr. DOLON. HOUSE BILL No. 1392.

An Act to further amend section sixteen of, and to add section 17.1 to, the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one, (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissoners to purchase such lands and resell the same under certain circumstances," authorizing county commissioners, during the period of redemption, to collect rents, issues and profits of lands purchased by the county, to apply the same on accumulated taxes, and providing for the distribution of the proceeds of certain sales.

Referred to the Committee on Municipal Corporations.

By Mr. REGAN. HOUSE BILL No. 1393.

An Act to amend subsection (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as amended by extending, as to cities of the second class A, the time limit within which all electrically operated traffic signals shall be made to conform with the provisions of said act and the regulations of the Secretary of Highways.

Referred to the Committee on Motor Vehicles.

By Mr. POWERS. HOUSE BILL No. 1394.

An Act to add section four hundred thirteen and one-tenth to subdivision (f) of article four, and to amend clause (1) of section four hundred nineteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven, (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by regulating the possession, propagation and sale of fox (except black and silver fox); and imposing penalties.

Referred to the Committee on Game.

By Mr. POWERS. HOUSE BILL No. 1395.

An Act to amend section seven hundred nineteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," by further regulating the training of dogs on certain game; changing the time of the day when such training may take place; eliminating exceptions for fox hunting; and changing penalties.

Referred to the Committee on Game.

By Mr. POWERS. HOUSE BILL No. 1396.

An Act making it unlawful to sell or offer for sale Bock beer, except between the fifteenth day of March and the fifteenth day of June of each year.

Referred to the Committee on Liquor Control.

By Mr. GROSS. HOUSE BILL No. 1397.

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State Departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts" as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

Referred to the Committee on Building and Loan Associations.

By Mr. GROSS. HOUSE BILL No. 1398.

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by changing certain provisions of the act relating to corporate names, by requiring certain certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases, by making certain changes in the scope of the act and by making certain provisions relating to the filing of notices of changes of registered offices.

Referred to the Committee on Corporations and Industry.

By Mr. GROSS. HOUSE BILL No. 1399.

An Act to amend the act, approved the fifteenth day of

May, one thousand nine hundred thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation, conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

Referred to the Committee on Banking.

By Mr. GROSS. HOUSE BILL No. 1400.

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," as amended, by changing certain provisions of the act relating to corporate names and requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

Referred to the Committee on Corporations and Industry.

By Messrs. D'ORTONA and ROSENFELD.
HOUSE BILL No. 1401.

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," further regulating the establishment of standards and qualifications for assistance.

Referred to the Committee on Welfare.

By Messrs. EDWIN F. THOMPSON and CORRIGAN.
HOUSE BILL No. 1402.

An Act to add section six hundred fifty-five and one-tenth to article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," relating to discrimination against persons employed or seeking employment on contracts effecting the national preparedness program because of the face, color or religion of such persons.

Referred to the Committee on Judiciary Special.

By Messrs. HARKINS and HARE.
HOUSE BILL No. 1403.

An Act creating a commission to be known as the State Tax Commission; defining in part its powers and duties in relation to taking over the duties of the Department of Revenue and the Board of Finance and Revenue; abolishing the Department of Revenue and the Board of Finance and Revenue of the Commonwealth of Pennsylvania and transferring to the State Tax Commission the records, property and equipment of the Department of Revenue and the Board of Finance and Revenue; authorizing the State Tax Commission to appear in and complete all pending proceedings instituted by, against or in the Department of Revenue and the Board of Finance and Revenue; providing that all decisions, orders and rules and regulations of the Department of Revenue and the Board of Finance and Revenue shall remain effective until repealed, changed or modified by the State Tax Commission; transferring and appropriating to the State Tax Commission any unexpended balance of any existing appropriation to the Department of Revenue and the Board of Finance and Revenue; defining the powers and duties of the State Tax Commission in relation to the assessment of real estate for taxation, and the ascertainment of the true market value of taxable real estate for the distribution of school subsidies, and the true value of other real estate and in relation to tax statistics and budgetary procedures.

Referred to the Committee on Ways and Means.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 420. (HOUSE BILL No. 1404).

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 286. (HOUSE BILL No. 1405).

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" prescribing the manner in which money shall be drawn from the city treasury.

Referred to the Committee on Cities—Second Class.

SENATE BILL No. 588. (HOUSE BILL No. 1406).

An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof either by requir-

ing before execution shall issue against real property either a release of such persons from personal liability or the fixing of the fair market value of the property to be sold and the entering of certain credits against such judgments based upon such fair market value and prescribing the method of fixing the fair market value of such property.

Referred to the Committee on Judiciary General.

SENATE BILL No. 597. (HOUSE BILL No. 1407).

An Act to further amend section seven hundred one of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor.

Referred to the Committee on Game.

SENATE BILL No. 450. (HOUSE BILL No. 1408).

An Act to amend article five of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by authorizing the microfilming of records in the various administrative departments boards or commissions.

Referred to the Committee on State Government.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk:

Law Offices
John A. M. McCarthy
1105-06 Real Estate Trust Building
S. E. Corner Broad and Chestnut Streets
Philadelphia, Pa.

March 28, 1941.

Hon. Ellwood J. Turner
House of Representatives
Harrisburg, Pa.

Dear Sir:

At a special election held in the City of Philadelphia on the 5th day of November, 1940, I was elected to the office of representative in the General Assembly in the 18th Legislative District of Philadelphia County for the unexpired term of Crystal Bird Fauset, ending on the 30th day of November, 1940. I have a certificate certifying this and issued under the hand of Honorable S. R. O'Hara, Secretary of the Commonwealth and bears her official seal.

I thought in order to have myself straightened out officially on the records that I should have presented this certificate to you as the Speaker of the House and that you would have administered an oath of office to me and provided me with the certificate that would have shown my representation in the House for the period stated.

If it is in good keeping with the facts and the general precodure, would it be possible for us to complete what was left undone? I thought maybe that you would be able to take care of this sometime when you were at home if you would tell me the proper time and place to call.

Very truly yours,

(Signed) JOHN A. M. McCARTHY.

JAMM:AH

April 2, 1941.

Honorable Elmer Kilroy
Speaker of the House of Representatives
Harrisburg, Pennsylvania

My dear Mr. Speaker:

Herewith I beg to hand you letter dated March 28, 1941, from John A. M. McCarthy, Esq., in which he sets forth that he was elected for the unexpired term of Crystal Bird Fauset, ending on the 30th day of November, 1940. He requests that I administer an oath of office to him in order that he can be straightened out officially on the records and a certificate issued to him showing that he was a member of the House for the period to which he was elected.

As the Legislature of 1939-1940 has passed out of existence, and as my term as Speaker ended on November 30, 1940, I would have no authority to administer the oath to him, nor do I believe that it could be done by yourself.

I am, however, transmitting his letter for such action as you may care to take.

Will you be good enough to acknowledge the same and oblige,

Very truly yours,

(Signed) ELLWOOD J. TURNER.

April 7, 1941.

Hon. Ellwood J. Turner,
Room 115,
State Capitol Building,
Harrisburg, Pennsylvania.

Dear Mr. Turner:

This will asknowledge receipt of your letter of April 2nd which enclosed a letter from John A. M. McCarthy, Esq.

Very truly yours,
ELMER KILROY.
Speaker

April 24, 1941.

Mr. John A. M. McCarthy,
1105 Real Estate Trust Bldg.,
Philadelphia, Penna.

Dear Mr. McCarthy:

Your letter of March 28th addressed to Ellwood J. Turner, relative to your taking the oath of office as a member elect of the House of Representatives, to fill an unexpired term ending November 30, 1940 from the eighteenth legislative district of the County of Philadelphia, has been turned over to me.

I am advised that Section one Article VII of the Constitution of Pennsylvania provides, "The oath to the members of the Senate and House of Representatives shall be administered by one of the Judges of the Supreme Court or of a Court of Common Pleas, learned in the law, in the Hall of the House to which the member shall be elected." Therefore, it is incompetent for the Speaker to administer the oath of office to you.

Furthermore, the term for which you were elected having expired, you cannot now be sworn in, even though you did not have an opportunity during the short time for which you were elected to present yourself in the Hall of the House to be sworn by a Judge of the Supreme Court or a Court of Common Pleas.

I regret very much that your desires to complete the official record cannot be realized, however, your letter together with my reply thereto is this day being spread

upon the Journals of the House so that the facts of the case will be a matter of record.

Very truly yours,
ELMER KILROY.
Speaker

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Tarr for Mr. COCHRAN for today's session on account of a business engagement.

REPORTS FROM COMMITTEES

Mr. D'ORTONA, from the Committee on Welfare, reported as committed, House Bill No. 1270, entitled:

An Act to further amend sections one, two and seven of the act approved the twelfth day of June, one thousand nine hundred and thirty-one (P. L. 510), entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties," limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis.

Mr. BAKER, from the Committee on Welfare, reported as committed, House Resolution No. 70.

MR. MELCHIORRE IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 727, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Northumberland.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 728, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Union.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 918, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Dog Control Commission and defining its powers and duties; and repealing inconsistent acts or parts of acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 870, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting, municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by further regulating manufacturers and distributors and importing distributors of malt and brewed beverages.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 523, entitled:

An Act to protect the public against fraud and deception to prevent unfair competition and unfair trade practices; regulating the business of selling gasoline by requiring persons engaged therein to post the price thereof to public view and requiring sale at the price posted; and prescribing certain penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1190, entitled:

An Act relating to coal stripping operations; providing for the health and safety of persons employed therein; and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 507, entitled:

An Act to amend article twenty-five of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," requiring the employment of an assistant to every motorman operating a locomotive in or about any mine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 811, entitled:

An Act to further amend section three of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages, also declaring certain places nuisances and providing for their abatement also providing for penalties; and also repealing all acts or parts of acts inconsistent with this act," further providing for the rights of manufacturers of wine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 830, entitled:

An Act to further amend the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34, P. L. 15), entitled, as last amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," changing the provisions of said act with respect to natural wines, as herein defined; discontinuing the sale thereof by State stores; and changing the quantities of malt or brewed beverages that may be sold by licensees, other than clubs, for consumption off the premises where sold.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 831, entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages; as herein defined; providing for the licensing of the manufacture,, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," including natural wines, as herein defined, within the provisions of said act; providing special licenses for the sale thereof, authorizing retail dispensers to sell natural wines without further license; and changing the quantities of malt or brewed beverages that may be sold by distributors and importing distributors, and by retail dispensers for consumption off the premises where sold.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1080, entitled:

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," by providing for the issuance of limited mine formen's certificates for mines wherein less than ten persons are employed during the period of twenty-four hours, and prescribing the powers and duties of the holders of such limited certificates.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 640, entitled:

An Act establishing certain public roads and streets, and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway; and providing for their laying out, opening, construction and maintenance by the Department of Highways subject to certain terms and conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1095, entitled:

An Act to further amend section six of the act, approved the fifth day of May, one thousand nine hundred and

eleven (P. L. 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1240, entitled:

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth, death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June Seventh, one thousand nine hundred fifteen, (P. L. 900) and for searches of the files and records when no certified copy is made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 194, entitled:

An Act to amend section two of article five of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, for the protection and preservation of property connected therewith," by requiring fire bosses to report any dangerous conditions in bituminous mines to the mine inspector.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1255, entitled:

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue new bonds therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1253, entitled:

An Act providing a method of annexation of parts of townships to cities of the first class and regulating the proceedings pertaining thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1245, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," providing for the observance of Labor Day on the second Monday of September in the year one thousand nine hundred and forty-one.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1254, entitled:

An Act regulating, in cities of the first class, the enforcement of any provisions in any ordinance relating to building codes, in connection with the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures and the erection encroachment, extension, repair, inspection, and use of party walls, as provided for in any ordinance, and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 101, entitled:

An Act to add to rule ten A to article eleven, section one of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith," requiring that cars or wagons used for transporting persons in or about mines and hauled by electric locomotives operated from trolley wires shall have bodies constructed of wood or other non-conducting material.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1050, entitled:

An Act requiring cities of the first class to furnish all police officers employed by such cities, all firearms, cartridges and all other firearm accessories free of charge.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1071, entitled:

An Act to further amend section sixteen of the act, approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting countyseats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the

State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway; and procedure therein; providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State-aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township, county, borough, incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act." providing for the payment of costs by the Commonwealth in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1135, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth certain land upon which the historic Fort Roberdeau once stood in Blair County, as a memorial; providing for the control, management, supervision, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 739, entitled:

An Act to further amend paragraph six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties." by further defining State employe.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1233, entitled:

An Act to amend section three hundred seventy of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing the county commissioners, from time to time, to make supplemental appropriations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1251, entitled:

An Act authorizing and directing the Legislative Reference Bureau to compile, edit and publish, a compilation of laws relating to local taxation; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1232, entitled:

An Act to further amend section one thousand eight hundred and four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the council in such cities from time to time to make supplemental appropriations.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 522, entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 654, entitled:

An Act authorizing counties, cities, boroughs, towns, townships, school districts, poor districts and institution districts, at any sale of real property for the nonpayment of taxes or municipal claims to take title jointly in proportion to their tax claims; provide for the management of such real property and for the resale and conveyance of their interests to a purchaser.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1352, entitled:

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment

of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," limiting the interest rate imposed on municipal liens so that the same shall not exceed the rate of interest paid by the municipality in financing the improvement.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1194, entitled:

An Act to amend sections two and three of the act, approved the eleventh day of May, one thousand nine hundred and eleven, (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended, by providing for the issuance of certificates of approval for weights and measures of county, city, and borough sealers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1282, entitled:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1234, entitled:

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing the township commissioners from time to time, to make supplemental appropriations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 652, entitled:

An Act authorizing any county, city, borough, town, township, poor district, school district or institution district to execute a special warranty deed for any real property which it has acquired at any sale for the nonpayment of taxes or municipal claims.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1236, entitled:

An Act to further amend section nine hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the township supervisors, from time to time, to make supplemental appropriations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 292, entitled:

An Act to promote the safety of employes and travellers upon railroads by compelling common carriers by railroad to furnish employes with certain signal devices.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1091, entitled:

An Act to amend section sixteen of the act approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by providing that the tax on personal property imposed by counties, and by cities coextensive with counties, shall be a lien after recordation upon the franchises and real property of the person taxed; and providing for the extending and continuing of said liens.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 567, entitled:

An Act to reenact and amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," by providing for the registration and regulation of investment advisers and their solicitors; further defining "dealers" and further regulating dealers and salesmen; providing for service on registrants under provisions of this act; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 398, entitled:

An Act authorizing the Department of Highways to take over bridges, viaducts and other structures on State highways for the purpose of construction, reconstruction, maintenance and repair thereof when such highways are designated as essential National Defense Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 211, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," by prescribing certain additional bank holidays.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 319, entitled:

An Act to further amend section one of the act, approved the eleventh day of May, one thousand nine hundred eleven, (P. L. 275), entitled "An act to provide for the appointment of County and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," allowing inspectors their expenses in attending State conventions of sealers of weights and measures.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1320, (Senate Bill No. 326), entitled:

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material, supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense, to be used for training or retraining workers and prospective workers for industries essential to national defense; waiving all statutory requirements as to advertising for said bids.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 277, entitled:

An Act to further amend subsection seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the minimum salaries of teachers in fourth class districts, and requiring the Commonwealth to make certain payments on account of such salaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 931, entitled:

An Act to further amend section six of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2603), entitled "An act relating to vocational education; creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Education; and providing for referendum in certain cases," fixing the rate of the annual tax levy; requiring county commissioners or boards for the assessment and revision of taxes to furnish, at the expense of the county, certified duplicates of last adjusted valuations of real estate; making the same taxable for vocational school purposes; and making further provision with reference to the bond of tax collectors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 451, entitled:

An Act to further amend section 15 of the act approved May sixteenth, one thousand nine hundred and twenty-three (P. L. 207), entitled, "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing for the lien of taxes and municipal claims and for the revival of such liens and of judgments obtained thereon.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 698, entitled:

An Act allowing costs and counsel fees to stakeholder in interpleader proceedings out of fund paid into court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 540, entitled:

An Act to further amend clause A of section four of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; pre-

scribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by providing for the termination and dissolution of inactive municipal authorities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Melchiorre, for presiding.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 984, entitled:

An Act providing that when new trial is granted upon grounds that damages are inadequate or excessive, the new trial shall be confined to that question and not to liability.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 964, entitled:

An Act relating to the business of selling or leasing chattels on the installment or deferred payment plan; and prohibiting the joining in one agreement of sale or lease of chattels purchased or leased at different times.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 908, entitled:

An Act to amend the next to the last paragraph of section four and to further amend section sixteen of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (P. L. 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" by defining the jurisdiction of the Pennsylvania Milk Control Commission over certain associations and regulating the sale and marketing of milk thereby

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. STINE. Mr. Speaker, I move that this bill be recommitted to the Committee on Dairy Industries for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 647, entitled:

An Act relating to the bonds to be given by county officers their deputies clerks and assistants in counties of the second class the amount and conditions thereof the sureties for such bonds the payment of the premiums therefor and the recording and custody thereof

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 218, entitled:

An Act to further amend section three and to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded Paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by imposing additional duties on the Secretary of Agriculture and further regulating the sale manufacture and transportation of insecticides and fungicides

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 717, entitled:

An Act relating to criminal procedure providing for the securing of attendance of witnesses from within or without the State in criminal cases and making uniform the law in reference thereto

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1019, entitled:

An Act to further amend section 1408 of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of money erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or

to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" clarifying the provision of said act with respect to attorneys' commissions on taxes and other demands due the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 151, entitled:

An Act to further amend section twenty-five and to amend section twenty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" by providing for notice by registered mail when it proves impossible to secure personal service of the subpoena in divorce

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 179, entitled:

An Act validating the title to real estate purchased at judicial sales for unpaid taxes or municipal assessments where there is a defect in the names of the parties in certain cases and providing certain exceptions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1018, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by adding thereto to section 947.1 prohibiting the cutting of and operations on tails of horses mares and geldings except as herein provided providing for certificates under oath and regulating and restricting the showing and exhibition of such animals

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1087, entitled:

An Act to amend clause (2) of section three of the act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" by changing the definition of daily newspaper

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 960, entitled:

An Act to amend sections one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers on the Department of Agriculture

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 660, entitled:

An Act to amend section two hundred twenty-two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended providing that State employes may accumulate their authorized leaves of absence and take such accumulated leaves at one time

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 797, entitled:

An Act providing for notice to defendants admitted to bail and to persons furnishing such bail of the time and place where the appearance of such defendants is required

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 580, entitled:

An Act to amend section twenty-four of the act approved the sixteenth day of June one thousand eight hundred thirty-six (P. L. 784) entitled "An act relating to the jurisdictions and powers of courts" by further defining the power of courts to punish summarily for contempt and setting up a period of limitations

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 32, entitled:

An Act to amend paragraph one of subsection (e) of section twelve of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An Act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by further defining exemption granted minor child or children

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1185, entitled:

An Act to further amend section five hundred and two and section five hundred and four of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" requiring submission of all plans for public improvements to the county planning commission for approval and prohibiting the recording of plans and sales of lots before their approval under penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1127, entitled:

An Act defining regulating and providing for the licensing and registration of employment agents and their representatives including private employment agents theatrical employment agencies and nurses' registries providing for revocation and suspension of licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the Department of Labor and Industry and the Department of Public Instruction providing penalties and repealing existing laws

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 645, entitled:

An Act to further amend article four section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) as amended by the act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 143) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring all contracts of county commissioners in counties of the second class over five hundred dollars to be made with the lowest and best bidder after due notice published

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1373, entitled:

An Act to amend part of section two of the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1156, Printer's No. 308, was passed over at the request of Mr. HARKINS.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 124, entitled:

An Act to reenact and amend the title and the act approved the twenty-eighth day of April, one thousand nine

hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment of milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines, and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," by substituting the term "handler" for the term "milk dealer"; defining the terms "handle" and "handler"· extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase by giving certain additional rights to producers' and farmers' unions or organizations producing milk; setting up a price fixing procedure; providing for the division of the Commonwealth into license districts; restricting powers of the Governor; and providing for the payment of funds in the hands of the commission owing to producers and handlers.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HABERLEN. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1372, Senate Bill No. 125, Printer's No. 158 was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 803, as follows:

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" prohibiting the selling giving away or permitting or employing minors under fifteen years of age to sing dance act or exhibit in dance houses concert saloons theaters places of entertainment prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in taprooms clubs cafes restaurants and eating houses where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the misrepresenation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended to read as follows

Section 643 Employment of Minors in Dance Houses [Theatres and Saloons] (a) Whoever having the care custody or control of any minor under the age of fifteen (15) years sells gives away or permits such child to sing dance act or exhibit in any dance house [or in any] concert saloon [theatre] theater or place of entertainment [where wines or spirituous or malt liquors are sold or given away or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passage-way or entrance] or being the proprietor of any dance house [or any] concert saloon theater [or] place of entertainment employs any such minor is guilty of a misdemeanor and upon conviction thereof in a summary proceeding shall be sentenced to pay a fine not exceeding one hundred dollars ($100) and in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding three (3) months

(b) Whoever having the care custody or control of any minor under the age of eighteen (18) years sells gives away or permits such child to sing dance act or exhibit in any tap room club cafe restaurant and eating house where wines or spirituous or malt liquors are sold or given away or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passageway or entrance or being the proprietor of any tap room club cafe restaurant and eating house where wines or spirituous or malt liquors are sold or given away or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passageway or entrance employes any such minor is guilty of a misdemeanor and upon conviction thereof in a summary proceeding shall be sentenced to pay a fine not exceeding two hundred dollars ($200) and in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding six (6) months

(c) Whoever being a minor shall misrepresent his or her age for the purpose of evading the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding twenty-five dollars ($25) and in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding one (1) month

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—147

Achterman,	Gillan,	McDermott,	Royer,
Almond,	Goodwin,	McDowell,	Rush,
Baker,	Gruskewicz,	McFall	Scanlon
Balthaser,	Habbyshaw,	McGrath,	Schwab,
Bentley,	Haberlen,	McKinney,	Serrill,
Bentzel,	Hall,	McLanahan,	Shaffer,
Boies,	Hamilton,	McLane,	Shaw,
Boney,	Harkins	Melchiorre,	Shepard,
Bradley,	Harmuth,	Mihm,	Skale,
Breth,	Harris,	Modell,	Sollenberger,
Brown,	Heatherington,	Monks,	Stank,
Brunner, P A	Helm,	Mooney,	Stine,
Burns,	Hering,	Moran,	Stockham,
Burris,	Herman,	Muir,	Tarr,
Chervenak,	Hersch,	Munley,	Tate,
Chudoff,	Hewitt,	Nagel,	Taylor,
Cohen, R. E.,	Hirsch,	Nunemacher,	Thompson, E.,
Cordier,	Holland,	O'Brien,	Thompson, R.,

Corrigan,	Huntley,	O'Connor,	Trout,
Croop,	Jefferson,	O'Mullen,	Turner,
Cullen,	Jones, P. N.,	O'Neill,	Vincent,
DiGenova,	Keenan,	Owens,	Vogt,
Dix,	Kline,	Petrosky,	Voldow,
Dolon,	Knoble,	Pettit,	Weiss,
D'Ortona,	Kolankiewicz,	Polaski,	Welsh, E. B.,
Duffy,	Komorofski,	Polen,	Welsh, M. J.,
Early,	Lee, E. A.,	Powers,	Williams,
Elliott,	Lesko,	Prosen,	Wolf,
Ely,	Levy,	Rausch,	Wood, N.,
Finestone,	Leydic,	Readinger,	Woodring,
Finnerty,	Lichtenwalter,	Reese, R. E.,	Woodside,
Fiss,	Longo,	Regan,	Wright,
Fleming,	Lovett,	Reynolds,	Yeakel,
Flynn,	Malloy,	Rhea,	Yester,
French,	Marks,	Rooney,	Young,
Gallagher,	Maxwell,	Rose, S.,	Kilroy,
Gerard,	McClanaghan,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair wishes to remind the members of the change of time for convening. Starting Monday the House will convene at 8 p. m., Eastern Standard Time; 9 p. m., Daylight Saving Time.

ADJOURNMENT

Mr. DIX. Mr. Speaker, I move that this House do now adjourn until Monday, April 28, 1941, at 8 p. m.

The motion was agreed to, and (at 10:55 a. m.) the House adojurned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., MONDAY, APRIL 28, 1941. No. 43.

SENATE

MONDAY, April 28, 1941

The Senate met at 3:30 o'clock, p. m. Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

O God, Our Father, we pray Thy blessing upon all gathered here this day for we are met as chosen representatives of the people of our Commonwealth to act for them in the legislative branch of our government.

Let Thy light fall upon each Senator, the Lieutenant Governor as he presides so judiciously over this body and upon all who, as employes, make possible the continued operation of this Senate.

Let Thy grace be sufficient for all our tasks and Thy presence throughout all our deliberations be wondrously manifest in our beings.

Continuously do we beseech Thee, Our Father, to guide the President and the Congress, especially, who chart our course of action in these days of apprehension in international affairs. Do Thou show them the best way for us all that, if possible, we may escape the horrors of war and destruction. We pray in our weakness and implore Thee in our unpreparedness to lead us aright in the midst of this great national emergency. For Thy name honor and glory do we pray in Jesus' Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SNOWDEN and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 28, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Bertha B. Butler, Pittsburgh, 901 Jones Law Building.
Dan S. Earnest, Pittsburgh, 545 William Penn Way.
Mrs. Agnes B. Ertman, Pittsburgh, 711 Frick Bldg.
Stanley G. Fincke, Pittsburgh, 500 Kennan Bldg.
Miss Margaret G. Michael, East Pittsburgh.
Miss Agnes Schrey, Pittsburgh, 1306 Berger Bldg.

BEAVER COUNTY

W. E. Mengel, Rochester.

BUCKS COUNTY

Mrs. M. R. Tell, Doylestown.

BUTLER COUNTY

C. A. Williamson, Butler.

CUMBERLAND COUNTY

Miss Wilma M. Kinter, Lemoyne.

DELAWARE COUNTY

Mrs. Hilda S. Moore, Marcus Hook.

JEFFERSON COUNTY

Horace A. Brown, Punxsutawney.

LACKAWANNA COUNTY

Frank S. Kearney, Scranton.

LANCASTER COUNTY

John F. Kramer, Lancaster.

MONTGOMERY COUNTY

Miss Theresa J. Brucker, Jenkintown.

NORTHAMPTON COUNTY

Miss Ida J. White, Bethlehem.

PHILADELPHIA COUNTY

Richard M. Blob, Phila., 6407 Rising Sun Ave.

Frank M. Dowler, Phila., 2715 South 16th St.
Miss Reba Lerner, Phila., 1105 Phila. Saving Fund Bldg.
Miss Isabella G. Stairiker, Phila., 616 Wilford Bldg., 33d and Arch Sts.

WASHINGTON COUNTY

Miss Fern M. Munnell, Washington.

WESTMORELAND COUNTY

Miss Rosalyn I. Timblin, New Kensington.
Harry Berger, Mount Pleasant.
Miss Sara E. Painter, Greensburg.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Elizabeth D. Mollenkof, 712 North American Building, Broad and Sansom Streets, Philadelphia, Philadelphia County, for reappointment as a Notary Public in the City of Philadelphia, Philadelphia County, for a term of four years to compute from April 30, 1941.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS ASSOCIATE JUDGE OF FOREST COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edwin Otto Burcher, Marienville, Forest County, for appointment as Associate Judge in and for the County of Forest, until the first Monday of January, 1942, vice August Stromquist, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF THADDEUS STEVENS INDUSTRIAL SCHOOL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Elizabeth D. Stine, 580 School Lane, Lancaster, Lancaster County, for appointment as a member of the Board of Trustees of Thaddeus Stevens Industrial School, for the term of four years and until her successor is qualified, to fill a vacancy.

ARTHUR H. JAMES.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 201

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 23, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 201, Printer's No. 22, entitled, "An Act to amend a certain appropriation item contained in section two of Act No. 69-A approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Act of one thousand nine hundred thirty-nine page sixty) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine' by deferring for a short period of time certain payments required to meet the Sinking Fund requirements of Veterans' Compensation Bonds."

ARTHUR H. JAMES.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair is in receipt of a communication dated April 26th, from the Commodore John Barry Memorial Committee, which, if there is no objection, will be noted in the Journal.

The Communication reads as follows:

"THE COMMODORE JOHN BARRY MEMORIAL COMMITTEE

1606 N. Broad St., Phila., Pa.

3533 Aspen St., Phila., Pa.,
April 26th, 1941.

"Hon. Samuel S. Lewis, Lieutenant Governor
Harrisburg, Pa.

"Dear Sir: The above committee representing twenty-five affiliated Societies with a total membership of over five thousand citizens unanimously endorse the Commodore John Barry Day Bill as presented by Senator John J. McCreesh.

"This committee in conjunction with all the Veteran

groups in Philadelphia have for the past seven years held memorial exercises in the month of September, and on September 10th, 1939, we were honored by the presence of his His Excllency Governor Arthur H. James, who was the principal speaker.

"As this bill is a duplicate of one which was adopted by the State of Massachusetts, and as the body of Commodore Barry lies buried in Philadelphia, and as this is the first time that the Irish of Pennsylvania have ever petitioned the State to honor one of our race whose heroic deeds were recognized by his adopted country, may I on behalf of these citizens respectfully request that this petition be read to your honorable committee at the opening session of the Senate.

"Thanking you in advance for any consideration your honorable committee will give to this patriotic bill."

I remain, Sincerely yours,
(Signed) JAMES J. MULLAN, Chairman.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 99, (Senate Bill No. 700), entitled:

An Act to amend section two of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities," by exempting clubs from such limitation.

Which was committed to the Committee on Law and Order.

House Bill No. 404, (Senate Bill No. 701), entitled:

An Act relating to marriage; and amending, revising consolidating and changing the law relating thereto.

Which was committed to the Committee on Judiciary General.

House Bill No. 752, (Senate Bill No. 702), entitled:

An Act authorizing cities of the second class A, with the consent of the owners thereof to improve and beautify property devoted to park purposes, within such cities.

Which was committed to the Committee on Municipal Government.

House Bill No. 803, (Senate Bill No. 703), entitled:

An Act to amend section six hundred and forty-three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," prohibiting selling, giving away or permitting or employing minors under eighteen to sing, dance, act or exhibit in dance houses, concert saloons, theatres, places of entertainment, tap rooms, clubs, cafes, restaurants or eating houses, where or connected with which, wines or spirituous or malt liquors are sold or given away.

Which was committed to the Committee on Education.

House Bill No. 837, (Senate Bill No. 704), entitled:

An Act to further amend section one thousand six hundred and seven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "Public School Code," requiring the teaching in high schools of the theories of proper and safe operation of motor vehicles.

Which was committed to the Committee on Municipal Government.

House Bill No. 897, (Senate Bill No. 705), entitled:

An Act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns, and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town, and townships of the first class, defining the duties of such civil service commission; imposing certain duties and expense on boroughs; incorporated towns, and townships of the first class; imposing penalties; and repealing inconsistent laws.

Which was committed to the Committee on Education.

House Bill No. 1021, (Senate Bill No. 706), entitled:

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district.

Which was committed to the Committee on Judiciary General.

House Bill No. 1023, (Senate Bill No. 707), entitled:

An Act prohibiting employers from directly or indirectly offering for sale, selling, procuring for sale, having in possession or under control for sale to employes or others, any merchandise not produced by employers or not handled in the regular course of employer's business; providing exceptions thereto; declaring such prohibited sales to be unfair competition; and repealing prior inconsistent legislation.

Which was committed to the Committee on Education.

House Bill No. 1174, (Senate Bill No. 708), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code," changing certain requirements with respect to contracts of school districts involving more than certain amounts.

Which was committed to the Committee on Education.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL NO. 285 (HOUSE BILL NO. 1207)

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 285, entitled:

An Act abating certain tax penalties and interest on unpaid city and school taxes in cities of the first and second class and school districts of the first class and on poll, poor district, institution district and county taxes in counties of the second class, prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens and providing for the extension thereof.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 524, entitled:

An Act to further amend section two hundred and ten of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," prohibiting the sale of striped bass or rock fish under eighteen inches in length.

House Bill No. 616, entitled:

An Act to amend section seven of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427), entitled "Criminal Procedure Act of 1860," providing for admission to bail by committing magistrates in cases involving manslaughter by automobile.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

REQUESTING GOVERNOR TO ISSUE PROCLAMATION DESIGNATING OCTOBER 11, 1941, AS GENERAL PULASKI MEMORIAL DAY.

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on State Government.

In the House of Representatives, April 5, 1941.

Whereas The 11th day of October 1779 is the date in American history of the heroic death of Brigadier General Casimir Pulaski who died from wounds received on October 9, 1779 at the siege of Savannah Georgia and

Whereas The states of Arkansas California Connecticut Delaware Illinois Indiana Kentucky Louisiana Maryland Massachusetts Michigan Minnesota Missouri Nebraska New Hampshire New Jersey New York Nevada Ohio South Carolina Tennessee Texas West Virginia Wisconsin and other state of the Union through legislative enactment designated October 11th of each year as "General Pulaski's Memorial Day" and

Whereas It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War therefore be it

Resolved (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania hereby requests the Governor of the Commonwealth of Pennsylvania by virtue of the authority vested in him to issue a proclamation designating October 11 1941 as "General Pulaski's Memorial Day" so the memory of this great man may be appropriately honored

REPORTS OF COMMITTTES

Mr. CAVALCANTE. Several weeks ago, Mr. President, under this order of business, reports of committee, upon some inquiry of the gentleman from Allegheny, Mr. Walker, some reflection was made upon me concerning the secrets of the committee over which he is chairman. At that time, due to other urgent business before this body, I refrained from answering the gentleman from Allegheny. I had intended to give him my answer last week but other duties prevented me from doing so. have come to the conclusion, Mr. President, that I a ready today to give the gentleman from Allegheny a answer to his reflections made.

Mr. President, I have been a member of this body sinc 1934. During that time I have enjoyed the association the many gentlemen who have come from other districts this Commonwealth. Among those gentlemen there hav been at times some upon whose heads rested the stigm of criminal convictions while upon others rested the clou of suspicion and corruption. This, however, Mr. Presiden did not hinder these gentlemen from participating in th deliberations of this Senate and enjoying the Senatori honor that has been traditional among its members an it had been my hope that I might have continued to enje this Senatorial honor during any continuance as a membe of this Senate.

Nearly two weeks ago a member of this body made som reflection tending to accuse me of divulging secrets of th committee over which he sits as chairman. The minute of this Senate will show that I reserved the right answer. It had been my intention to give my answer lon before now but other duties prevented it. You will there fore, Mr. President, lend me your patience while I direc my remarks to the aforementioned members.

On February 24th Senate Bill No. 130 was before th Senate for third reading and final passage. When th bill was called up I directed the following remarks the Chair.

"Mr. President, both the Chairman of the Committee o Judiciary General and myself, and I think many membe of this Senate, have received requests for a public hearin on this bill and obeying the tolerant spirit of this bod in all matters that are fundamental and of great im portance I am glad to accede to those requests."

Pursuant, Mr. President, to these remarks you will fin on page 412 of the legislative journal the following mo tion:

"Mr. CAVALCANTE. Mr. President, I move that Senat Bill No. 130 be recommitted to the Committee on Judician General for the specific purpose of an open and publ hearing. Mr. President, I think the remarks made for an against the bill ought to be stenographically transcribe and that, after a public and open hearing, the committe shall return the bill to this Senate with amendments o recommendations or both.

"Mr. REED. Mr. President, I second the motion.

The motion was agreed to, and the bill was recommitte to the Committee on Judiciary General.

On page 413 of the journal I clearly pointed out to th Chair the import of this motion. My remarks, in par were as follows:

"The PRESIDENT. The Chair understands the motio was just to recommit this bill. Perhaps the Chair wrong.

"Mr. CAVALCANTE. Mr. President, I want the membe of this Senate to understand me well. I made that motio in order to allow a public hearing on this bill but I wan the bill back on the Senate floor."

It was under these circumstances, Mr. President, tha Senate Bill No. 130 was recommitted to the Committe on Judiciary General. It was the hope of all person interested in the bill that a public hearing would be hel within a reasonable time. The Chairman of the commit tee was repeatedly reminded of this. It is with regre

at I must accuse the chairman, Mr. Walker, with delib-
ate and malicious malingering in performing his duties
chairman. The gentleman utterly ignored the two
ters that I wrote him in which I reminded him of the
ndate contained in the motion adopted by the Senate.
ersonally spoke to the gentleman as many times as he
s fingers and toes to do me the courtesy of discharging
duty in this matter.

In addition to this the gentleman from Washington, Mr.
ed, courteously implored the gentleman from Allegheny
t to unreasonably delay the public hearing directed by
e mandate of the unanimous vote of this Senate.

Finally, Mr. President, the malingering gentleman from
legheny performed the prodiguous task of setting a
te for a hearing, just fifty-two days from the date the
l was recommitted to his fickle mercies. To be exact,
e hearing was set for Tuesday, April 8th, at two p. m.,
the Senate caucus room. The Journal of this Senate
that date will show that the gentleman from Allegheny
nounced a meeting of his committee for the purpose of
s hearing. The same Journal will show that as the
nsor of the bill I invited the members of the press to
present. Mr. President, at the appointed hour there
peared in the Senate caucus room the members of the
ess, the gentleman from Allegheny and eight members
the committee. All of these gentlemen waited for
arly one-half hour but no one appeared in opposition
the bill. The chairman then called the hearing closed
d resolved the committee into Executive Session.

Mr. President, I charge the gentleman from Allegheny
th gross and deliberate deceit. The gentleman knew
forehand that no one was going to appear in opposition
the bill; the gentleman knew beforehand that his set-
g of the date for the hearing and his pretention in
lling the committee together for that purpose was a
am and a fraud.

This deceit, this sham and this fraud has been manifested
speech and conduct of the gentleman for a long time,
th publicly and on this Senate floor. I have already
lled your attention, Mr. President, to the reasons why
moved that Senate Bill No. 130 be recommitted for a
aring. For emphasis I shall here repeat them:

"Mr. CAVALCANTE. Mr. President, both the chairman
the Committee on Judiciary General and myself and I
ink many members of this Senate have received requests
r a public hearing on this bill."

Mr. President, believe as I tell you that the only request
at I received for a public hearing came from the lips
the gentleman from Allegheny, Mr. Walker; my only
thority that other members of this Senate had received
quests for a public hearing are the lips of the same gentle-
an from Allegheny; the only proof that I have in sup-
rt of the statement that the gentleman from Allegheny
d received any requests for such a hearing are the lips
the gentleman himself.

I am indeed amazed, Mr. President, at my own gullibility
this matter. I did not surmise that a member of this
dy would so lower himself as to perpetrate such a
illful, deliberate fraud upon a fellow member. The only
rsonal objection to this Senate bill came to me by tele-
one from a member of the judiciary. This fastidious
rist suggested and submitted for my consideration cer-
in amendments to the bill. Although no opportunity
s been given to disclose these gratuitous amendments,
ey can be definitely classified as "bolo" amendments—
these are the type that disembowel the victims without the loss of a whimper. I have many indications that the gentleman from Allegheny, Mr. Walker, did not forsake the opportunity to curry favor with this jurist at the expense of Senate Bill No. 130. The gentleman's lips are sufficient proof of this also; the deceitful lips that Judas-like did place the kiss of death upon the brow of Senate Bill No. 130.

I think the fact that the gentleman from Allegheny, Mr. Walker, refuses to deliver the bill to the Senate floor in line with the express mandate of this body is in itself an added proof of the limits that the gentleman will go in order to hide his deceit, his sham and his fraud. Not content with his own stultification, the gentleman, in a perfect Pontius Pilate, now tries to unlimber this sorry mess upon the shoulders of the committee.

Mr. President, no washing can take away from the hands of the gentleman from Allegheny the aroma of his deceit; his pretended love for the bill was but deceit; his pretended friendship for the sponsor of the bill was but deceit. As Senate Bill No. 130 was dropping before the drawn daggers in the hands of cowards it was heard to say to the gentleman from Allegheny, Mr. Walker, "Et tu Brutu."

Believe me, Mr. President, it has been painful for me to uncover this gross and deliberate fraud. The conduct of the gentleman from Allegheny, Mr. Walker, in this matter is the inevitable procedure that is naturally followed when members of this Senate dance like marionettes to the song of the politician in the background.

It is my deep hope that the putrefaction may be arrested at its present site so that remaining members of this Senate may continue in the enjoyment of that traditional Senatorial honor that has been such a bond in the Sessions past.

Mr. WALKER. Mr. President, we discussed this matter at some length and I quoted the Journal to the members of the Senate. My friends in the Senate do not need any explanation from me as to what occurred in the Committee on Judiciary General in connection with Senate Bill No. 130; those in the Senate who are not my friends are not entitled to an explanation.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Warren, will state his question of personal privilege.

Mr. CHAPMAN. Mr. President, search for youth, for a renewal of the springy step and the flashing eye is as old as the hills. Old Ponce de Leon hunted in vain for that fountain that once bathed in would bring the blush of youth and the fire that has burned in his veins. But he failed in his quest. But our friend from Philadelphia, the paragon of orators and debater de luxe, Senator Harry Shapiro, has attained what old de Leon sought. He has received word that he is a Grandpa. Ah, the magic of it, how his head has risen, how he smiles and how his eyes flash with pride and joy. I know just how he feels, it is the voice of experience that speaks, for not long ago I too took the plunge into the Spring of Grandpaship and emerged younger than for years, and at peace with all the world. What a sensation it is to know that a baby has entered the world and that we are Grandpa. It may be a real event to become a Dad but when you attain the sublime degree

of a Grandpa, then you have drained the cup of joy and the world holds no greater gift.

The birth of a grandchild is one of the most extraordinary and beautiful provisions of nature which God has made for securing the continuance of human happiness to the very end of life, that we can renew through association with grandchildren the pleasure which for ourselves alone, which long since through repetition and safety, lost their charm, which have utterly and entirely lost their power to affect the mind even in middle life, regain their powers and magic charm and call up vividly all the old emotions even to the heart of decrepit old age, when it seeks these enjoyments in companionships and sympathy with grandchildren beloved. Let one in declining years, whose time passes heavily away and supposes nothing can awaken interest in his mind, or give him pleasure, have the pleasure of the birth of a grandchild, he can again enjoy the pleasures which he thought had forever gone.

PERMISSION TO ADDRESS THE SENATE

Mr. THOMAS B. WILSON. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from McKean may proceed.

Mr. THOMAS B. WILSON. Mr. President, I had no part in the discussion between the Senator from Fayette and the Senator from Allegheny, but while the Senator from Fayette is speaking in this body that Senators should be explicit in their language, it would not have been out of place for him to have read the next page in the Journal where, after he had made the motion to send this bill back to committee with instructions to have a public hearing, he then made another motion to send another bill back; he will find on page 413 of the Journal, that I rose to my feet and inquired of the Chair whether or not the Senator from Fayette's motion on Senate Bill No. 130 bound the committee and the Chair ruled it did not. I stated if the Chair ruled that his motion on the previous bill tied the hands of the Committee on Judiciary General I would move to reconsider his motion to send the bill to committee, because I will not stand on this floor and see the hands of the committee tied and if the Senator from Fayette will turn to page 413 of the Journal he will find that he might with common decency and fairness to this Senate continued to have read on the next page where the Presiding Officer of this Senate said that the hands of the Committee on Judiciary General were not tied by his motion.

Mr. WALKER. Mr. President, I appreciate the encouraging remarks of the gentleman from McKean. I understand he is a member of the Committee on Judiciary General, and those of us who are on the committee and attended the meeting knew the action the committee took, they know the vote, they know whether or not there was any discussion the gentleman from Fayette has not yet quoted to the members of the Senate, the remarks that brought forth this outburst of oratory.

Mr. President, we are told by those who follow field and stream that the skunk is an expert in a certain particular field of his own and I personally have no desire to engage in a contest with a skunk in his own particular field.

Mr. THOMAS B. WILSON. Mr. President—

Mr. SHAPIRO. Mr. President, I was inadverently distracted when some remarks were made concerning me and with the indulgence of the gentleman—I do not recall the county from which he comes—I should like to make, if possible, a reply for just a moment. Will the gentleman indulge me?

Mr. THOMAS B. WILSON. I will be glad to, Mr. President, only I want to say a word here. I want to say, Mr President, I am not in this quarrel and I know very little about it except that I am a member of the committee and attended the hearing but I think it is fair on this floor when any Senator is quoting the Journal and saying what someone else did, that he should quote all the Journal and that he should say to this body when this bill was sent to the committee the Chair of this Senate had ruled that by it being sent there the hands of the committee were not bound, and I then stated publicly in this body if any such motion were made and if the hands of the committee were to be tied I would move to reconsider the vote by which the bill was sent to the committee. I thank the Senator from Philadelphia, Mr. Shapiro, for his indulgence.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia will state his question of personal privilege.

Mr. SHAPIRO. Mr. President and members of this Senate, the Senator from Warren, Dr. Chapman, was good enough to call attention to the fact that in the past week I have aged considerably by having become a grandfather. I can not forgo the opportunity of thanking him for the very beautiful way in which he brought the subject to your attention and at the same time convinced me that there was really more about being a grandfather than I had understood. I think you will all be interested in knowing that the only time the child will awake is for personal privilege.

Mr. DENT. Mr. President, apropos of the subject just discussed by the gentleman from Philadelphia, Mr. Shapiro, and also by the Senator from Warren, Dr. Chapman, I happened to run across a little poem in my scrapbook and with the indulgence of the Senate I would like to read it.

The PRESIDENT. If there is no objection the gentleman from Westmoreland may proceed.

Mr. DENT. Mr. President, I think it expresses the sentiment of the gentleman from Philadelphia very well. It is entitled "I Saw So Many Things" and reads as follows:

I Saw So Many Things

I saw so many things today:
A group of children out at play.
A dewdrop on a bright red rose.
A line of flapping, new washed clothes.
A robin singing to his mate.
A squirrel perched upon a gate.
A golden sunset in the sky,
A fragrant breeze that passed me by,
But fairer than these beauty charms
Was the new babe held in my arms!

Mr. CAVALCANTE. Mr. President, I wish to remind the gentleman from Allegheny, Mr. Walker, that a skunk spreads his aroma under the shadow of darkness. I do my marauding around in the daytime; I have never kept company with the kind that spread their aroma at night

and behind, and behind shadowy language. I speak in the open and in broad daylight.

In answer to the remarks of the gentleman from McKean, the Cassius-like gentleman who also had his dagger sharpened for Senate Bill No. 130, I state that if he had his ears pricked he would have heard me quoting from page 413 and that I specifically stated that on that page my motion was that the bill was to come back to the Senate floor, and that that statement was made after the motion had been passed unanimously and I gave the gentlman from McKean the opportunity to reconsider the vote and change the import of that motion. That was not done. It is not my fault if the gentleman from McKean and the Chair wishes to place upon my motion a meaning that is not contained in the words used in making the motion.

Mr. THOMAS B. WILSON. Mr. President—

The PRESIDENT. This is all out of order. For what purpose does the gentleman from McKean arise?

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMAS B. WILSON. Mr. President, I rise for the purpose of answering the remarks of the gentleman from Fayette, on a question of personal privelege.

The PRESIDENT. If there is no objection, the gentleman from McKean will proceed.

Mr. THOMAS B. WILSON. Mr. President, I think this is just as much in order as the other remarks made on this floor.

The PRESIDENT. The Chair may say he differs from the opinion of the gentleman from McKean. The gentleman from Fayette rose on a question of personal privilege and after he had completed his remarks it was only through the courtesy of the Chair and permission of the Senate that the others proceeded.

The question before the Senate now is the introduction of bills. However, if there is no objection, the gentleman from McKean will proceed.

Mr. THOMAS B. WILSON. Mr. President, I just want to say to the gentleman this word, it is true he made a motion that Senate Bill No. 130 be re-referred, but I asked a ruling from the Chair of this Senate and that is what binds the Senate as to the effect, because I rose on a question of parliamentary inquiry and there was a ruling by the Chair that when that bill was sent to committee under those instructions it did not bind the committee and that is why I did not make a motion to reconsider the motion of the gentleman from Fayette, because the presiding officer of this body said that regardless of the motion the Committee on Judiciary General was not bound.

I do not wish to impose myself on the Chair or on the Senate but I want to get that clear; the reason I did not make a motion to reconsider the motion of the gentleman from Fayette was the fact that the Chair ruled that motion did not bind the committee.

The PRESIDENT. That is a matter of record.

BILLS INTRODUCED

Mr. ZIESENHEIM read in his place and presented to the Chair Senate Bill No. 709, entitled:

An Act to further amend section five hundred sixty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for the compensation of collectors of delinquent taxes for collecting delinquent per capita taxes.

Which was committed to the Committee on Education.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 710, entitled:

An Act to amend section six hundred twenty-nine of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections; the nomination of candidates, primary and election expenses and election contests, creating and defining membership of county boards of elections, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto, and repealing certain acts and parts of acts relating to elections," by changing the time for filing nomination certificates and nomination papers nominating candidates at special elections.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 711, entitled:

An Act to amend section four hundred fifteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests creating and defining membership of county boards of elections, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners, imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections," by further regulating the appointment of overseers of election.

Which was committed to the Committee on Elections.

Mr. BECKER read in his place and presented to the Chair Senate Bill No. 712, entitled:

An Act to amend Section One and Section Two of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 899), entitled "An act establishing a State Highway in the County of Lebanon; providing for its location, construction, improvement, and maintenance by the Commonwealth," by amending the State Highway Route established by said act and providing that said State highway shall be located after consultation with the Executive Director of the State Game Commission instead of after consultation with the Adjutant General of the Commonwealth.

Which was committed to the Committee on Highways.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 713, entitled:

An Act to further amend route five hundred and fifteen, of section one, of the act, approved the eighth day of April, one thousand nine hundred and twenty-five (P. L. 191), entitled "An act establishing certain public roads as State highways; and providing for their construction and maintenance at the expense of the Commonwealth."

Which was committed to the Committee on Highways.

Mr. SNOWDEN read in his place and presented to the Chair Senate Bill No. 714, entitled:

An Act to further amend section fifteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to livestock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by providing for the return of a portion of moneys received for licenses to the counties for use by Societies for the Prevention of Cruelty to Animals and specifically appropriating the same for such purpose.

Which was committed to the Committee on Agriculture.

Mr. REED read in his place and presented to the Chair Senate Bill No. 715, entitled:

An Act to repeal certain obsolete acts relating to paupers and the management, control and operation of poor districts.

Mr. REED. Mr. President, I might say, in order that the members of the Senate might not be misled, that this list was given to me by Mr. John Fertig, who stated that he received the list from the West Publishing Company, which is about ready to get out its new digest, and it was requested that those obsolete acts be repealed.

The PRESIDENT. Does the Chair understand the gentleman from Washington is introducing the bill by request?

Mr. REED. No, Mr. President, I will take the responsibility.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Messrs. DENT and WOODWARD read in their places and presented to the Chair Senate Bill No. 716, entitled:

An Act making an appropriation to the Joint State Government Commission.

Which was committed to the Committee on Appropriations.

Mr. KEPHART read in his place and presented to the Chair Senate Bill No. 717, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Military Affairs for construction by the Department of Public Works in cities of the first class of airports and airport facilities.

Which was committed to the Committee on Highways.

Mr. JASPAN, by request, read in his place and presented to the Chair Senate Bill No. 718, entitled:

An Act regulating the sale and offering for sale of second-hand watches; imposing powers on district attorneys and imposing penalties.

Which was committed to the Committee on Judiciary General.

Mr. BARR read in his place and presented to the Chair Senate Bill No. 719, entitled:

An Act making an appropriation to the Eye and Ear Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 720, entitled:

An Act making an appropriation to the Elizabeth Steel Magee Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 721, entitled:

An Act making an appropriation to the Children's Hospital of Pittsburgh, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 722, entitled:

An Act making an appropriation to the Montefiore Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 723, entitled:

An Act making an appropriation to the Tuberculosis League of Pittsburgh, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. HOMSHER, by request, read in his place and presented to the Chair Senate Bill No. 724, entitled:

An Act to amend section four hundred one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the length of the terms and the method of appointing and removing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

Which was committed to the Committee on Education.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 725, entitled:

An Act to amend section four hundred three of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for changing salaries and compensation of officers, teachers or other appointees of school districts; and abrogating common law rules in respect to voting by school directors.

Which was committed to the Committee on Education.

Mr. GELTZ read in his place and presented to the Chair Senate Bill No. 726, entitled:

An Act to provide for two additional law judges of the Court of Common Pleas of the Fifth Judicial District.

Which was committed to the Committee on State Government.

ADJOURNMENT SINE DIE

Mr. WALKER offered the following resolution which was twice read:

In the Senate, April 28, 1941.

Resolved (if the House of Representatives concur), That this Regular Session of the General Assembly adjourn sine die, May 23, 1941, at 12:00 o'clock noon (Eastern Standard Time).

On the question,

Will the Senate agree to the resolution?

The PRESIDENT. For the information of the Senators the Chair is of the opinion, before this resolution is voted upon, that the Senators should give consideration to it and the Chair therefore instructs that the resolution again be read and suggests that the Senators give their attention.

The resolution again was read by the Clerk.

And the question recurring,

Will the Senate agree to the resolution?

Mr. SHAPIRO. Mr. President, I object to immediate consideration of this resolution.

Mr. WALKER. Mr. President, I should like to interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. Yes, Mr. President.

Mr. WALKER. Mr. President, I desire to ask the gentleman from Philadelphia if he cares to state the reason for his objection to immediate consideration of this resolution.

Mr. SHAPIRO. Mr. President, I desire to state I do not believe in playing jokes in the Senate. I do not think it is possible for this Senate to adjourn and do the work it has to do between now and the twenty-third of May. I should like to appear before the committee to which this resolution will be referred and discuss the reasons in detail. My main reason is that everyone here knows, if he knows anything about the Calendar and the bills that are here and the bills that have to be passed, that we will not be able to adjourn by the twenty-third of May and I do not like to stay around here when they turn the clock back for seven days or twenty-two days.

Mr. WALKER. Mr. President, since the gentleman from Philadelphia has objected to immediate consideration of the resolution, of course no action can now be taken on the resolution, but I just want to point out in support of the resolution that it is not a joke, because we have been sitting around here for weeks and it very obvious the only bills that are under the head of "must" legislation are tax and appropriation bills and they are peacefully sleeping somewhere over in the House.

Most of the bills on the Calendar are immaterial bills to help certain types of industry throughout Pennsylvania; they are minority organized bill and apparently we have no intention of passing any bill on reapportionment for either Congressional, Senatorial or Legislative districts. Whether or not there will be any bills on municipal authorities it is hard to tell because none of them have appeared on the calendar.

Mr. President, we are all in favor of all out aid for Britain but I think it is about time we settled down to the question of all out aid for Pennsylvania and I think that can best be done by adjourning this session of the Legislature.

The PRESIDENT. Since there has been objection to immediate consideration of the resolution it is referred to the Committee on Rules.

TIME OF NEXT MEETING

Mr. CROWE offered the following resolution which was read, considered, and agreed to:

In the Senate, April 28, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, May 5, 1941, at 3:30 o'clock, p. m., Eastern Standard Time, and when the House of Representatives adjourns this week, it reconvene on Monday, May 5, 1941, at 9 o'clock p. m., Eastern Standard Time.

Oredered, that the Clerk present the same to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 53, as follows:

An Act authorizing counties cities boroughs towns townships and school districts to operate programs of public recreation and playgrounds either alone or in cooperation with each other or through recreation boards created by one or more of them

The General Assembly of the Commonwealth of Pennsylvania here enacts as follows

Section 1 Any county city borough town township or school district may operate a program of public recreation and playgrounds acquire equip and maintain land buildings or other recreational facilities and expend funds for the operation of such program pursuant to the provisions of this act

Section 2 Any county city borough town township or school district may operate such a program independently or they may cooperate in its conduct and in any manner in which they may mutually agree or they may delegate the cooperation of the program to a recreation board created by one or more of them and appropriate money voted for this purpose to such board

Section 3 Any political subdivision board or body hereinbefore designated given charge of the recreation program is authorized to conduct its activities on

(a) Property under its custody and management
(b) Other public property under the custody of another public organization body or board with the consent of such organizations bodies or boards
(c) Private property with the consent of its owners
Such political subdivision board or body shall also have authority to accept gifts and bequests for the benefit of the recreational service and employ directors and instructors of recreational work

Section 4 In all cases where school funds or property are utilized the Department of Public Instruction shall
(a) Establish minimum qualifications of local recreational directors and instructors
(b) Prepare or cause to be prepared published and distributed adequate and appropriate manuals and other materials as it may deem necessary or suitable to carry out the provisions of this act

Section 5 The facilities of any school district operating a recreation program pursuant to the provisions of this act shall be used primarily for the purpose of conducting the regular school curriculum and related activities and the use of school facilities for recreation purposes authorized by this act shall be secondary

Section 6 The provisions of this act are intended to be in addition to and do not affect or repeal any other law in effect on the effective date of this act providing for public recreation and playgrounds

Section 7 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 212, on third reading, entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 302, as follows:

An Act to further amend section one thousand four hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing the qualifications of certain children for exemption from compulsory attendance provisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand four hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 786) is hereby further amended to read as follows

Section 1416 The provisions of this act requiring regular attendance shall not apply to any child who has attained the age of sixteen years and who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session and who holds an employment certificate issued according to law nor to any child who has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner and has been found to be unable to profit from further public school attendance and who has been reported to the board of school directors and excused in accordance with regulations prescribed by the State Council of Education nor shall the said provisions apply to any child who has attained the age of fifteen years and is engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe nor shall said provisions apply to any child having attained the age of fourteen (14) years who has satisfactorily completed either in public or private schools the sixth grade or the equivalent thereof if a permit for such child has been issued as hereinbefore provided and such permit has first been recommended by the county or district superintendent of schools having supervision of the schools of the district where such child resides or by the principal of the private school where such child is enrolled and the reason for the issuance of such permit has been approved by the Superintendent of Public Instruction

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I should like to interrogate the gentleman from Lancaster.

The PRESIDENT. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. HOMSHER. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, is the intent of this bill to take care of Amish children?

Mr. HOMSHER. Mr. President, the bill is intended to

take care of Amish, Dunkard and certain Mennonite sections.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,
DiSilvestro,	Lanius,	Stevenson,	Ziesenheim,

NAYS—1

Cox,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 315, as follows:

An Act to further amend section one of the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 127) entitled "An act relating to adoption" by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fourth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 127) entitled "An act relating to adoption" as amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 822) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be lawful for any adult citizen of this Commonwealth residing therein desirous of adopting any person either a minor or an adult as his or her heir or as one of his or her heirs to present his or her petition to the orphans' court or to a law judge thereof of the county where he or she may be resident or of the county in which the person to be adopted is a resident except that in counties of the first class where the petition shall be presented to a judge of the municipal court declaring such desire and that he or she will perform all the duties of a parent to such person Such petition shall also set forth the name age date and place of birth of the person proposed to be adopted the name residence and marital status of the adopting parent or parents the name and place of residence of each of the natural parents or of the surviving parent or of any other person whose consent to the proposed adoption is necessary as hereinafter provided and shall embody or have attached thereto the consent in writing of the person or persons whose consent to the proposed adoption is necessary as hereinafter provided

Section 2 This act shall become effective upon its final enactment except that orphans' courts in counties of the first class shall retain jurisdiction of all adoption proceedings which were instituted in such courts prior to the effective date hereof

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. JASPAN. Mr. President, I desire to know how the gentleman from Philadelphia, Mr. Stiefel voted?

The PRESIDENT. How did the gentleman from Philadelphia vote?

Mr. STIEFEL. I voted "aye", Mr. President.

BILL OVER IN ORDER

Mr. MILLER. Mr. President, I ask unanimous consent that Senate Bill No. 381, on third reading, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 405, as follows:

An Act to further amend sections two hundred twenty and two hundred eighty-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" increasing the resident fishing license fee and authorizing the use of the money derived from such increase for the acquisition by lease or purchase of land and/or public fishing rights in the waters of the Commonwealth together with the rights of ingress and egress to and from such waters

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred twenty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as last amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 834) is hereby further amended to read as follows

Section 220 Resident Fishing License Fees For the purposes of this article every person sixteen years of age and upward upon application to any issuing agent within the Commonwealth or to the Department of Revenue and upon the establishment of his identity to the satisfaction of the issuing agent or the Department of Revenue by producing a bank book letters lodge cards police cards a motor vehicle operator's permit or some other positive means of identification that he has been a bona fide resident of this Commonwealth for a period of sixty days next preceding his application and was born in the United States and in the case of naturalized foreign-born residents the production of such applicant's naturalization papers shall upon the payment to the issuing agent or the Department of Revenue of a license fee of two dollars ($2.00) for the use of the Commonwealth and in the event that the license is issued by an issuing agent a fee of ten cents (10c) for the use of the issuing agent be entitled to the license herein referred to as "a resident fishing license"

In case the license certificate is lost or destroyed a duplicate can be secured from the Department of Revenue by making affidavit to that effect In case the button is lost or destroyed the licensee can make a duplicate and in case both the license certificate and the button are lost or destroyed a new license and button may be secured from the Department of Revenue upon making affidavit to that effect and the payment of a fee of fifty cents (50c)

Upon the making of an application by any person to the Department of Revenue for a special license to catch eels by the use and operation of eel chutes and the payment of a fee of one dollar ($1.00) for the use of the Commonwealth such person shall be entitled to a special eel chute license and a special metal tag which shall give him the right to use and operate an eel chute in the Susquehanna River below the boundary line of the city of Pittston and the Duryea Borough line on the north branch below the bridge at the Northumberland-Lycoming County line on the west branch in the Juniata River below Mount Union and in the Delaware River below Easton in accordance with the provisions of this act

Section 2 Section two hundred and eighty-five of said act as last amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 801) is hereby further amended to read as follows

Section 285 Fish License Fund Established All fees fines penalties and other moneys paid received recovered and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as a fund or any part of a fund separate and apart from the various purposes designated by law or (b) that may be hereafter paid recovered received and collected under the provisions of any act repealed and replaced by this act or (c) that may be paid received recovered and collected under the provisions of this act shall be placed in a separate fund by the State Treasurer to be known as "The Fish Fund" and shall be used solely for the payment of all expenses incurred by the Department of Revenue in procuring issuing or supervising the issuance of resident and nonresident fishing licenses and license buttons and under the direction of the board for the following purposes

(a) The payment of the salaries wages or other compensation of the Commissioner of Fisheries such deputies directors superintendents bureau or division chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers fish wardens laborers and other assistants and employes as may be required for the work of the board and such special deputy attorneys general assistant deputy attorneys general as may be assigned by the Attorney General to the board or for handling any legal business pertaining to its work

(b) The payment of the traveling and other expenses of the members officers and employes of the Board of Fish Commissioners

(c) The purchase through the Department of Property and Supplies as purchasing agency of such furniture furnishings stationery supplies materials equipment fuel motor vehicles and printing and binding as may be necessary in the conduct of the work of the board and the payment of premiums on surety bonds for such officers or employes of the board as may be required to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and persons operating same which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the board

(d) The payment of postage telegrams telephone rentals telephone toll charges and rentals for patented leased office devices or machines

(e) Rentals for any offices outside of the Capitol Buildings or any other grounds buildings or quarters necessary for the work of the board

(f) The propagation protection and distribution of fish and the stocking of waters within this Commonwealth as provided by law

(g) Necessary repairs and improvements to fish hatcheries or other buildings offices or quarters used in the work of the board

(h) Field work gathering spawn and transferring fish

(i) The maintenance and operation of a boat on Lake Erie and the Cruiser "Anna" at Torresdale on the Delaware River and

(j) Any contingent incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the board

(k) With the consent of the Governor for the purchase of lands and waters and for the impounding of waters and to make the same available for use by the citizens of the Commonwealth for fishing hunting and forest purposes and said lands and waters so purchased shall be under the supervision direction and control of the board

(l) The purchase and acquisition of additional land and water for State fish hatcheries the purchase acquisition and erection of buildings ponds and other extensions incidental to fish hatcheries and for the propagation and protection of fish and hatcheries hereafter established and for the distribution of fish from hatcheries and the stocking of waters within the Commonwealth and

(m) The sum of fifty cents (50c) from each resident fishing license fee being the increase in fees provided by this amendment shall be used exclusively for the acquisition in the name of the Commonwealth by purchase of land and/or public fishing rights and privileges in any of the rivers streams lakes or ponds in the Commonwealth or in any part thereof with such rights of ingress or egress to or from such waters as may be necessary to make the same available for use by the citizens of the Commonwealth for fishing and all such rights shall be under the supervision direction and control of the board which may make rules and regulations for fishing in such waters

(1) All moneys received under the provisions of this clause and all expenditures made from such moneys shall be shown in detail by the board in every annual report or annual statement rendered by the said board

(2) Upon the acquisition of fishing rights in any river stream lake or pond for the purposes of this act the owner of the land affected may make every use thereof as will not interfere with such fishing rights

All moneys in such separate fund from time to time are hereby specifically appropriated to the Department of Revenue and the board and may be expended for the purposes hereinbefore enumerated All printing buttons

and other supplies or materials purchased by the Department of Revenue for the purpose of performing its duties under the provisions of this act shall be purchased through the Department of Property and Supplies as purchasing agency

Estimates of the amounts to be expended under this act from time to time by the Department of Revenue and the Board of Fish Commissioners respectively shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Department of Revenue or by the Board of Fish Commissioners in excess of the estimates approved by the Governor Subject to the foregoing provisions the Auditor General shall from time to time upon requisition of the Secretary of Revenue or of the Commissioner draw his warrant on the State Treasurer for the amount specified in such requisition not exceeding however the amount in such fund available for the purposes for which such requisition was made at the time of making such requisition

Section 3 This act shall become effective on the first day of January one thousand nine hundred and forty-two

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, in the Caucus today there was some discussion about this bill and I think it would be helpful if the sponsor of this bill will explain whether or not this bill has the effect of increasing the cost of a fishing license in Pennsylvania.

Mr. TALLMAN. Mr. President, the bill does increase the cost of a fishing license in Pennsylvania by fifty cents over the price now charged. The purpose of it is to permit the Commission to purchase land and water rights for fishing purposes.

I would like, Mr. President, to call the attention of the Senate to the fact that Senate Bill No. 405 is the result of and has been approved by the conference of the Pennsylvania Federation of Sportsmen, who approved this kind of legislation at their meeting on February 12, 1941.

Mr. DENT. Mr. President, I object to this bill because it increases the cost of a fishing license from one dollar and fifty cents to two dollars, to do exactly what can be done without increasing the cost of a fishing license one cent. In truth, Mr. President, this bill will enable the Fish Commission to take huge sums of money and go out and purchase fishing rights in the very reservoirs in which I tried to legalize fishing earlier in this session and when we put the bill up before the Senate it was turned down by the Senate body, and yet the very streams which are the private streams covered by this bill are the streams that we were dealing with in Senate Bill No. 65.

I find, Mr. President, that this bill will unnecessarily increase the cost of this recreational sport. It is not at all necessary and if the Senate will pass a bill authorizing fishermen to fish in the many many streams that are held under private contract, because they call them water supply streams and feeder streams, you will not need this type of legislation.

There are over six hundred thousand dollars lying idle today in the Fish Commission fund and if they want to take that money, they can go out and purchase dam sites, build dams and build reservoirs for the fishermen if they so desire and I think every true sportsman will admit there is too much money going into the Fish Commission's hands at the present time and this bill will only allow—I warn you—it will only allow the Fish Commission to do, by paying out money exactly what this Legislature ought to do without increasing the cost to the fishermen and that is legalizing fishing in the streams now impounded as pure water supply streams in the State of Pennsylvania. I object to increasing the cost of a license to the fishermen.

Mr. TALLMAN. May I say this, Mr. President. There has been a remark made that this money is not necessary and that the Fish Commission does have ample funds with which to do this thing. I would like to point out to the Senate that the Commission has no authority at the present time to do so.

In addition to that, the funds which are available in the hands of the Fish Commission today are funds that are to be used and will be spent for the purpose of developing hatcheries all over the state. I would like to point out that for many years this same thing has been done through the use of fees secured from the sale of hunting licenses, and with very fine effect to all the sportsmen of this Commonwealth.

I might also state, Mr. President, there are a great number of streams that are closed waters to the fishermen of this Commonwealth. There is not a man on the floor of this Senate who, if he does any fishing, does not know that the open waters at various places in this Commonwealth are hard pressed because of the fact that men who go out and fish are obliged at all times to fish in the open waters available to them near their own communities and the ability of the Fish Commission to make available more open waters for the fishermen of this Commonwealth depends upon passage of legislation of this kind.

Mr. President, I ask my colleagues to vote in favor of this bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Bartlett,	Edmonds,	Reed,	Watkins,
Cavalcante,	Farrell,	Ruth,	Wilson, H. I.,
Chapman,	Heyburn,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Tallman,	Woodward,
DiSilvestro,	Jaspan,	Tyler,	Ziesenheim,
Ealy,	Miller,		

NAYS—27

Barr,	Dent,	Letzler,	Stevenson,
Becker,	Frey,	Mallery,	Stiefel,
Carr,	Geltz,	McCreesh,	Taylor,
Coleman,	Haluska,	McGinnis,	Thomas,
Cox,	Homsher,	McQuiddy,	Wade,
Crider,	Kephart,	Shapiro,	Walker,
Deitrick,	Lanius,	Snowden,	

Less than a Constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

Mr. HALUSKA. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified. The affirmative vote will be verified.

The Clerk read the roll of those voting in the affirmative.

Bartlett,	Edmonds,	Reed,	Watkins,
Cavalcante,	Farrell,	Ruth,	Wilson, H. I.,
Chapman,	Heyburn,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Tallman,	Woodward,
DiSilvestro,	Jaspan,	Tyler,	Ziesenheim,
Ealy,	Miller,		

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative roll stands as verified.

The negative vote will be verified.

The Clerk read the roll of those voting in the negative.

Barr,	Dent,	Letzler,	Stevenson,
Becker,	Frey,	Mallery,	Stiefel,
Carr,	Geltz,	McCreesh,	Taylor,
Coleman,	Haluska,	McGinnis,	Thomas,
Cox,	Homsher,	McQuiddy,	Wade,
Crider,	Kephart,	Shapiro,	Walker,
Deitrick,	Lanius,	Snowden,	

The PRESIDENT. Are there any corrections. The Chair hears none.

The negative roll stands as verified. The vote being 22 yeas to 27 nays.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 418, entitled:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirteenth of each year as Commodore John Barry Day.

And said bill having been read at length the third time

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. McCREESH. Mr. President, I ask unanimous consent to offer the following amendments:

Amend title, line 2, by striking out the words "annual proclamations," and inserting in lieu thereof the words: "a proclamation"; amend title, line 3 of title by striking out the word "each", after the dark face bracket and insert "this"; amend section 1, line 1, by striking out the word "annually" and inserting in lieu thereof the words "this year."

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendments?

Mr. DENT. Mr. President, if I heard right, these proposed amendments introduced by the gentleman from Philadelphia put the bill in exactly the same position as it was when it came from the committee prior to the amendments by putting it in the position it was when it went to the committee.

The PRESIDENT. The Chair believes he follows the gentleman from Westmoreland and is of the opinion he is correct.

Mr. DENT. Mr. President, the thing I cannot understand is that if John Barry is any type of a hero at all, if he means anything at all to the people of this Commonwealth and the people of this nation, then why should he be restricted to one holiday? I heard the other day one of the Senators make the remark he should only have one holiday, because when this man was a hero we only had a small navy. The size of a navy, Mr. President, does not determine the gratitude this country owes to the man for what he did with a small navy.

I think we ought to create a holiday for John Barry. If we want to honor a man who did something for his country then we should say Roosevelt should not be honored—I am sorry.

The PRESIDENT. Does the gentleman from Westmoreland wish to correct himself?

Mr. DENT. Mr. President, it sems to be the custom that we do not honor a politician until he is dead, and I have always accepted Mr. Roosevelt as a politician so therefore we will not honor him. We do not honor George Washington because he was only the father of a small country, a small United States, and I think it is silly to say to the people who are interested in John Barry's historical achievement we will give you one holiday, for this year only, and from then on you can let John Barry sleep.

I object to it, Mr. President, and I feel there should be a holiday every year.

The PRESIDENT. The Chair points out the objection of the gentleman from Westmoreland is too late. There was no objection to the amendments when presented. The question now before the Senate is on the adoption of the amendments.

Mr. WOODWARD. Mr. President, speaking on the adoption of the amendments, I wish to remind the Senate that there is a fundamental error in this bill, that no one has been able to discover the date of the birth of John Barry. This is the first time we have been asked to make a celebration of the date of a man's death. This is the day he died and the Commonwealth of Pennsylvania, being conservative, feel they want to try it for one year, celebrating the man's death and if they like it they can continue it afterwards.

Mr. STIEFEL. Mr. President and members of the Senate, I am voicing the opinion of thousands of citizens residing in my district who are in favor of the bill in its pristine condition and when I say pristine condition I mean before the committee amended it to make it only as a holiday for one year.

Now, Mr. President, the gentleman from Warren, Dr. Chapman, in one of his talks stressed the fact that the youth of America is not acquainted sufficiently with the glorious history of this country. That is true and if we have a bill today which can be conducive to the creation of more patriotism why should we limit it to one year?

After all, Mr. President, the Governor of this Commonwealth does not have to do a lot of work in signing a proclamation annually. That was the only reason which was given as to why it should be limited to one year. As much as I admire my colleague from Philadelphia. Senator McCreesh, I hope he will stick to his guns and demand that this bill be restored to its pristine condition and provide that this holiday should be celebrated annually.

Mr. COLEMAN. Mr. President, I simply desire to call attention of the members of the Senate to their inconsistency in asking for an amendment which will in effect only honor John Barry for this particular year. Three years ago this Senate went on record as honoring Susan B. Anthony, who was the leader of women's suffrage and whose fight giving women the right of franchise had great political import and now they are objecting to do honor to John Barry who led in the fight for our civil liberties in the great Revolutionary War.

Mr. EALY. Mr. President, there is a misconception about this bill. I have no objection to honoring John

Barry every year, or every day if it is so desired, but we cannot expect the Governor of the Commonwealth to issue thousands of proclamations, which he will be asked to issue if this kind of thing keeps up. We have had perhaps a dozen or two dozen already this session.

If they want to make a certain day a John Barry Day, why, that would be perfectly proper but to ask the Governor of the Commonwealth each year to keep a list of probably a thousand names for the purpose of issuing proclamations is too much.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 443, on third reading, entitled:

An Act to amend section one thousand one hundred and four and to further amend sections one thousand one hundred and five, one thousand one hundred and twenty-one and one thousand one hundred and twenty-seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of county and assistant county superintendents.

be recommitted to the Committee on Education for the purpose of further study.

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—35

Bartlett,	Farrell,	Mallery,	Tyler,
Becker,	Frey,	Miller,	Wade,
Carr,	Geltz,	Scarlett,	Walker,
Chapman,	Haluska,	Shapiro,	Watkins,
Cox,	Heyburn,	Snowden,	Wilson, H. I.,
Crider,	Homsher,	Stevenson,	Wilson, T. B.,
Crowe,	James,	Tallman,	Woodward,
Deitrick,	Kephart,	Taylor,	Ziesenheim,
Edmonds,	Letzler,	Thomas,	

NAYS—12

Barr,	Dent,	McCreesh,	Reed,
Cavalcante,	Jaspan,	McGinnis,	Ruth,
Coleman,	Lanius,	McQuiddy,	Stiefel,

So the question was determined in the affirmative.

Mr. LETZLER. Mr. President, I move that Senate Bill No. 474, on third reading, entitled:

A Further Supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect.

be recommitted to the Committee on Appropriations for the purpose of further consideration.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL POSTPONED

Mr. STEVENSON. Mr. President, I move that further consideration of Senate Bill No. 529, on third reading, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employes; providing for their compensation payable by such counties; eliminating the triennial assessment; and abolishing the distinction between seated and unseated lands for the purpose of taxation.

be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 534, (House Bill No. 145), as follows:

An Act validating county treasurers' deeds where the acknowledgment of such deed or deeds was defective in any respect if in fact such acknowledgment was taken before a judge of the county

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore any land has been sold by the county treasurer of any county for the purpose of securing the payment of delinquent taxes which were assessed and levied against such land and the county treasurer in pursuance of such sale executed a deed for said lands and the acknowledgment of such deed by the county treasurer was defective in any respect or where the records of the court failed to show a minute of such acknowledgment in open court such sale and such deed shall not be invalidated by reason of such defective acknowledgment if in all other respects the laws relating to the holding of such sale were fully complied with and the deed was in fact acknowledged before a judge of said county and all such treasurers' sales and treasurers' deeds are hereby ratified confirmed and validated and the title to any such land purchased by any person or by the county commissioners of any county at such treasurers' sale and the deed executed and acknowledged to such purchaser is hereby declared to be as valid as if such deed had been acknowledged in open court and a proper minute thereof made in full conformity with the law relating thereto.

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 547, as follows:

An Act to further amend section four hundred twenty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by providing for the conversion of annuity contracts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred twenty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (P. L. 790) is hereby further amended to read as follows

Section 420 Exchange Alteration and Conversion of Policies Any life insurance company may at the request of a policyholder or contract holder exchange alter or convert any policy of life or endowment insurance or any contract of annuity issued by it for or into any policy conforming (a) with the laws in force when the first mentioned policy was issued if the rewritten policy bears the date thereof or (b) with the laws in force when said exchange alteration or conversion is effected if the rewritten policy bears a then current date Provided however If such rewritten policy bears the date of said original policy the amount of insurance under said rewritten policy shall not exceed the amount of insurance under said original policy or the amount of insurance which the premium paid for the original policy would have purchased if the rewritten policy had been originally applied for whichever is greater Nothing contained in section three hundred forty-six or in clause (c) of section four hundred and eleven of this act shall be construed as prohibiting any such exchange alteration or conversion of policies as provided by this section

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	Ealy,	Letzler,	Taylor,
Becker,	Edmonds,	Mallery,	Thomas,
Carr,	Farrell,	McCreesh,	Tyler,
Cavalcante,	Frey,	McGinnis,	Wade,
Chapman,	Geltz,	Miller,	Walker,
Cox,	Haluska,	Reed,	Watkins,
Crider,	Heyburn,	Ruth,	Wilson, H. I.,
Crowe,	Homsher,	Scarlett,	Wilson, T. B.,
Deitrick,	James,	Snowden,	Woodward,
Dent,	Jaspan,	Stevenson,	Ziesenheim,
DiSilvestro,	Kephart,	Tallman,	

NAYS—6

Barr,	Lanius,	Shapiro,	Stiefel,
Coleman,	McQuiddy,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 550, on third reading, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administration departments, boards commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by adding thereto section 2114 establishing a civil service system for the Department of Health.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 602, as follows:

An Act to further amend section one thousand four hundred and thirty-nine of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for education of blind children by the Department of Public Instruction and for the payment therefor out of appropriations made for such purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand four hundred and thirty-nine of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 206) is hereby further amended to read as follows

Section 1439 The Department of Public Instruction is authorized to educate blind children residing in this Commonwealth under the age of eight years whenever from any cause the parent or parents thereof may be unable to properly educate them With the written consent of the proper parents parent or nearest relative if there be no parents or the local authorities of the proper institution district if there be neither parents nor relatives the Department of Public Instruction may contract with any nonsectarian institution in this State or elsewhere established for the education of the blind whereby any such child may at a cost not exceeding one dollar and fifty cents per day to be paid by the Commonwealth out of funds appropriated to the Department of Public Instruction for the education of blind children be educated until it shall reach the age of eight years Provided That such education may be continued beyond the age of eight years when for physical mental or other proper reasons such child or children need special care for a longer period The contract may be cancelled and the child or children removed at any time by the Department of Public Instruction This act shall not repeal or modify any existing act relative to the education of the blind

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 659, (House Bill No. 1151), as follows:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State Treasurer is hereby authorized and directed from time to time between the effective date of this act and May thirty-first one thousand nine hundred forty-one to transfer from the Motor License Fund to the General Fund such sums not exceeding in the aggregate the sum of four million one hundred fifty thousand dollars ($4,150,000) as the Governor shall direct Transfers shall be made under this act upon warrants of the Auditor General upon requisitions of the Governor

The purpose of this transfer is to provide funds for the payment of the additional deficiency appropriation for public assistance made by this session of the General Assembly for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one To the extent to which this transfer makes it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Motor License Fund to the General Fund shall be repaid to the Motor License Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Allegheny state whether or not the transfer here proposed will be sufficient to carry the relief obligations until the end of this biennium?

Mr. GELTZ. That is the understanding, Mr. President.

Mr. SHAPIRO. Will the gentleman from Allegheny state whether he is able to give us information as to what total amount of appropriation will have been appropriated and spent, with these bills, for the balance of this biennium.

Mr. GELTZ. I am unable to do that, Mr. President.

Mr. SHAPIRO. Will the gentleman from Allegheny state whether this is in addition to the $14,000,000 recommended by the Governor in his budget message as the amount necessary to carry relief through to the end of the biennium.

Mr. GELTZ. Mr. President, that is the amount the department said it is necessary they have in order that relief in this state may be continued.

Mr. SHAPIRO. Will the gentleman from Allegheny state whether this is an amount in addition to the amount

suggested as necessary by the Governor in his original message when this Legislature convened?

Mr. GELTZ. I do not think this is an amount in addition, Mr. President; this is a deficiency appropriation in order that relief be continued in the state and may not be discontinued.

Mr. SHAPIRO. Well, Mr. President, it is my information and I want the members of the Senate to know whether they are voting on appropriations which total, in my opinion and from my information $20,300,000, $14,000,000 of which would be provided by the tax measures recommended by the Governor in his original message, and this $6,300,000 is in addition to that and that it will be acquired by transferring $4,150,000 from the motor license fund and by the postponement of the payment of amortization of veteran's bonds of some $2,150,000. That was my understanding and if I am incorrect in that I should like to be so informed.

Mr. GELTZ. Mr. President, it seems to me it should not make much difference whether this is an amount included in the original estimate or was not. Up until now we have had no opportunity to pass on the other appropriation measures.

Twelve weeks ago, Mr. President, the tax and appropriation measures were introduced in the House. There now remains in this biennium just thirty-three days, at the end of which time, if the House continues to move as it has moved for the last twelve weeks, it will be necessary that the state government close its doors because the biennium will have ended without any appropriation or tax bills having been passed.

We are told by the Department of Public Assistance that it is absolutely essential that these two bills be passed today because the money which they had is completely exhausted and in order that relief be continued in this state it is imperative that they have the money set up in these bills.

Now, Mr. President, whether or not these amounts are included in the amounts set forth in the Governor's budget message is something that can be adjusted later on and can be discussed later on; the question before us now is the necessity of passing these bills so that the people of this state who are in need will not be let down by the delay of the Democratic Party.

Mr. SHAPIRO. Mr. President, I would like the indulgence of the Senate for just a moment. The statement has been made that the Department of Public Assistance will be hampered by the fact that the Democratic Party has kept in the House the appropriation bills and the tax bills necessary to enable the government to function. We find here this afternoon that the same condition exists apparently in the minds of the Senators as did exist in the mind of the Governor when he made his statement.

The Floor Leader of the Republican Party does not know whether this $6,300,000 is in addition to the $14,000,000 to which the Governor referred, and yet he criticizes the House because they failed to pass appropriation bills without having that same necessary information. Nobody knows. The Governor in his message says he did not know whether his budgetary estimates were correct; he says if business keeps up and if the taxes from the various funds increase, then we will have more money, and if we do have more money sometime in September he will call a special session—around election time will be very convenient so he can reduce the taxes and tell the public he has done that.

I think, Mr. President, if there is a possibility of reducing taxes it should be done now.

The tax bills in the House have been held up with a very specific and deliberate intent and purpose and that is to ascertain as soon as possible just what income is likely to be received. I am suggesting to the members of the Senate I have made personal investigation myself in trying to find out just what the tax returns on corporate tax returns will be in the Commonwealth of Pennsylvania for the preceding year.

Mr. President, the information I have at the present time—which is not accurate or not assured—put it that way, because of the fact that there have been some returns that have been late in coming in—indicates that there will be as much as a sixty per cent increase in the corporate returns for the year 1940 over the year 1939. If that is so, the $5,000,000 estimated increase in the next corporate income taxes for two years which the Governor made in his budget is wholly inadequate and certainly below what will be received. If that average of sixty per cent is realized there is a likelihood of a $25,000,000 increase and if there is such an increase in the amount of corporate net income taxes, the present existing taxes can be reduced or certainly much needed governmental functions performed.

That is one of the reasons I would like somebody to tell me whether we are now appropriating $20,300,000 for relief for the balance of the biennium or whether we are merely providing $6,300,000, if the Floor Leader of the majority party in the Senate does not know whether we are going to appropriate $20,000,000 or $6,300,000 then he should not criticize the House for refusing to pass these tax and appropriation bills without knowing just how much money is needed.

I want to get this in the record, Mr. President, because it may sound from the statements given us today, this is in addition to the $14,000,000—then I would seriously consider the fact there may be some obstruction of governmental functions and I would use my power and influence in the Senate and among the House leaders to try to find out some way of providing these funds.

What I am trying to point out, Mr. President, is that the passage of these bills does not provide the Department of Public Assistance with sufficient funds to meet its demands, that will be made up until the end of this biennium unless the $14,000,000 is appropriated, rather, that has been appropriated, if that has been appropriated and this $6,000,000 is in addition, then we would not have to worry about the Department of Public Assistance.

I should like somebody who knows to tell me the facts.

Mr. GELTZ. Mr. President, I have known for some time and I think the minority floor leader, the gentleman from Philadelphia, has known for some time the real reason for the tie-up on the tax appropriation bills in the House, but I really did not expect to hear him admit it on the Senate floor. We know and he has now admitted that the real reason for the tie-up on both the tax and the appropriation bills is that they just can not stand the fact that maybe Governor James would receive credit some time in the future for a reduction in taxes, and oh, Mr. President, how badly they want to receive the credit that is coming.

So for twelve weeks now they have fooled around with

the tax and appropriation bills over in the House, leaving that until the end of this biennium, because even if those tax and appropriation bills come over to the Senate today, the Senate would have less than five weeks to consider them, after the House has held them for a full twelve weeks from the time they were introduced.

Mr. SHAPIRO. Mr. President, I take no great pride in claiming responsibility for or in bragging about a reduction of taxes. I think all of us who want to be honest about it will make this admission: that nobody will be able to claim any credit for a reduction of taxes in this Commonwealth, if any occur now, except the gentleman who is riding rampant over Europe; the increase in business, the national defense program, the increase in employment as a result of that national defense program, is the only thing that can claim credit. It is the blood of Europe that is being spilled all over the country and the Governor of this Commonwealth will not be able to claim any credit and I am sure he will get very little credit from anybody in any reduction in taxes in view of his preelection promises to reduce taxes and then he put the Commonwealth through the wringer and give the benefit to industry; or his reenactment once before of the Earle tax program and his reestablishment of the validity of the Earle tax program in this Session by introducing the very same bills.

I would not worry about credit the Governor will get or the Republican Party will get, but the Republican Party had better worry about the discredit he has already received about failure to carry out his election promises.

I am concerned, of course, as you all should be—I am concerned and I am satisfied in my own mind I am doing what is right and I am concerned about the amount of money that need be appropriated for several very important functions of government.

For instance, Mr. President, the Governor admits that taking over of mental hospitals as a state proposition is a fair and valid and an important governmental function, but he excuses himself from taking them over on the ground that there are not sufficient funds; but if the taxes should be increased there will be sufficient funds and I am sure even the Governor will agree that those institutions should be taken over.

Therefore, Mr. President, there is not any sense in talking about appropriating money or passing budgetary messages or anything of that kind until we know how much money we are going to have.

Now, Mr. President, I am not concerned with the statement, and I repeat it again for the benefit of those who want to make the most of it, that the object in withholding the pasage of those, first the Earle and now Governor James taxes, was to find out whether we needed that much. The reason for it was given by the Governor in his message in which he said we have only made estimates for business increase, and if those estimates are too low, why then our money will come in faster and we will get more money.

We notice from the relief rolls that the relief rolls are continually dropping, which indicates to us that business is getting better and it has increased, income has increased, and therefore there is every likelihood the figures I have referred to here are more accurate than those which the Governor has stated.

I think from what I have found out the increase from the corporate net income in Pennsylvania from taxes, the six per cent tax, will yield at least $25,000,000 more than the Governor has estimated and under those circumstances I think it is fair and right that the people should know those facts and that the tax bills should either be decreased or the necessary governmental functions should be provided for; under those circumstances I think we are justified in withholding any action on the tax bills; under those circumstances I think we are justified in asking that we be provided with the information necessary to guide us in our activities; and if that be politics then make the most of it.

Mr. WALKER. Mr. President, my experience with these figures is not as complete as that of the gentleman from Philadelphia. However, without trying to kick the Governor around I think we had better get back on the bill we are considering. The bill which we are now considering, House Bill No. 1152, would appropriate $6,300,000 to the Department of Public Assistance.

House Bill No. 262, Senate Bill No. 202, which was passed in the Senate on February 26th, appropriated $14,500,000, so that very roughly and approximately—I put those things in so that the astute mathematical mind of the gentleman from Philadelphia will not be able to check on me too closely—that $6,300,000 would make $20,800,000 that has been appropriated to take care of the Department of Public Assistance.

Mr. President, I think that specifically answers the gentleman's question.

Mr. CAVALCANTE. Mr. President, I do not like to hear reflections made by one House concerning the activities of the other. I deplore such reflections as were made by the gentleman from Allegheny, Mr. Geltz, touching upon the activities of the House. In my judgment it is discussions such as we have heard on this bill that is delaying the proper work of this body. Surely if we would be astute enough to be interested in the bills and see where they originate and what takes place when a bill is brought up in the sight of the assembly where it orignates we will know something about that bill.

Now, Mr. President, here we have an appropriation bill that seeks to appropriate money for a specific purpose.

Now, the only question before us is whether that money is needed for that specific purpose or not. This bill originated in the House and all we need to do is to get the history of this bill in the House to see whether the members of the House, the leaders of the House, engaged in this controversy such as we have heard here in the Senate. If you will look at the history of this bill in the House you will find that it was introduced by a Republican member of that House on April 8th; on April 15th, the next week, it was reported out—I presume by a committee dominated by members who were mostly of the Democratic faith—and then on April 21st this appropriation bill passed the House by a vote of 205 to nothing, a unanimous vote.

Mr. President, I can not see why this appropriation bill should be bandied around here in the Senate by this argument as to whether or not the Republicans are going to take credit for its passage or the Democrats; if we only showed half the unity that the House showed on the passage of this bill we would get along much better in this Senate but here you have the vote of the House of 205 to nothing, and the next bill that is in the Calendar,

which deals with an appropriations, received the same treatment in the House, a vote of 205 to nothing.

I do not regard this as a political bill; I do not believe the political end has anything to do with it; the only question is whether this money is needed for the purpose stated in the bill. In my opinion, the House has voted 205 to nothing and there we know the politics, especially of the Democratic party, is very heavy, and I know they would not have let any bill pass until it was a good bill and it passed unanimously in the House and I think it ought to pass unanimously here.

An the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreebly to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 660, (House Bill No. 1152), as follows:

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six million three hundred thousand dollars ($6,300,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistance administrative expenses expenses of liquidating the State Emergency Relief Board attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

Section 2 Out of the moneys hereby appropriated the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 196, entitled:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof under the supervision of the Department of Mines.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 229, entitled:

An Act creating a commission to make a study and investigation of the laws governing, and the practical operation of, the parole and penal systems of this Commonwealth, and other parole and penal systems; defining its powers and duties; and making an appropriation.

And said bill having been read at length the second time and agreed to,

On the question,

Will the Senate agree to have the bill transcribed for a third reading?

BILL RECOMMITTED

Mr. TALLMAN. Mr. President, I move that Senate Bill No. 229, the bill just read, be recommitted to the Committee on Appropriation.

Mr. LETZLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 233, entitled:

An Act to amend section one of the act, approved the thirteenth day of May, one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of minors by forbidding their employment or work in certain establishments and occupations, and under certain specified ages by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," by exempting children employed as caddies from the provisions of this act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent that Senate Bill No. 284, on second reading, entitled:

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7, and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto" by regulating the dismissal of employes and subordinate officers of the city.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 365, entitled:

An Act to provide that notices to delinquent taxpayers or statements of such delinquents and the publication of municipal liens or notices thereof shall not be required of the receiver of taxes or of the city solicitor, and repealing inconsistent legislation.

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer the following amendment.

The Clerk read the amendment as follows:

Amend page 2, line 26, by inserting after the part word "re" at the end of the line, the following: "demption of the property therefrom for the lien and col-"; amend page 2, by striking out all of line 28.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 391, entitled:

An Act prescribing the nature and kind of investments which may be made by fiduciaries and repealing acts and parts of acts inconsistent herewith.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 22 by striking out with bold face brackets after the word "the" the following: "[bonds or other obligations]", and inserting in lieu thereof the following: "bond or other obligations"; amend Section 1, page 3 , line 3 by striking out with bold face brackets after the word "the" the following: "[bonds or other]", amend Section 1, page 3, line 4 by striking out with bold face brackets at the beginning of the said line the word "[obligations]", and inserting in lieu thereof the following: "bond or other obligation"; amend Section 1, page 3, line 25 by striking out with bold face brackets after the word "the" the following: "[bonds or other]"; amend Section 1, page 3, line 26 by striking out with bold face brackets at the beginning of said line the word "[obligations]", and inserting in lieu thereof the following: "bond or other obligation".

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 2, page 7, line 1 by striking out with bold face brackets between the word "the" and the word "que" the word "[cesui]" and inserting in lieu thereof the word "cestui".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third to the seventh sections inclusive of the bill were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

On the question,

Will the Senate agree to have the bill transcribed for a third reading?

BILL RECOMMITTED

Mr. EDMONDS. Mr. President, I move that Senate Bill No. 391, the bill just read, be recommitted to the Committee on Judiciary General, for the purpose of further consideration.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 413, (House Bill No. 692), on second reading, entitled:

An Act to amend clauses (k) and (l), and to add clause (n) to section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the leasing of Indiantown Gap Military Reservation to the United States.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 424, entitled:

An Act restricting the granting of licenses to marry to divorced persons.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 457, on second reading, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mother's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by enabling the Department of Public Asisstance to take measures to rehabilitate persons receiving assistance.

be recommitted to the Committee on Welfare, Public Assistance and Pensions for the purpose of further study.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 458, entitled:

An Act to authorize the revival of judgments entered in favor of the Department of Public Assistance by filing a suggestion of non-payment, and directing prothonotaries to make the necessary entries without charge.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. EDMONDS. Mr. President, I would like to call attention to the fact that there is a misprint on the Calendar on Senate Bill No. 458. The last line should be "to make the necessary entries without charge." The wording as it now appears is "to make the necessary entries with charge." That should be corrected on the next Calendar.

The PRESIDENT. The correction will be so noted.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 459, entitled:

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 542, (House Bill No. 666), entitled:

An Act to amend section one of the act approved the twenty-sixth day of August, A. D., one thousand nine hundred thirty-two (P. L. 101), entitled "An act authorizing collectors of delinquent taxes, except in cities of the first class, to accept payments of delinquent taxes or water-rents or rates in installments," by including counties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. REED, upon the request of one of my colleagues, Mr. President, I ask unanimous consent that Senate Bill No. 545, on second reading, entitled:

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 554, on second reading, entitled:

An Act to amend section two and clause (b) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by redefining assistance and eliminating the requirement that fresh fluid milk shall be furnished to relief recipients, or their children.

be recommitted to the Committee on Welfare, Public Assistance and Pensions for the purpose of further study and amendment.

Mr. BARTLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. SHAPIRO. I am interested in this bill because I understand that in the definition of what is assistance under the public assistance act there is included the distribution of milk. I understand because of that inclusion of the word "milk" in the public assistance definition, the federal government will not pay its share or any portion of the amount spent by the state for milk.

Now, Mr. President, it seems to me we ought to amend this act as quickly as we can in order to enable the department to reduce the amount of money which it needs in its relief program. We discussed this bill in committee very thoroughly and my understanding was that the chairman of the committee was to get a letter from Mr. Russell telling us how milk would be assured to needy children if this word were taken out.

Mr. President, I would like to know the purpose of sending this bill back to committee.

Mr. GELTZ. Mr. President, I believe the understanding of the Senator from Philadelphia is correct, that this is a complete and total cost to the Commonwealth of Pennsylvania, without contribution from the federal government. We want this bill sent back to committee, Mr. President, for the purpose of further study and amendment, so that when the bill comes out it will be in proper form for passage.

Mr. SHAPIRO. Mr. President, is that being done with the knowledge and consent of the chairman? I am a member of the committee but I did not know anything about any further amendments being necessary.

Mr. GELTZ. Mr. President, if an answer is wanted to that question I should like to say the chairman of the committee is present here in the Senate Chamber, so I would imagine this is being done with his knowledge.

Mr. SHAPIRO. Mr. President, I do not see how this bill can be amended or how any amendment to this bill can help it. The only thing to carry out its purpose is to take out the word "milk" from the definition of Public Assistance. This bill going back to the committee for the purpose of amendment—I cannot see how it can be changed otherwise as there is nothing in this bill that can be amended.

If the purpose is as I have stated, and if I am correct in my statement, the reason the department wants this bill passed is because the word "milk" must be taken out of the definition; I do not know how you can amend the bill any other way and I think to send the bill back to committee is not right and will not expedite the matter at all

Mr. BARTLETT. Mr. President, the understanding of the gentleman from Philadelphia is correct. Failure to pass a bill excluding the word "milk" will cost the State of Pennsylvania some federal funds.

In regard to the assurance that families on relief will secure the proper quantity of milk if the word "milk" is eliminated from this bill, I have nothing in writing concerning that from the Department of Public Assistance but I have the verbal statement that under section ten of the Public Assistance Law the department is permitted to install a trustee for any recipient of relief who does not handle the relief funds in accordance with the require-

ments of the department and it is their practice now and will be in the future if this bill is passed to appoint trustees for families that do not use the money for milk that should be used for milk.

Mr. SHAPIRO. Mr. President, I still should like to interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. SHAPIRO. I understood, Mr. President, I do not know whether it was intended for my ears or not—but the gentleman said when I finished talking if I waited until the bill comes out I will see how it is amended. I think we are all entitled to know now. I am sure it is no secret and I should like to know how it is proposed to amend the bill.

Will the gentleman from Allegheny tell me how it is proposed to amend the bill?

Mr. GELTZ. Mr. President, in his prior remarks I understood the gentleman from Philadelphia to say he did not see how the bill could be amended.

Mr. SHAPIRO. That is right, Mr. President.

Mr. GELTZ. Whereupon I said to wait until the bill comes out and then he will see.

Mr. SHAPIRO. Whereupon, Mr. President, I repeat the question: is it a secret or may we be told now how it is proposed to amend the bill?

Mr. GELTZ. Mr. President, I do not have the power or the authority to state what the amendment will be, but the purpose is to have the bill go back to committee for further study and consideration and to be amended the way the committee thinks it should be amended and, if we will wait that long we will then see how it can be amended.

Mr. SHAPIRO. Mr. President, I desire to further interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, is the gentleman from Allegheny a member of that committee?

Mr. GELTZ. I am, Mr. President.

Mr. SHAPIRO. Mr. President, was the gentleman from Allegheny present when this bill was discussed in that committee?

Mr. GELTZ. I was not, Mr. President.

Mr. SHAPIRO. Mr. President, the committee unanimously agreed that the bill in its present form, with the present amendment, the elimination of the word, "milk," from the definition of public assistance, carries out the purpose of the Department of Public Assistance.

Now, if this bill is to go back to committee for amendment I should like to know for what purpose it is going back and how it is to be amended, if the gentleman agrees that the purpose of the bill is to take out of the definition of public assistance the word "milk."

Mr. GELTZ. Mr. President, it seems to me we are wasting an awful lot of time in discussing this motion. If the bill goes back to committee my colleague from Philadelphia is a member of that committee and he will not only find out how it can be amended but he can be in on the discussion as to whether or not the bill should be amended. Why there is any necessity for prolonging this discussion of this motion is beyond me.

Mr. SHAPIRO. I will be very glad to state, Mr. President, why the discussion should be prolonged, because I think the members of the Senate are entitled to know why bills are being delayed and notwithstanding the fact that in one breath the gentleman talks about delay in the House and the cost to the governmnet by that delay, he should not too participate in delays which costs the government money. I say that the committee is entitled to know and as a member of the committee I should like to know what prompted the gentleman to make the motion.

If he had a discussion with some members of the Senate or some Departmental official who thinks that the bill ought to be amended and why it should be amended and in what way, I think we are entitled to know that and if the gentleman from Allegheny does not know, then I view the recommittal of this bill as another further purpose of delaying or killing the bill. I am perfectly frank about that and the more the gentleman from Allegheny evades an answer to my question the more I am convinced the bill should not go back to committee.

Mr. GELTZ. Mr. President, I can understand that on the part of my colleague from Philadelphia, as he, having been the leader of the Democratic Minority, understands also that there are times when he does things that are not just of his own thinking. I am making this motion, Mr. President, if it is any satisfaction to my colleague from Philadelphia, at the request of the Republican Caucus. The Republican Caucus wants this bill back in committee for further consideration and for amendment.

Mr. SHAPIRO. I know where I can get my satisfaction. I am not in the Senate for satisfaction. I assure the members of this Senate that I do not enjoy delaying bills and there is no satisfaction in watching bills go back and the Republican Party treating the situation as if they and they alone were entitled to know the reasons why bills go back to committee and why they should be amended, and that we are just to sit here and vote as a minority. That is no enjoyment and no satisfaction to me.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HALUSKA. Mr. President, I rise on a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Cambria may proceed.

Mr. HALUSKA. Mr. President, the first point I wish to make is that the gentleman from Philadelphia has talked without being recognized by the Chair; and, second, a motion to recommit a bill is not debatable.

The PRESIDENT. The subject matter of a bill is not debatable on a motion to recommit, but the debate was on the reason why it should be recommitted. Therefore the Chair is of the opinion the gentleman was in order.

Mr. HALUSKA. Mr. President, I do not think the gentleman from Philadelphia has any right to question the motion of the gentleman from Allegheny to recommit the bill; I think that is a matter for the committee alone and not a matter for the Senators on the floor.

The PRESIDENT. Is there objection to the motion to recommit Senate Bill No. 554.

Mr. SHAPIRO. I object, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—31

Becker,	Edmonds,	Mallery,	Thomas,
Carr,	Farrell,	McGinnis,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Crider,	Haluska,	Scarlett,	Watkins,
Crowe,	Heyburn,	Snowden,	Wilson, H. I.,
Deitrick,	James,	Stevenson,	Wilson, T. B.,
Dent,	Kephart,	Tallman,	Ziesenheim,
Ealy,	Letzler,	Taylor,	

NAYS—16

Barr,	Cox,	Lanius,	Ruth,
Bartlett,	DiSilvestro,	McCreesh,	Shapiro,
Cavalcante,	Frey,	McQuiddy,	Stiefel,
Coleman,	Jaspan,	Reed,	Walker,

So the question was determined in the affirmative.

BILL OVER IN ORDER

Mr. WATKINS. Mr. President, I ask unanimous consent that Senate Bill No. 645, on second reading, entitled

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended "An act creating the Highway Mining Commission, with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER. Mr. President, in connection with this bill I desire to call attention to the fact that there is a typographical error contained in the bill. I have no objection, but sponsorship of the bill is shown as by the gentleman from Allegheny, Mr. Walker, rather than the gentleman from Schuylkill, Mr. Watkins.

The PRESIDENT. The name of the gentleman from Schuylkill, Mr. Watkins, is shown on the Calendar.

Mr. MILLER. It is not shown on the bill, Mr. President.

The PRESIDENT. The error is in the bill itself?

Mr. MILLER. Yes, Mr. President.

The PRESIDENT. That shall be corrected.

SENATE BILL NO. 364 CALLED UP FROM POSTPONED CALENDAR

Mr. KEPHART. Mr. President, I now call up Senate Bill No. 364, on page 12 of the Calendar, on second reading postponed.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 364, entitled:

An Act requiring receivers of Taxes in and for cities of the first class to furnish certificates of taxes, water rents and claims which are liens on real estate without charge to owners of said real estate or other parties having an interest therein, and limiting the liability of the Receiver for errors in said certificates, and retaining the liens of all unpaid taxes, water rents and claims against such property though the same are not set forth in said certificate, and repealing inconsistent legislation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 218, entitled:

An Act to amend section three hundred and six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth, regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for fixing the number and compensation of employes of institution districts; and conferring powers and imposing duties on county officers

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 219, entitled:

An Act requiring prothonotaries and clerks of courts to notify officers charged with the duty of collecting taxes, of all judicial sales and taxing the cost of such notices.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 221, entitled:

An Act fixing the salaries of controllers of the several counties, except counties of the first and second class, wherein said office has been or hereafter may be established

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 224, entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 236, entitled:

An Act to amend section six hundred fifty-four of article six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising and consolidating the law: providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for appeals from any classification, rule, rate, or schedule of the Insurance Commissioners affecting insurance of employes and employers under the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 294, (House Bill No. 481), entitled:

An Act to amend sections eighteen and nineteen of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulations of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," requiring the filing of local ordinances, rules and regulations with the Dairy Advisory Council; requiring local ordinances, rules and regulations in certain cases to be consistent.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 378, entitled:

An Act to further amend section one of the act approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith, and modifying existing legislation which provided for raising revenue for State purposes;" exempting from said tax casualty insurance companies having no capital stock.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 379, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for state and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same, providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by excluding proceeds of life insurance policies from the provisions thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Warren will state his question of personal privilege.

WHAT'S WRONG WITH THE UNITED STATES

Mr. CHAPMAN. With the German occupation of Greece and the withdrawal of the British troops, the Lindberghs and others of the pessimistic ilk are again indulging in dire predictions. But while the British lion is licking its hurts the people of the Empire are still singing "There'll Always Be An England."

And it is a time when we should take stock of what this latest British reverse really means. Is it a defeat as crushing as it appears on paper and in the dispatches? Has the British lion been seriously hurt and are the injuries received liable to prove fatal?

I should say that there are many advantages accruing to the British Empire as the result of this latest adventuring upon which the British diplomacy sent the Austrian paper hanger and his crew of banditti. If there were anything needed to entirely crush the Italian dreams of empire it was the Balkan war. Mussolini in his ill starred war on Albania and Greece gave the world a most amazing picture of the weak power of his armies and the low morale of his fleet, its sailors and gunners. It afforded

an opening for the German war machine to roll down into Italy and occupy its strategic points without fighting and I feel sure that today Mussolini is only the Charley McCarthy of Hitler's Bergen. Italy is as surely under the Nazi power and the tattlings of the Gestapo as Poland. Mutterings of a separate peace with Italy are vain.

The Balkan campaign in which Hitler was forced to send his Legions to the rescue of the blatant Duce has had a long string of results. The exhaustion of Rumania, Bulgaria and the wrecking of the farmlands of Jugoslavia and the plunging of the mechanized hordes through the fair valleys of Greece has cut down the productivity of the farms, vineyards, herds and factories of the Balkans. Every plunge of Hitler into a country has destroyed the very things which Hitler's armies are so vitally needing

Oil upon which the modern army moves was used in lavish manner by the Germans in the plunge into the Balkan states. The huge mechanized divisions of the Hitler forces with their tanks, tractor drawn guns, motorized panzer divisions all of which are motivated with gasoline consume huge quantities of gasoline. Replacing of these stores used so lavishly cannot be accomplished in a day, a week or a month. Every mile that the line stretches away from Berlin marks a higher consumption of the vital fluid which is the life blood of the German forces.

Have you ever realized that a fleet of 500 planes of the type used by the Germans consumes as much gasoline on one raid as 300 pleasure cars driven in America in one year? Essential oils of all kinds are at all times a crying need of the German war machine.

Then too the flower of the Blitz troops was thrown into the fray in Greece and especially trained troops are turned out in jig time. Ask any of the Staff officers out at Indiantown Gap and they will tell you that a year is not long enough in which to turn out a finished soldier. And the German losses in the tangle with the British Empire forces in the Balkans were terrific. It is estimated by competent observers that the German dead outnumbered the entire strength of the British forces thrown into Greece. And the wounded? Conservative estimates are that from 150,000 to 200,000 are incapacitated for duty for months to come. The cost of men and material was immense. Of course, in any army of 4,000,000 these figures seem to be small by comparison with the whole, but the German army is being split up for police duty in the conquered lands and the army as a whole cannot be figured as available for battle at present.

So the Balkan adventure, as I see it, has had the effect of scattering the efforts of the Nazi machine; of throwing it off its time schedule; of wasting its resources; of killing its specially trained Blitz troopers; of wrecking hundreds of its tanks and motorized war machines and airplanes. Yes, it has been to the advantage of the British Lion to roar in the Balkans.

But one of the most telling effects of the Blitz into the Balkans was the interfering with the war schedule of the Germans. Time which is most valuable to the British was afforded. Every passing day gives the British that much more time to consolidate its efforts in the British Isles. For the British Isles must be taken and occupied before a real knot is tied in the Lion's tail. While only three weeks was consumed in the Balkans it will take additional weeks to consolidate position and get plans in readiness for the next war move by the Axis.

In the meantime, America's efforts are gaining. Last week the big 29-ton tanks began to come off the assembly lines of the Baldwin locomotive works, the airplane factories are producing under mass production; airplane engines are fairly leaping off assembly lines and every day the hum of motors over the Atlantic betoken bombers flying to England.

Yes, our efforts are beginning to bear fruit. By July 1st of this year, many of the new plants will be in production of war munitions and machines and our efforts will begin to count.

But today we have a grim picture of plants reducing production and shutting down due to a soft coal shortage. This and similar strikes are not necessary and labor leaders and manufacturers who hamstring the defense effort by failure to agree should be ushered into concentration camps. Democracies are too soft and I for one feel that now is the time when the old slogan "One for all and all for one" and that one, Uncle Sam should be put into practice.

Let concentration camps yawn open for men who put greed ahead of national unity and a strong nation and they will soon find seats at a council table and reach agreements. And too, I feel that profits both for labor and manufacturers are becoming too high. True I grant you that the "laborer is worthy of his hire," but why in a time of stress should the "hire" become so high? Let me ask how living costs can be kept down if the labor element entering into every product is advancing? There should be a happy medium. If a million of the flower of youth can be taken into an army for a paltry $21 per month, why cannot a mean wage be established in civilian life?

I am a friend of the working man and of the manufacturer but I can vision the day when if this rampant demand for more and more continues that both labor and the manufacturer will face a condition when Uncle Sam will step in and say "You must produce this article for so much money and both labor and the manufacturer will be denied the right to sit in comfort and dictate "thus and so."

That day is approaching if this present period of unrest keeps up and the President under the Emergency Act has the right to impose his terms. Of course, a strong man is needed to thus act but even a vacillating theorist may be pushed too far.

But the situation today is not so black as painted. I am an optimist and a "bull" on England's chances in this war. Hitler will be defeated and the United States possesses the power to make that defeat quick and sure. Let America once get her shoulder to the wheel and let the American navy convoy the ships of the Allies to England and supplies will reach their destination. The time for parley is past. Grim determination to have the guns, planes and tanks reach England and they will. Half measures in assuring the safety of shipping from German raiders will not do. We must provide that measure of safety.

Britain has always muddled through with a heavy cost of men and material. We must not muddle! We must act. Our American people are thoroughly behind the government and are willing to pay, provided they get the goods they are paying for and the results are sure.

Let us speed the day when the sun of victory will cast

its glint over the world and we can say to Churchill, "We gave you the tools and you did the job."

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, April 29, 1941, at 10:00 o'clock a. m., Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:02 o'clock, p. m. Eastern Standard Time until Tuesday, April 29, 1941, at 10:00 o'clock, a. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, April 28, 1941

The House met at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Great God, our Father, we pray Thee, show unto each of us the beauty of selflessness, and the joy of investing our lives for the common good. When the way is hard, when the storms of temptation gather around us, when enemies assail us, and friends forsake us, then may we find Thy grace sufficient for all our needs. May Thy grace and Thy love renew our courage and rekindle our flagging hopes. May we be strengthened to bear the perfect will of God.

Call us from the beaten track. Speak to us amid our daily round of industry and show us the worlds yet unclaimed for Thee. Help us, O God, to turn away from what the world deems safe and certain, that we may answer Thy call to help build such a State where love, peace, good will, and brotherhood have their very root in Thee, the one true and living God. In Thy Holy Name, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, April 24, 1941.

The Clerk proceeded to read the Journal of Thursday, April 24, 1941, when, on motion of Mr. MATTHEW J. WELSH, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. McSURDY. HOUSE BILL No. 1409

An Act making an appropriation to the Treasury Department for the purpose of reimbursing county treasuries for the refunding, in accordance with certain court orders, of retail liquor license fees and additional taxes to holders of licenses to sell vinous, spirituous, malt or brewed liquors of any admixture thereof, or intoxicating liquor, where the act of assembly under the authority of which such licenses were granted was repealed by the General Assembly of one thousand nine hundred and twenty-three prior to the expiration of the license year for which such licenses were issued.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. REGAN. RESOLUTION No. 87.

In the House of Representatives, April 24, 1941.

Whereas, It is the duty of the Department of Health and the Bureau of Vital Statistics, under the provisions of the acts approved the 7th day of June, 1915, (P. L. 900), and the 9th day of April, 1929, (P. L. 177), to supply certified copies of the birth, death, and marriage records maintained by that Department, upon the payment of the prescribed fee; and

Whereas, The effect of the present National Defense Program, together with the requirements of certain new legislation, has given rise to a greatly increased demand for certified copies of birth, death, and marriage records; and

Whereas, The Department of Health and the Bureau of Vital Statistics have apparently been unable to meet the increased demand for such certified copies, thereby depriving the Commonwealth of considerable revenues and greatly and unnecessarily inconveniencing the large number of persons to whom a certified copy of a birth or death record is an immediate necessity; now therefore be it

Resolved, By the House of Representatives of the General Assembly, that the Speaker of the House shall appoint a legislative committee consisting of five members whose duty it shall be to investigate the reasons for the failure or inability of the Department of Health and the Bureau of Vital Statistics to supply, promptly on request, certified copies of birth, death, and marriage records, for the purpose of ascertaining whether such conditions are due to lack of adequate funds, insufficient personnel or equipment, or to administrative inefficiency; and be it further

Resolved, That said committee report the results of its investigation to this House as speedily as possible, together with its recommendations as to the steps which should be taken to clear up this situation.

Referred to the Committee on Rules.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 450

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 450, Printer's No. 288, entitled "An act to further amend section 1902 of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' exempting certain contracts for public utility service from the provisions of said act regulating advertising and bidding for contracts."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 593

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 23, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 593, Printer's No. 161.

entitled, "An act to amend section two hundred twelve to further amend sections two hundred thirteen two hundred fourteen seven hundred one and seven hundred nine and to amend section one thousand two hundred one of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by exempting the Department of Internal Affairs from the provisions of said sections and further defining powers of the Secretary of Internal Affairs

ARTHUR H. JAMES.

APPROVAL OF HOUSE BILL No. 688

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 23, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 688, Printer's No. 238, entitled "An act concerning reciprocal agreements for the Interstate Transportation and the support of poor and indigent persons and to make uniform the law with reference thereto."

ARTHUR H. JAMES.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 145.

An Act validating county treasurer's deeds where the acknowledgement of such deed or deeds was defective in any respect. if in fact such acknowledgement was taken before a judge of the county.

HOUSE BILL No. 1151.

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

HOUSE BILL No. 1152.

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 285.

An Act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class and on unpaid delinquent poll poor district institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens and providing for the extension thereof.

HOUSE BILL No. 145.

An Act validating county treasurer's deeds where the acknowledgement of such deed or deeds was defective in any respect, if in fact such acknowledgement was taken before a judge of the county.

HOUSE BILL No. 1151.

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 1152.

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred and forty-one; and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred forty-one.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 28, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, May 5th, 1941, at 3:30 o'clock p. m., Eastern Standard Time, and when the House of Representatives adjourns this week, it reconvene on Monday, May 5th, 1941 at 8 o'clock p. m., Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

COUNTY FAIRS

A communication from Pennsylvania State Association

of County Fairs addressed to the Speaker favoring passage of House Bill No. 910.

Referred to the Committee on Agriculture.

HISTORICAL SOCIETIES

A communication from University of Pennsylvania, accompanied by resolutions adopted by Pennsylvania Federation of Historical Societies, addressed to the Speaker, favoring passage of House Bills Nos. 144, 609, 610, 496 and 497.

Referred to the Committee on Appropriations.

TEACHER'S SALARY

A communication from Pennsylvania Association of Fourth Class District Teachers and Philadelphia Teachers Association favoring passage of House Bill No. 165 increasing salaries of fourth class district teachers.

Referred to the Committee on Education.

ELECTIONS

A communication from American Civil Liberties Union protesting passage of Senate Bill No. 172 (House Bill No. 1212).

Referred to the Committee on Elections.

HIGHWAY

Communications from Mrs. Maitland Alexander, Sewickley, and Madeline McClintock, Pittsburgh, favoring passage of House Bill No. 711, highway protection area.

Referred to the Committee on Highways.

UNFAIR SALES ACT

A communication from Pennsylvania Grocers Association, Philadelphia, addressed to the Speaker, favoring passage of Senate Bill No. 24 (House Bill No. 1210), Unfair Sales Act.

Referred to the Committee on Judiciary Special.

PENAL CODE

A communication from Samuel Earle Eby Company, Philadelphia, addressed to the Speaker, opposing passage of House Bill No. 907, amendment of Penal Code.

Referred to the Committee on Judiciary Special.

PROHIBITED SALES

Telegrams from North Penn Boosters Association, Philadelphia Merchants Association, Retail Jewelers Association of Philadelphia, Philadelphia Trade Relations Council, Oppenheim Collins, favoring passage of House Bill No. 1023.

Referred to the Committee on Judiciary Special.

UNEMPLOYMENT COMPENSATION

A communication from the P. R. T. Employes Union, Philadelphia, addressed to the Speaker, recommending amendment of Unemployment Compensation Law.

Referred to the Committee on Labor.

LIQUOR CONTROL

A petition from the Community Betterment Association, Wilkinsburg, opposing passage of House Bills Nos. 99, 120, 156, 397, 399, 594.

Telegrams from Walter H. Briggs, and John J. McGowan, favoring passage of House Bill No. 854.

A communication from Pennsylvania Federation of Fraternal and Social Organizations, Allentown, favoring passage of House Bills Nos. 334, 508, 99, and 43.

Communications from citizens of Philadelphia, favoring passage of House Bill No. 909.

Referred to the Committee on Liquor Control.

REAL ESTATE BROKERS

A communication from North Philadelphia Realty Board, addressed to the Speaker, opposing passage of House Bills Nos. 612 and 649 and favoring passage of House Bill No. 738.

Referred to the Committee on Professional Licensure.

EMBALMERS

A communication from Embalmers' and Derma Surgical Association of Pennsylvania, Philadelphia, favoring passage of House Bill No. 227.

Referred to the Committee on Professional Licensure.

CHIROPODY

Communications from citizens of Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1048.

Referred to the Committee on Professional Licensure.

OPTOMETRY

Communications from Pennsylvania Optometric Association, Philadelphia County Optometric Society, favoring passage of House Bills Nos. 684 and 685.

A communication from Pennsylvania Newspaper Publishers Association, protesting passage of House Bills Nos. 684 and 685.

A communication from Pittsburgh Optical Workers, Local No. 18820, addressed to the Speaker, opposing passage of House Bill No. 966.

Referred to the Committee on Professional Licensure.

NURSES

A communication from Mrs. Edwin S. Keim, Philadelphia, addressed to the Speaker, protesting passage of House Bill No. 462.

Communications from Pennsylvania State Nurses Association and the Alumnae Association of the Presbyterian Hospital School of Nursing of Philadelphia, addressed to the Speaker, favoring passage of House Bills Nos. 674 and 675.

Communication from citizens of Philadelphia, protesting passage of House Bills Nos. 674 and 675.

Referred to the Committee on Professional Licensure.

MUNICIPAL AUTHORITIES

A communication from Beaver Falls Municipal Authority, requesting public hearing on House Bills Nos. 203, 222, 372, 540, 589 and 758.

Referred to the Committee on Public Utilities.

DELAWARE RIVER BASIN

A communication from the Philadelphia Maritime Exchange, addressed to the Speaker, favoring passage of House Bill No. 900.

Referred to the Committee on State Government.

WEIGHMASTERS

A communication from Edmonds, Obermayer and Redmann, Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 849 with amendments.

Referred to the Committee on State Government.

SPECIAL LEGISLATION

A communication from David N. Denman, Esq., Latrobe, addressed to Mr. Haberlen, requesting special act of the Legislature permitting suit to be brought against the Commonwealth because of an accident involving a State Police car.

Referred to the Committee on State Government.

OLD AGE ASSISTANCE

A petition from citizens of Pennsylvania, presented by Mr. Gates and a communication from Townsend National Recovery Plan, Altoona, addressed to the Speaker, favoring passage of House Bill No. 115.

Referred to the Committee on Welfare.

W. P. A.

A communication and resolution from the City of Carbondale, presented by Mr. Cordier urging the adoption of a concurrent resolution "prevailing upon the national and state W. P. A. officials to reconsider plan for dropping of employes in the Education-Recreation Division."

Referred to the Committee on Welfare.

WORKMEN'S COMPENSATION

Communications from United Mine Workers of America, Local No. 1190, Ellsworth, addressed to the Speaker, favoring amendment of Workmen's Compensation Law.

Referred to the Committee on Workmen's Compensation.

COMMUNICATIONS

The SPEAKER laid before the House the following communication which was read by the Clerk:

Mrs. Samuel Bryan Scott
1 Norman Lane, Chestnut Hill,
Philadelphia, Pa.

April 24, 1941.

Hon. Elmer Kilroy, Speaker,
House of Representatives,
Harrisburg, Pa.

My dear Mr. Kilroy:

The members of Mr. Scott's family join with me in expressing to you and to the members of the House of Representatives our appreciation of the Resolution passed April 15th, memorializing the late Samuel B. Scott.

Sincerely yours

MRS. SAMUEL B. SCOTT.

The SPEAKER laid before the House the following communication which was read by the Clerk:

Thank you sincerely for your kind expression of sympathy. It was deeply appreciated and is gratefully acknowledged.

MARTIN KENEHAN and Family.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Elder for Mr. RILEY on account of illness.

RESOLUTION RE-REFERRED

Mr. READINGER returned from the Committee on Rules with a recommendation that it be re-referred to the Committee on Public Health and Sanitation, House Resolution No. 83.

The SPEAKER. The resolution is re-referred to the Committee on Public Health and Sanitation.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1270, entitled:

An Act to further amend sections one, two and seven of the act approved the twelfth day of June, one thousand nine hundred and thirty-one (P. L. 510), entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties," limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 684, entitled:

An Act to further amend sections six and nine of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," further regulating the granting, suspension and revocation of the licenses of optometrists.

The first section was read.

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. MIHM. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 685, entitled:

An Act to protect the public against the advertising or offering for sale at fixed prices eyeglasses, spectacles, etc. putting restraint upon laymen selling eyeglasses, spectacles, etc. and filling prescriptions for the same similar to the restraint upon professions licensed by the State to prescribe eyeglasses and spectacles fixing a penalty for violations of this act and investing the courts with jurisdiction to prevent and restrain violations of this act.

The first section was read.

On the question,
Will the House agree to the section?

BILL POSTPONED

Mr. McCLANAGHAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.
The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1198, entitled:

An Act to add subdivision (e) to article two and to amend section eight hundred five of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more by referendum, and prescribing the procedure therefor.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 79, entitled:

An Act prohibiting the recording of any broadcast performance or rendition without the permission and consent of the person or persons whose performance or rendition is so recorded and the offering for sale selling leasing licensing or possession of such unlawful recording and providing penalties therefor

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study.
The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 727, entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Northumberland.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 728, entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Union.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 918, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Dog Control Commission and defining its powers and duties and repealing inconsistent acts or parts of acts.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 870, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for the collection and distribution

thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" by further regulating manufacturers and distributors and importing distributors of malt and brewed beverages.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. O'MULLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 507, entitled:

An Act to amend article twenty-five of the act approved the ninth day of June one thousand nine hundred eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" requiring the employment of an assistant to every motorman operating a locomotive in or about any mine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1095, entitled:

An Act to further amend section six of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the county of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1240, entitled:

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh one thousand nine hundred fifteen (P. L. 900) and for searches of the files and records when no certified copy is made.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 194, entitled:

An Act to amend section two of article five of the act approved the ninth day of June one thousand nine hundred eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" by requiring fire bosses to report any dangerous conditions in bituminous mines to the mine inspector.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1255, entitled:

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue new bonds therefor.

The first section was read.

On the question,

Will the House agree to the section?

Mr. McLANAGHAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 10, by striking out the word "or" and inserting in lieu thereof: "and".

Amend Sec. 1, page 2, line 18, by inserting after the word "bonds" the following: "and'.

The amendments were agreed to.

The section was agreed to as amended.

The second section was read.

On the question,

Will the House agree to the section?

Mr. McLANAGHAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 2, line 22, by inserting after the word "and" the following: "shall".

Amend Sec. 2, page 2, line 22, by inserting after the word "issue" the following: "and sell new".

The amendments were agreed to.

The section was agreed to as amended.

The third section was read.

On the question,

Will the House agree to the section?

Mr. McLANAGHAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 3, line 16, by inserting after the word "repealed" the following: "except the provisions of the act, approved the fifth day of January, one thousand nine hundred thirty-four (P. L. 218, 1933-34), entitled "An act authorizing counties, cities, boroughs, townships, incorporated towns, poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds, and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding, and limiting any compensation payable therefor," as amended by the act, approved the nineteenth day of June, one thousand nine hundred thirty-nine (P. L. 428), which shall remain in full force and effect."

The amendment was agreed to.

The section was agreed to as amended.

The fourth section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. McLANAGHAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 3 of title, by inserting after the word "issue" the following: "and sell".

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair requests the Chairmen of Committees in fixing the time for holding committee meetings to designate Eastern Standard Time instead of Daylight Saving Time.

The Chair would also request the Chairmen to please send notices of committee meetings to the Clerk before the end of the session.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1253, entitled:

An Act providing a method of annexation of parts of townships to cities of the first class and regulating the proceedings pertaining thereto

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1245, entitled:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper and such days" providing for the observance of Labor Day on the second Monday of September in the year one thousand nine hundred and forty-one

The first section was read.

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 101, entitled:

An Act to add rule ten A to article eleven section one of the act approved the ninth day of June one thousand nine hundred and eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" requiring that cars or wagons used for transporting persons in or about mines and hauled by electric locomotives operated from trolley wires shall have bodies constructed of wood or other non-conducting material.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1050, entitled:

An Act requiring cities of the first class to furnish all police officers employed by such cities all firearms cartridges and all other firearm accessories free of charge

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1071, entitled:

An Act to further amend section sixteen of the act approved the thirty-first day of May one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" providing for the payment of costs by the Commonwealth in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1135, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth certain land upon which the historic Fort Roberdeau once stood in Blair County as a memorial providing for the control management supervision restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 739, entitled:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining State employe

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1251, entitled:

An Act authorizing and directing the Legislative Reference Bureau to compile edit and publish a compilation of laws relating to local taxation and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1352, entitled:

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filled therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," limiting the interest rate imposed on municipal liens so that the same shall not exceed the rate of interest paid by the municipality in financing the improvement.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1194, entitled:

An Act to amend sections two and three of the act approved the eleventh day of May one thousand nine hundred and eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" as amended by providing for the issuance of certificates of approval for weights and measures of county city and borough sealers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1282, entitled:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 652, entitled:

An Act authorizing any county city borough town township poor district school district or institution district to execute a special warranty deed for any real property which it has acquired at any sale for the nonpayment of taxes or municipal claims

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 1091, entitled:

An Act to amend section sixteen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by providing that the tax on personal property imposed by counties and by cities coextensive with counties shall be a lien after recordation upon the franchises and real property of the person taxed and provided for the extending and continuing of said liens

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 567, entitled:

An Act to reenact and amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 748) entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of investment advisers and their solicitors further defining "dealers" and further regulating dealers and salesmen providing for service on registrants under provisions of this act and imposing penalties

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. LEVY. Mr. Speaker, I move that this bill be recommitted to the Committee on Banking for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 398, entitled:

An Act authorizing the Department of Highways to take over bridges viaducts and other structures on State highways for the purpose of construction reconstruction maintenance and repair thereof when such highways are designated as essential National Defense Highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 211, entitled:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by prescribing certain additional bank holidays

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 319, entitled:

An Act to further amend section one of the act approved the eleventh day of May one thousand nine hundred eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" allowing inspectors their expenses in attending State conventions of sealers of weights and measures

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1320, (Senate Bill No. 326), entitled:

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material, supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense, to be used for training or retraining workers and prospective workers for industries essential to national defense; waiving all statutory requirements as to advertising for said bids.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 277, entitled:

An Act to further amend subsection seven of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by increasing the minimum salaries of teachers in fourth class school districts and requiring the Commonwealth to make certain payments on account of such salaries

The first section was read.

On the question,

Will the House agree to the section?

Mr. POLEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 1210), page 3, lines 14 to 17, by striking out the following: "The additional pay-" in line 14, and all of lines 15 to 17, both inclusive.

The amendment was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 451, entitled:

An Act to further amend section 15 of the act approved May sixteenth one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing for the lien of taxes and municipal claims and for the revival of such liens and of judgments obtained thereon

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BENTZEL. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 698, entitled:

An Act allowing costs and counsel fees to stakeholder in interpleader proceeding out of fund paid into court

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 540, entitled:

An Act to further amend clause A of section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463) entitled as amended "An act providing for the incorporation as bodies corporate and politics of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contract with and to accept grants from the Federal Government or any agency thereof and for other purposes" by providing for the termination and dissolution of inactive municipal authorities

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MEMBERS OF THOMAS JEFFERSON BICENTENNIAL COMMISSION APPOINTED

The SPEAKER. In accordance with the provisions of a Senate Concurrent Resolution, Serial No. 113, adopted by the Senate March 5, 1941, and concurred in by the House of Representatives March 17, 1941, providing for a "Thomas Jefferson Bicentennial Commission" to commemorate the 200th Anniversary of the birth of Thomas Jefferson, the Chair appoints as members of the Commission on the part of the House of Representatives, Messrs. Hering, Kolankiewicz and Lloyd H. Wood.

BILL PASSED OVER

There being no objection House Bill No. 1156, Printer's No. 308, was passed over at the request of Mr. HARKINS.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1372, (Senate Bill No. 125), entitled:

An Act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough, town, township, school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period, and preserving certain tax liens and providing for the extension thereof.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WEISS. Mr. Speaker, Senate Bill No. 125, House Bill No. 1372, is another abatement act. Just a week ago an abatement act was passed which affects the Pittsburgh and Philadelphia districts. This particular bill, House Bill 1372, affects the rest of the state.

About a month ago a resolution was passed which just about committed this particular House and the Senate to pass an abatement bill in order to stop sheriff's sales. Since the 1935 session abatement bills have been passed but I might say that this particular abatement bill will really help the poor home owner. During the past session quite a number of abatement bills have been passed allowing people to take advantage of the particular provisions of the bill, but with the National Defense Program going on as it has been during the past year, I think the

poor person should be given a like opportunity to take advantage of an abatement act, especially the poor old man who has not been able to pay the tax up to the present time. This does not force anybody to take advantage of the bill, anybody can refuse to do so.

In my opinion this bill does not go far enough in its provisions, because we should make it mandatory on every community and municipality to make it possible for the poor person to take advantage of this abatement act. This particular piece of legislation at this time will help out the poor home owner in the state by abating the penalties and interest when he pays his tax.

Mr. CORDIER: Mr. Speaker, I have been anxiously awaiting the arrival of this piece of legislation on the floor of the House for consideration.

Before and since the early stages of this session, I have been vitally interested in the question of tax abatements, having introduced the first tax abatement Bill in this session in either the House or Senate which is House Bill No. 155, introduced January 28th, the pattern of which the legislation before us materially follows. The Bill before us validates the provisions of House Resolution 43, adopted on March 5th, which I sponsored in conjunction with Representative Munley. To the Anthracite Section of this Commonwealth, this Bill will be a godsend. Six thousand properties were sold last year in my County and six thousand more will be sold this year unless this Bill passes. In their wisdom, the Chairman and the members of the Municipal Corporations Committee of the House did not see fit to report my bill to the floor of the House for consideration. I respect their wishes and have collaborated with Senator Dent and worked to aid the passage of this measure in the Senate. I wish to congratulate the Senate of Pennsylvania for shelving politics on this bill and I also wish to thank the Chairman and members of the Municipal Corporations Committee of the House for expediting its passage through this branch of the Legislature.

Mr. Speaker, it is my firm conviction that neither of the major parties of the State will acquire any particular political advantage by the passage of this legislation, but a vast part of the citizenry of Pennsylvania who have looked with anxious eyes upon this Legislature for the passage of this measure will receive tremendous benefits. It is my sincere hope that in the formation of a well-rounded program for the benefit of the citizens of Pennsylvania in the remaining days of this session we may be able to shelve partisan politics.

I respectfully urge the members of the House to vote favorably on this measure.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Fletcher,	Longo,	Rose, S.,
Allmond,	Flynn,	Lovett,	Rose, W. E.,
Auker,	Foor,	Lyons,	Rosenfeld,
Baker,	French,	Malloy,	Rush,
Balthaser,	Gallagher,	Marks,	Sarge,
Baugher,	Gates,	Maxwell,	Sarraf,
Bentley,	Gerard,	McClanaghan,	Scanlon,
Bentzel,	Gillan,	McClester,	Schwab,
Boles,	Goodwin,	McDermott,	Shaffer,
Boney,	Greenwood,	McDowell,	Shaw,
Boorse,	Gross,	McFall,	Shepard,
Bower,	Gryskewicz,	McGrath,	Simons,
Bradley,	Gyger,	McIntosh,	Skale,
Breth,	Haberlen,	McKinney,	Snyder,
Bretherick,	Haines,	McLanahan,	Sollenberger,
Brown,	Hall,	McLane,	Sorg,
Brunner, C. H.,	Hamilton,	McMillen,	Stambaugh,
Brunner, P. A.,	Hare,	McSurdy,	Stank,
Burns,	Harkins,	Melchiorre,	Stine,
Burris,	Harmuth,	Mihm,	Stockham,
Cadwalader,	Harris,	Modell,	Tarr,
Chervenak,	Heatherington,	Monks,	Tate,
Chudoff,	Helm,	Mooney,	Taylor,
Cochran,	Hering,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Moul,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Munley,	Turner,
Cook,	Hewitt,	Nagel,	VanAllsburg,
Cooper,	Hirsch,	Nunemacher,	Verona,
Cordier,	Holland,	O'Brien,	Vincent,
Corrigan,	Huntley,	O'Connor	Vogt,
Croop,	Imbrie,	O'Dare,	Voldow,
Cullen,	James,	O'Mullen,	Voorhees,
Dalrymple,	Jefferson,	O'Neill,	Wagner,
Dennison,	Jones, G. E.,	Owens,	Watkins,
DiGenova,	Jones, P. N.,	Petrosky,	Weingartner,
Dix,	Keenan,	Pettit,	Weiss,
Dolon,	Kenehan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kline,	Polen,	Welsh, M. J.,
Duffy,	Knoble,	Powers,	Wilkinson,
Early,	Kolankiewicz,	Prosen,	Williams,
Eckels,	Komorofski,	Rank,	Winner,
Elder,	Krise,	Rausch,	Wolf,
Elliott,	Lee, E. A.,	Readinger,	Wood, L. H.,
Ely,	Lee, T. H.,	Reagan,	Woodring,
Falkenstein,	Leisey,	Reese, D. P.,	Woodside,
Finestone,	Leonard,	Reese, R. E.,	Wright,
Finnerty,	Lesko,	Regan,	Yeakel,
Fisher,	Levy,	Reynolds,	Yester,
Fiss,	Leydic,	Rhea,	Young,
Fleming,	Lichtenwalter,	Rooney,	Kilroy, Speaker

NAYS—7

Gillette,	Muir,	Serrill,	Wood, N.,
Habbyshaw,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. VOLDOW.

The House resumed the consideration on final passage of House Bill No. 393, entitled:

An Act to amend sections one and two of the act approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark, brand or name," by extending the provisions thereof to vending equipment used in distribution of such articles and further defining parties having a right of action for unfair competition.

On the question recurring,

Shall the bill pass finally?

Mr. REUBEN E. COHEN. Mr. Speaker, when this bill came before this House a week or so ago and failed of passage, this House by an overwhelming vote voted to reconsider the bill and placed it on the calendar and it now has been called up for final action.

This bill, Mr. Speaker, is a fair trade bill, and the words "fair trade" in their common and accepted dictionary definition mean just what they say, "fair trade." When the bill was debated a couple weeks ago there was some misap-

prehension as to the effect of the bill. Because of that, Mr. Speaker I took this bill and studied it carefully. I find I cannot agree with the arguments that have been advanced against the passage of this bill. On the other hand, I find that its application to the particular amendment in this particular bill comes clearly and squarely and definitely within any decent concept of the term 'fair trade."

I might say, Mr. Speaker, that this bill is identical in almost all respects with the same type of legislation now in force in forty-four states of the Union.

A bill almost identical in its terms with the present bill has been declared constitutional, by the United States Supreme Court and in the State of Pennsylvania it has also been declared to be constitutional.

The charge has been made that this bill is a price fixing bill. That seems to be the main point of contention. I might say in that connection that the United States Supreme Court, through Mr. Justice Sutherland, in referring to an act in the State of Illinois, which is almost identical in its terms with this bill, had this to say about its being a fair trade bill;

> "The act" (Illinois Fair Trade Act which is identical with that of Pennsylvania) "does not fix prices nor does it delegate such power to private persons. It permits the designated private persons to contract with respect thereto. It contains no element of compulsion but simply legalizes their acts leaving them free to enter into the authorized contract or not as they may see fit." This is found in Old Dearborn Distributing Co.—V. Seagram—Distillers Corp. (299 US 183 (1936).

Mr. Speaker, what this bill does is to put a floor under taxes. It permits dealers to contract with manufacturers or distributors of goods, that trade marked goods which are the subject of contract shall not be sold below a certain price, and does not fix the reselling price to the public generally.

The original act in Pennsylvania passed a Democratic House and a Republican Senate in the year 1935. In this particular bill we are talking about vending equipment and vending equipment as has been stated on the floor of this House, relates and pertains to gasoline pumps. The contract that may be entered into by reason of this act, only means this, that the gasoline or oil products or any other product sold out of a vending machine, that vending equipment shall bear the trade mark or label of the producing or manufacturing company, and that product shall be subject to fair trade, as well as every other trade mark product which is sold in the Commonwealth of Pennsylvania and which by the terms of this legislation may be taken advantage of by the manufacturer and the vendor.

Mr. Speaker, a tank car of gasoline can have no brand or label. Gasoline is not sold by the can. It is not sold in a small package by trade mark. But it is taken from the producer to the vendor to the seller and is there put in a sealed container which bears certain measurements and which bears a trade mark or label, and therefore, the consumer is protected in that he gets the product he wants, it being a trade marked, patented or copyrighted article. The price he pays is the price which the retailer himself sets. The retailer is being protected in that he knows that other dealers of similar articles of the same particular brand which he is selling are also under a fair trade act and he has a certain level below which he cannot sell. There is no gainsaying the fact that fair trade in America is a boom to the retailer and also to the consumer, because taking into consideration another industry, the drug industry, figures have proven that in the past several years, since the inception of the fair trade act, on an average the consumer has saved at least one percent in the price of trade marked articles which are sold under contract under fair trade acts in the various states.

Mr. Speaker, I think if we had had this clearly before us three weeks ago, the vote might not have been what it was, and I say to you, Mr. Speaker, that the permissive provisions of this bill, with the wholehearted cooperation of the producers and retailers can harm no one and could help many.

The charge was also made that this was attempted monopolistic practice by big oil dealers. It is clear and it is known to all of us that any price fixing or any monopolistic agreement by any great oil company or producer is subject to the criminal provisions of the Sherman anti-trust laws of the Federal government. I think that plus the provisions of this act, most certainly is deterrent and a positive safe-guard to the dealer and to the consumer of this particular commodity, and I cannot too strongly urge you to vote "aye" on this bill

Mr. HOLLAND. Mr. Speaker, I am sorry to disagree with my colleague from Philadelphia, when he states that this is not a price fixing bill but that it simply puts a floor under the prices. I would like to read for the information of the gentleman from Philadelphia the part of the act which pertains to the fixing of prices. On page two, section one, subsection A, the bill states:

> "That the buyer will not resell such commodity except at the prices stipulated by the vendor."

Also in subsection B it provides as follows:

> "That the vendee or producer of a commodity require upon the sale of such commodity that such purchaser agree that he will not in turn resell except at the price stipulated by such vendor."

This states in very clear words that the purchaser, the little independent gas dealer, in buying from the major oil companies, must sell at a price stipulated by the major oil companies. This is not a fair trade bill. This bill should be called a "big profit bill" for the big oil companies. This bill is unsound. Gasoline is a necessity; a necessity to commerce, industry, the commercial traveller, the school teacher, as well as millions of families who rely upon it for entertainment and recreation. The legislature should never surrender this right and duty to regulate prices to protect the consumer because we must protect the consumer in the interests of the public. This bill permits the big fellow to fix his own profit. The bill would make it possible for the big companies to put the squeeze on the little fellow any time he wants to do so and any time he wants to put him out of business. We must not forget that out of the thousands of stations in Pennsylvania, many of them are company owned and operated, company owned and dominated through leases to former employes of the major oil companies. The major oil company is not interested in the little dealer; the major oil company is interested in gallons, and in establishing as many stations as possible. For instance, one station on a corner may sell a thousand gallons of gas per day. A major oil company will come in and put three or more stations at the same corner. The major oil companies will get more distribution and their sales at that particular corner may jump to fifteen hundred gallons, but the individual station's sales may drop to five hundred or seven

hundred and fifty gallons per day. On our main highways, due to the expansion of the major oil companies, you can travel from station to station on three quarters of a gallon of gasoline because in most instances the stations average between twenty to twenty-four stations per mile.

I want to read a wire from a man who I believe is well acquainted with conditions existing in the oil industry, a man who served on a Democratic appointed commission to investigate the price wars and conditions existing in the oil industry. I refer to the Hon. Ralph H. Smith, Judge of the Common Pleas Court of Allegheny County.

I quote from his telegram as follows:

"Oppose amendments fair trade bill to include gasoline industry for following reasons supported by oil industry investigation committee findings: First no essential differences in various trademark brands of gasoline in three usual grades regular medium and premium ethyl; second in past major oil companies have participated in local retail price wars and in some cases started them; third major oil companies have for years fixed retail prices following Atlantic as price leader; fourth over development number retail outlets by major companies interested gallonage output and profit have made retail dealers lot hard with main reliance for operating profit accessory sales and car services; fifth gasoline closely connected with public interest involving two million private car owners and truck or fleet operators. Proposed bill would sacrifice public interest and give price fixing power major oil companies and distributors who stand to profit by any policy followed. Consumer would be without any protection. Act would encourage further overexpansion retail outlets. Bill would guarantee profits to companies and distributors at expense of private car. Operators as well as commercial interests. Sincere desire secure fair spread between tank car tank wagon prices and retail price would require supporters present bill to favor creation state oil commission with authority regulate prices in public interest."

Mr. Speaker, this bill is a bill that if you vote in its favor you will give the power to the major oil companies of Pennsylvania to tell every consumer and every user of gasoline in this state that they must pay the price they dictate that gasoline shall be sold for. You can dress this bill up as you may, you can connect it up with the Fair Trade Bill, and when you do, I want to call the attention of my Democratic Colleagues to the fact that one of the greatest opponents of the Fair Trade Bill is our present Attorney General. Mr. Arnold of the Justice Department also recommends the repeal of all Fair Trade laws.

I would like to correct the statement made by the gentleman from Philadelphia to the effect that there are forty-four states which have had a Fair Trade act in operation. There are thirty-two states which have such an act in operation. Mr. Arnold further reports that the Fair Trade laws are classic examples of misrepresentation which power gives to the pressure groups.

He further states that there were no public hearings on the measures only in three states out of the first of thirty-two states who adopted Fair Trade laws. These laws are detrimental to the public welfare. He also states that it relieves chain stores from competition with the independent merchants, and that these laws should be repealed to protect the independent groups and very evidently for the public benefit. He states that the power given to private individuals is far more power than is exercised by the government itself.

Members of the House, I appeal to you, in fairness to the independent gasoline dealers of Pennsylvania, to vote this bill down.

Mr. BROWN. Mr. Speaker, when this bill was before the House for final passage several weeks ago, I voted for the bill. I am still in favor of the bill. I am in favor of the bill because in the first place it simply extends the Fair Trade Act of 1935 to embrace gasoline. If gasoline were sold under a trademark brand or name, it would be within the act of 1935. This bill simply brings gasoline as sold from vending equipment within the Act of 1935. If gasoline should not be within the Act of 1935, then the Act of 1935 is of no value, and if the Act of 1935 is a good law, gasoline should be within that law.

My authority for voting for this bill when it was here on final passage several weeks ago, and the same authority I have tonight, is the opinion of the Supreme Court of Pennsylvania, and I quote from the opinion in the case of Bristol-Myers Co. vs. Lit Brothers reported in 336 Pa., page 81, decided in 1939. In construing the Act of 1935, the Supreme Court had this to say as to the purpose of the Act:

"The purpose of the Fair Trade Act is to prevent the cutting by any dealer of the established price of any commodity identified by the trademark, brand or name of the producer."

That is the language of the Supreme Court in construing the Act of 1935. The bill before us now simply brings gasoline within the provisions of the Act of 1935. We all know that no one here would attempt to repeal the Act of 1935. The language quoted by the gentleman from Allegheny ,Mr. Holland, of Mr. Arnold may be his own personal opinion, to which he is justly entitled, but thirty-two states have this Fair Trade Act. It is in our Federal Laws, and it seems to me if other commodities come within this Fair Trade Act, and if the purpose of the Fair Trade Act, as stated by the Supreme Court, is to prevent the cutting by any dealer of the established price of any commodity there is no good or sound reason why gasoline should be without the pale of the law. It might be said when you sell by trade name or by brand that you are selling a commodity that is already sold. If we did not have further language of the Supreme Court after that we might not be able to justify this bill. However, the Supreme Court in the case of Lentheric Inc. vs. F. W. Woolworth Co., decided in 338 Pa. page 522, as follows:

"A producer of trade marked perfumery products had the rights under the Fair Trade Act, in this section to stipulate that its trade marked perfumes could not be sold at retail in quantities of one ounce or a fraction of an ounce for less than fifty cents, and when a retailer sold any fraction of an ounce for less than fifty cents he was violating the act."

In other words the court was speaking of selling the perfume, and the court distinguished between perfumes that are already within the brand or trade mark or in bottles, so to speak, and even said that when you get it by the ounce, the Fair Trade Act still prevents the cutting of prices. That is the same thing that is being done with gasoline here. It is an attempt by this legislature, in the exercise of its valid power, in the language of the Supreme Court of Pennsylvania, to prevent the cutting by any dealer of the established price of any commodity.

Mr. Speaker, the Fair Trade Act has certainly stabilized

business in this country, and if there is any business that needs stabilization it is the gasoline business. I do not represent any producer nor I do not represent any retailer, but is seems to me if we are going to legislate within a field we ought to embrace every activity within that field, and if this language of the Supreme Court in construing the act of 1935 is sound, and I think it is sound, then there is no good reason why gasoline should not be embraced within the act of 1935, and that is all that House Bill 393 seeks to accomplish.

Mr. RUEBEN E. COHEN. Mr. Speaker, just briefly may I say with reference to the statement that there are only thirty-two states having fair trade acts, there were forty-four states when I spoke a while ago, and I have just been told that a week ago the state of Delaware passed an act, making in all forty-five states.

Mr. Speaker, as to the statement that it is only the major oil companies who are in favor of this legislation, may I say in refutation of that statement, that I have four or five hundred signatures of independent small gasoline dealers in Pennsylvania who urge the passage of this act.

Mr. HOLLAND. Mr. Speaker, if the oil industry is so sick that it needs regulation, that should be done in a way that the public will be protected. We have milk commissions, we have liquor commissions, we have public utility commissions, and in such an essential necessity as gasoline if we want to be fair to the producer, to the distributor and to the dealer as well as to the consumer, the proper step would be to form an oil commission so that all parties concerned would be protected. If this step were taken, I would be in favor of it, but I do think, regardless of the remarks of my colleague, of whom I think a great deal, Mr. Brown, from Allegheny, even if other states have established such a law, they have made a mistake. After all the decisions of the Supreme Court have not always been in favor of the little man. I believe this bill should be defeated and an investigation should be carried on by this House; an investigation commission should be appointed to study this problem, and then report back to the House as to what we should do, regardless of the many signatures which the gentleman from Philadelphia has. It is very true you can get a lot of signatures because a lot of dealers are controlled.

Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Cohen.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. REUBEN E. COHEN. I shall, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, are the signatures of any of the major oil companies on that petition?

Mr. REUBEN E. COHEN. Mr. Speaker, all I have here are signatures with addresses and no other identification, simply the names of individuals and their addresses. At least I do not see any but if you want me to go over the whole list and see if any companies are mentioned I will do so. I do not think there are.

Mr. HOLLAND. Mr. Speaker, I have contacted all of the independent dealers in my district on Saturday and Sunday and I have yet to have one independent dealer in my district—and when I speak of independent dealer I mean an independent dealer—to be in favor of this bill. They are all afraid this bill will squeeze them out of business.

I might add another thing, if they want to protect the dealer by this bill, what is to stop the major companies from selling you oil or gas, and telling you that the retail price is going to be twenty-two cents, and then decide after having the tanks of the independent gasoline dealers all filled cut the price to nineteen cents. It will not be the major oil companies that will take that loss; it will be the small independent dealers who will take that loss. I think that is something to think about when we vote on this bill.

Mr. BROWN. Mr. Speaker, in answer to the gentleman from Allegheny, Mr. Holland, that the Supreme Court has not always favored the little man, I don't know what he means by that statement. I do not think he himself knows what he means by it.

The Supreme Court of Pennsylvania and the Supreme Court of the United States are our courts of highest appeal, and I think we respect their opinions and their decisions. If I were certain that an investigation commission could be appointed and that commission would recommend an oil commission of some kind to fix prices, there might be something in what the gentleman from Allegheny, Mr. Holland said. I wonder, though, whether the gentleman from Allegheny, Mr. Holland, is familiar with Article III, Section 27 of the Constitution of Pennsylvania, and I quote:

> "No state office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law."

It is pretty hard for me to see how you can set up a commission to perform the duties outlined by the gentleman from Allegheny, Mr. Holland, for that inspection, and if you must inspect, you have conflict with our State Constitution. That provision was put in so that the Legislature would not come in and set up all kinds of commissions to go out and inspect commodities. The fair-trade act is the act that will accomplish what Mr. Holland has in mind. I think he is confused between the Fair Trade Act and the Fair Sales Act. If we can get him to understand that we are dealing with the Fair Trade Act and not the Fair Sales Act, some of the doubts that are in his mind might be quickly cleared up.

Mr. GATES. Mr. Speaker, regardless of the statements made by the learned attorneys on the other side, this bill still remains the most iniquitious legislation that has been presented in this House in the three terms I have had the honor of being a Member. Competition is still the life of trade. This bill has been known since it was dropped out of this House and defeated last week as the "Kelly public be damned bill." I could not help but notice as the gentleman who preceded me spoke on this bill, that a certain gentleman in the House visited a great many Members in the House, evidently expecting to change their votes.

I was told last week when this bill was reconsidered that along with Mr. Kelly, he had combined with a man by the name of Pew from the Sun Oil Company, and unquestionably this bill was going to be put over tonight. I have no doubt that when the bill is called up for final passage it will be passed, but I would like to call the attention of the Members of this House to just who is affected by this bill.

You will affect over one and one-half million motorists in the state of Pennsylvania; you will affect your fourth-class school teachers. Both parties in the State of Pennsylvania are agreed that some official help should be

given to this very much underpaid fourth-class district school teachers who receive eight hundred dollars a year, and who are supposed to live up to a certain standard. You are going to put an additional burden on this eight hundred dollar school teacher by an increase in the price of gasoline that he or she must pay to travel back and forth to the school house.

You are also going to affect very materially the country doctor in the state of Pennsylvania; you are going to affect the laborers in the state of Pennsylvania. After I left this House last week I traveled from my office in the city of Pittsburgh to Youngstown, Ohio. About a quarter to eight in the morning I went through Aliquippa. Located at Aliquippa is the large Jones and Laughlin steel plant. They were just changing turns, I presume, when I got there. I was compelled to wait because of hundreds and hundreds of cars driven by men who earn their living by the sweat of their brow, and who could not afford to live in the large cities, but had gone out to the country where they could have a small and attractive place. Now you are going to place an additional burden on the men who labor by this particular bill, no matter what is said about the bill to the contrary.

Then you are also going to affect the traveling man in the state of Pennsylvania. May I call the attention of the gentlemen who are going to vote for this bill to the fact that the traveling man reaches every rural community in the state of Pennsylvania. He reaches every grocery store, he reaches every drug store, he reaches the smallest community in the state, and when you place an additional burden on gasoline, which you are going to do, he is not going to feel very friendly about it, and believe me, there are lots of traveling men in the state of Pennsylvania who I believe can possibly create some propaganda that might be quite harmful. I do not think we should blame Kelly of Philadelphia for this bill. If he wants to double-cross the people in Philadelphia in return for a large contribution to his party; if he wants to double-cross the people in Pennsylvania for a large contribution to his party, from some oil company that is his business; it is not mine. I do not think we should blame Pew, because as I went home I picked up the Wall Street Journal and I noticed that the Sun Oil Company issued a statement that the first quarter of this year was one of the best they ever had. If you were the President of the Sun Oil Company and you saw a bill in the legislature that was going to increase the income of your particular company by millions of dollars you undoubtedly would favor it. But I cannot conceive two hundred and eight members of this House who took an oath to be for the welfare of the State of Pennsylvania and its people, voting for special interests.

I propose to show you in a few moments just exactly how many dollars it is going to mean to those people about whom I spoke. How are they affected? This bill not only fixes the price at which the producer sells to the retailer but it also fixes the price at which the retailer sells to the consumer.

I heard Mr. Stockham say the other day that he was not a prophet nor the son of a prophet. I would like to step into the shoes of a prophet for a minute. This will all be written in your Legislative Journal. I want to say to the Members of this House we are paying in western Pennsylvania about fourteen and a half cents—in some places fourteen and nine-tenths cents for what we call standard gasoline. I venture to say, Mr. Speaker, that in thirty days after this bill is enacted into law, you will pay an additional five cents a gallon in the state of Pennsylvania; paid by these million and a half voters, these traveling men, these school teachers, these country doctors.

I have here a little automobile that was mailed to me in 1935 when the Earle Administration put on the emergency tax of one penny a gallon. I went to the budget to see just what estimate His Excellency the Governor had made as to what the one cent emergency tax on gasoline would produce for the state of Pennsylvania. You will be surprised. It was supposed to bring to the state of Pennsylvania in the next biennium thirty-one million dollars. That is over fifteen million dollars a year.

It is not hard to figure that if you increase this gasoline price to the producer by five cents a gallon you are going to have seventy-five million dollars within the next year. That seventy-five million dollars, my friends, is not going to be used on the highways of the state of Pennsylvania for the benefit of all of the taxpayers of the state. It is going to special interests in the state of Pennsylvania. Some few weeks ago we passed a bill which gave a reduction to the R & S small trucks, amounting to something like fifty cents or a dollar a year on their licenses. We handed them that little bouquet, and as they look at that bouquet we come along with this bill and hit them a body blow and with the first ten gallons of gas they purchase we wipe out the savings we gave them by the bill passed two weeks ago.

I was much amused when I read in certain papers that a man, supposedly, and I believe he is a Member of this House, and I refer to the gentleman from Philadelphia, Mr. Melchoirre, had called the Members of the Allegheny County Democratic Caucus together and in that caucus he is supposed to have told those gentlemen what they must do on this particular bill. I think it will be very enlightening for you newspaper men up here to go over the record of the bill and see just how he has been able to force these men who recently came down here to represent the people of Pennsylvania to change over to represent special interests. I think it is a very wonderful thing for the newspapers to say that they will print all the news that is fit to print and I believe if the history of this bill were known there certainly would be a lot of printing they could do.

Mr. REUBEN E. COHEN. Mr. Speaker, I was once told there were certain remarks that should not be dignified by a reply. I think the rules of this House have been somewhat breached by a personal reference made on the Floor. The gentleman speaks about a Mr. Pew and he speaks about a Mr. Kelly and contributions. I think if the gentleman knows anything about the situation he owes it as a duty to say something even now, and I am now calling upon the gentleman either to put up or shut up.

Mr. GATES. Mr. Speaker, I listened to the gentleman from Philadelphia, in his smooth oily voice, and I do not think he will deny, nor can he deny that certain oil companies still contribute to political functions. That has been done for many, many years. He is trying with his ability as a lawyer to muddy the waters. That just cannot be done. Members of the House, you may talk here from now until midnight but you know and I know, and it will be proven in the future that, if this bill is passed here, passes in the Senate and is signed by the Governor of the state of Pennsylvania, the consumer, as I say the laboring man, the school teacher and the traveling man is going to pay a very big increase in the price of gaso-

line that he uses in his automobile. I have not transgressed and I have not in any way, shape or form, said anything, I hope I have not, that will reflect upon the character of any member of this House. I simply stated facts that appeared in the newpapers in western Pennsylvania. If Mr. Melchoirre did not address the Allegheny County Democratic members, I will be glad for him to get up here and say so. Then I will be glad to make a public apology for the newspapers in western Pennsylvania. I may have been wrong. So if that is the case and he did not contact this particular party then I will be wrong and I will be glad to apologize to him. I saw it in the newspapers, and what you see in the newspapers, is always correct.

Mr. MELCHIORRE. Mr. Speaker, the gentleman has referred to me as having appeared before the Allegheny County delegation and instructing them how to vote on this bill. I want to say now that that is not true. I expect an apology from the gentleman. If the newspapers speak for me that is not my fault. The newspapers may print all they see fit to print. When I make a statement I give that statement to the papers. My name has been mentioned on the floor of this House as having made a statement before another delegation on this bill, and telling them how to vote, that is not true, and I expect an apology from the gentleman.

Mr. HARKINS. Mr. Speaker, it is seldom that I disagree with the gentleman from Armstrong, Mr. Gates, whose actions as a gentleman and as a Member of this House I have always approved in the past, whether I voted with him or not. As a Member from Allegheny I voted against this bill and I intend now to vote for it. Many doubts which were in my mind at the time we voted for the bill having been dispelled, due to the explanation and the discussion I have participated in with Representative Brown, who has made a very thorough study of the bill. I would say as one of the Members who happened to engage in a conversation on the floor of this House, I feel it unfair to Representative Melchiorre to blame him for any ulterior motives in talking to fellow Members, especially when the subject of that conversation with those members could not be mentioned by people who were not present. The subject discussed was an entirely different matter. I feel that the rules of this House, if they have not been violated, certainly they have been stretched by Representative Gates. I do not say he purposely did so, but I say to you very, very frankly, that I consider as a person who voted against this bill that Representative Gates attempting to draw conclusions about conversations which he had no opportunity to hear and take part in, it is certainly unfair. He is not only unfair to me, but he is also unfair to Mr. Melchiorre. If the gentleman from Armstrong should care to know what the subject under discussion was I should be glad to inform him that Representative Melchiorre and I were having a private argument about an educational matter which had no bearing at all on the bill under discussion at the present time. Everyone in the House who knows both of us certainly must have known that the gentleman from Philadelphia and I were discussing other matters at my desk, and I feel that an apology is due both of us, because neither of us discussed the bill now under discussion.

Mr. GATES. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Melchiorre.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. MELCHIORRE. I shall, Mr. Speaker.

Mr. GATES. Mr. Speaker, I would be the last one to ask the gentleman to divulge anything that has taken place in a secret caucus of his particular party, but would like to ask the gentleman, for the benefit of myself, before I make an apology, whether or not since this bill was defeated he has not been taking a very prime interest in reconsidering it and having it passed.

Mr. MELCHIORRE. Mr. Speaker, first of all there was never any secret caucus before which I appeared. I believe we are discussing at the present time House Bill 393 and I do not have to divulge any of my statements other than what I have said on the floor of this House, but there was never any secret meeting or caucus at which this bill was discussed.

Mr. GATES. Mr. Speaker, I have always thought when we had a caucus it is a secret caucus. No one was supposed to be there but the Members on our side or on his side.

I was very much interested by the remarks made by the gentleman from Allegheny. I readily understand that to vote for this bill after having voted against it certainly takes a lot of alibying, and I expect the bill to pass.

Now to Mr. Melchiorre, if I in any way transgressed the rules of this House in speaking about what I saw in the newspapers of western Pennsylvania then I most humbly apologize for anything that might have in any way seemed to dishonor this House of Representatives. I have always looked upon this House of Representatives as a rather sacred body of men called here for a sacred duty. In our discussion and in our debate I have tried my best to lay before the membership of this House just exactly what this bill means to the consumer of gasoline in the State of Pennsylvania.

Mr. BROWN. Mr. Speaker, I desire to interrogate the gentleman from Armstrong, Mr. Gates.

The SPEAKER. Will the gentleman from Armstrong permit himself to be interrogated?

Mr. GATES. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, is the gentleman from Armstrong in favor of the theories and the practices of the Fair Trade Act of the various states and of the United States?

Mr. GATES. Mr. Speaker, the gentleman is speaking about a matter which I do not believe enters into the bulk sale of gasoline. I do realize, however, that in 1935 this House passed a chain store tax bill. I also realize in 1935 the major oil companies controlled almost seventy per cent of the small gasoline stations in my state. When the Legislature passed a bill and it was signed by the Governor you could see a scurrying to cover, you could seem them sell those gas stations to individual men. Those individual retailers are now doing a fair business, not making much money through cut throat proceeding which I do not think this House can ever stop. What I mean to say, Mr. Speaker, is that the poor little retailer is going to find when we advocate this bill—Mr. Cohen said, he had six hundred signers—it is not going to be very long until that poor little retailer has gone out of the gasoline business.

Mr. BROWN. Mr. Speaker, I do not want to follow this interrogation with a speech, but I would like to ask the gentleman from Armstrong whether or not he knows

the reason for the Supreme Court declaring the Chain Store Tax unconstitutional?

Mr. GATES. Mr. Speaker, no, I really do not.

Mr. BROWN. Mr. Speaker, does the gentleman know whether it has anything to do with the Fair Trade Act?

Mr. GATES. No, I do not, Mr. Speaker.

Mr. BROWN. Mr. Speaker, if I were to tell the gentleman it did not, would he believe it?

Mr. GATES. Certainly, I would, Mr. Speaker.

Mr. BROWN. So then, Mr. Speaker, the Chain Store Tax had nothing to do with the Fair Trade Act.

Mr. GATES. Mr. Speaker, it has a lot to do with the little fellows that have gasoline stations being forced out of business in a few years.

Mr. BROWN. Mr. Speaker, may I ask the gentleman from Armstrong whether he believes in the theory and the practices of the Fair Trade Act of the several states and of the United States?

Mr. GATES. Mr. Speaker, when they have to do with certain commodities, yes, Mr. Speaker.

Mr. BROWN. Mr. Speaker, the answer then is when they have to do with certain commodities.

Mr. GATES. Yes, Mr. Speaker.

Mr. BROWN. Mr. Speaker, does not the gentleman feel that the Fair Trade Acts of the various states and of the United States have to do with certain commodities on which he is in favor of stabilized prices?

Mr. GATES. Mr. Speaker, I think the producer has been benefitted on every occasion.

Mr. BROWN. Mr. Speaker, but does the gentleman feel that they have stabilized prices?

Mr. GATES. Mr. Speaker, what the gentleman from Allegheny means by stabilizing prices is that the prices have been held up to a certain level, whereby the poor producer had to pay the top-most prices, if that is what the gentleman from Allegheny means, yes.

Mr. BROWN. Mr. Speaker, I mean the right to make prices to the public and to prevent cut-throat competition. I think that is the definition of stabilizaion of prices.

Mr. GATES. Mr. Speaker, prices change, your flour prices change, your wheat prices change, your oat prices change, according to conditions and your oil prices will change.

Mr. BROWN. Mr. Speaker, does the gentleman from Armstrong feel that we have had a fair stabilization of prices on those commodities that he feels are proper subjects for the fair-trade act of the various states and of the United States?

Mr. GATES. Mr. Speaker, I answered that before. As to some of them I believe that is right. I've never gone into all of them, and I don't know all the answers to that particular thing. I just know the answer to this particular bill, the gasoline bill.

Mr. BROWN. Mr. Speaker, as I understand the gentleman, he feels that gasoline is a commodity that is without the purview of the Fair Trade Act.

Mr. GATES. Mr. Speaker, no I feel after the public utilities assume certain positions we put them under a commission, the same with the natural gas companies

I say to you, Mr. Speaker, that the gasoline business has increased to such proportions that I cannot understand why these big oil companies would force this oil bill down our necks when they know after the results are known to the people they will also be placed under some commission.

Mr. BROWN. Mr. Speaker, I have just one more question that I desire to ask the gentleman from Armstrong. Does the gentleman from Armstrong know that in practically every instance where they have attacked the constitutionality of the Fair Trade Act before the Appellate Courts of this State and the Appellate Courts of the United States the attack has been made by the producers?

Mr. GATES. Mr. Speaker, the gentleman from Allegheny knows too much law. He could mix me up as well as the other members of the House, but this has nothing to do with this particular bill.

Mr. PETROSKY. Mr. Speaker, although I do not agree with the allegations that have been made on the floor of the House as to who is interested in this bill and what its intention is as to special interests, I want to say to this House that it is my firm belief that this bill is meant to remedy a certain condition which exists. I sincerely believe that the sponsors are firm in their conviction in presenting such a piece of legislation, but I too rise to oppose this bill. According to the reference to what party is represented in certain allegations that were made. I would like to call to the attention to the Members of the House the fact that this bill is co-sponsored by a member on the Republican side as well as a member of the Democratic side.

In opposing this measure, Mr. Speaker, I say to you that this price fixing bill is a bill that is a direct imposition of additional taxes upon the majority of the people of this Commonwealth. I say to you that this is an additional tax burden due to the monopolistic powers which this bill places in the hands of a few people. The iron hands of those powers will rule the price that is to be gotten for the petroleum products that are produced by those industries. I say to you that these monopolies are detrimental to the public as well as detrimental to the nation in other phases of industry. Therefore, without prolonging the discussion on this bill, on the simple principle that I have tried to state before this House, I ask and appeal to all the Members of the House to vote down House Bill 393, due to the taxation imposition on the majority of the people, that is the laboring people, the small business man and those businesses known as the trucking industry, those people who have an investment in trucks and who have tried to earn a living by working day and night. Therefore, I ask you to eliminate any possibility of a tax burden being put upon the people of Pennsylvania by voting against House Bill 393.

Mr. BOIES. Mr. Speaker, in addressing this House for the first time this session, I would like to call attention to the fact that my good friend, the gentleman from Armstrong, Mr. Gates, has made a statement that strikes me as being very peculiar, when he accuses the Members on this side of the House of supporting a bill promulgated and supported by the angel of the Republican Party, the gentleman from Philadelphia, Mr. Pew. It strikes me, Mr. Speaker, that the gentleman is descending from the sublime to the ridiculous when he accuses this side of the House of supporting a bill in the interests of Mr. Pew. May I say when the bill was up for passage previously, not being acquainted with the provisions of the bill, I did not vote either "aye" or "no." Since that time, having acquainted myself with the provisions of the bill, I am satisfied that the bill is in the in-

terests of the majority of the people of the Commonwealth anad I intend to vote "aye."

May I also say for the information of the gentleman from Armstrong with regard to the caucus that he referred to, that such caucuses have been considered secret. I will take upon myself the privilege of divulging any secrets which may have occurred in the caucus by saying I believe the gentleman should observe the old adage, to believe only half you see and nothing you hear.

When it comes to the newspapers, he being an adult, free, white and twenty-one, should not believe what he reads in the newspapers at all times. The gentleman from Philadelphia, Mr. Melchiorre, did not take the Allegheny caucus to task over this particular bill. The gentleman did not bawl out the Allegheny caucus, the gentleman merely attended this caucus to state the position of the Philadelphia delegation and to ask the Allegheny caucus to go along.

Mr. GATES. Mr. Speaker, if you keep on talking long enough the truth will certainly slip out. In all cases,—

QUESTION OF INFORMATION

Mr. O'BRIEN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Philadelphia will state his question of information.

Mr. O'BRIEN. Mr. Speaker, is there a rule in the House that a Member may only talk twice on a particular subject?

The SPEAKER. There is such a rule.

Mr. O'BRIEN. I ask the Speaker to adhere to that rule.

The SPEAKER. Does the gentleman insist on the rule?

Mr. O'BRIEN. I do, Mr. Speaker.

Mr. GATES. Mr. Speaker, I would like to answer the gentleman for just a moment.

The SPEAKER. This is a question to be determined by the House: whether the House will give its consent to permit the gentleman to speak more than twice on a subject. The rule is very seldom enforced.

Mr. GATES. Mr. Speaker, I ask the gentleman from Philadelphia, Mr. O'Brien, to withdraw his request. I will finish in just about a minute. I have seen other men talking on this floor several times and I want to answer my friend from across the way.

The SPEAKER. Does the gentleman from Philadelphia, Mr. O'Brien, withdraw his request?

Mr. O'BRIEN. I do, Mr. Speaker.

The SPEAKER. The gentleman from Armstrong will proceed.

Mr. GATES. Mr. Speaker, I want to tell the gentleman from Allegheny, Dr. Boies, that I in no way tried to infer that his iniquitious bill, which is about to be passed, was brought here by the Democratic Party. I very plainly and distinctly brought in one of the big men in my own party. I know that Mr. Pew is a Republican, and I know that Mr. Kelly is a Republican, gone over to the Democratic Party, but I in no way inferred that this is a Democratic bill because you will find lots of Republicans overe here voting for this bill after the pressure was put on.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Finestone,	Krise,	Rush,
Allmond,	Finnerty,	Lee, E. A.,	Sarge,
Auker,	Fiss,	Lee, T. H.,	Sarraf,
Baker,	Fletcher,	Leisey,	Scanlon,
Balthaser,	French,	Leonard,	Schwab,
Baugher,	Gallagher,	Lesko,	Shaffer,
Bentley,	Gerard,	Levy,	Shaw,
Bentzel,	Gillette,	Longo,	Shepard,
Boies,	Goodwin,	Malloy,	Skale,
Boney,	Greenwood,	Marks,	Snyder,
Boorse,	Gryskewicz,	McClanaghan,	Sorg,
Bradley,	Gyger,	McIntosh,	Stank,
Breth,	Habbyshaw,	McLane,	Stockham,
Bretherick,	Haberlen,	McSurdy,	Tarr,
Brown,	Haines,	Melchiorre,	Tate,
Brunner, C. H.,	Hall,	Mihm,	Thompson, E. F.,
Brunner, P. A.,	Hamilton,	Modell,	Turner,
Burns,	Hare,	Mooney,	VanAllsburg,
Cadwalader,	Harkins,	Moran,	Verona,
Chudoff,	Harmuth,	Moul,	Vincent,
Cochran,	Heatherington,	Munley,	Voldow,
Cohen, R. E.,	Hering,	Nunemacher,	Voorhees,
Cordier,	Herman,	O'Brien,	Wagner,
Corrigan,	Hersch,	O'Dare,	Watkins,
Croop,	Hewitt,	O'Mullen,	Weiss,
Cullen,	Hirsch,	O'Neill,	Welsh, E. B.,
Dalrymple,	Huntley,	Pettit,	Welsh, M. J.,
Dennison,	Imbrie,	Polaski,	Wilkinson,
DiGenova,	James,	Polen,	Williams,
Dolon,	Jefferson,	Powers,	Winner,
D'Ortona,	Jones, G. E.,	Prosen,	Wolf,
Duffy,	Keenan,	Rank,	Wood, L. H.,
Early,	Kenehan,	Readinger,	Woodside,
Eckels,	Kline,	Regan,	Wright,
Elder,	Knoble,	Reynolds,	Yeakel,
Ely,	Kolankiewicz,	Rooney,	Yester,
Falkenstein,	Komorofski,	Rose, S.,	Young,
		Rosenfeld,	Kilroy, Speaker

NAYS—47

Bower,	Harris,	Muir,	Simons,
Burris,	Helm,	O'Connor	Sollenberger,
Chervenak,	Holland,	Owens,	Stambaugh,
Cohen, M. M.,	Jones, P. N.,	Petrosky,	Stine,
Cook,	Lovett,	Rausch,	Taylor,
Cooper,	Lyons,	Reagan,	Thompson, R. L.,
Elliott,	Maxwell,	Reese, D. P.,	Trout,
Fisher,	McClester,	Reese, R. E.,	Vogt,
Fleming,	McDermott,	Rhea,	Weingartner,
Gates,	McFall,	Rose, W. E.,	Wood, N.,
Gillan,	McKinney,	Royer,	Woodring,
Gross,	McMillen,	Serrill,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. MARSHALL M. COHEN filed the following reasons for his vote:

This bill will lead to further regulation and intermeddling on the part of the Legislature in the conduct of the gasoline business. This interference will impede, not aid, in business recovery; hence I voice my opposition to it. Business men ask for independence of action from legislation, not to be hamstrung by it.

BILL PASSED OVER

There being no objection House Bill No. 984, Printer's No. 273, was passed over at the request of Mr. ROSENFELD.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 964, entitled:

An Act relating to the business of selling or leasing chattels on the installment or deferred payment plan; and prohibiting the joining in one agreement of sale or lease of chattels purchased or leased at different times.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HIRSCH. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 647, as follows:

An Act relating to the bonds to be given by county officers their deputies clerks and assistants in counties of the second class the amount and conditions thereof the sureties for such bonds the payment of the premiums therefor and the recording and custody thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The amount of the bond to be given by county officers in counties of the second class shall be as follows

Of the clerk of the courts of oyer and terminer and general jail delivery and courts of quarter sessions of the peace ten thousand dollars

Of the county commissioners ten thousand dollars each
Of the county controller fifty thousand dollars
Of the coroner fifteen thousand dollars
Of the register of wills thirty thousand dollars
Of the prothonotary forty thousand dollars
Of the recorder twenty thousand dollars
Of the sheriff sixty thousand dollars
Of the county treasurer two hundred thousand dollars

Section 2 The bond to be given by each of the deputies clerks and assistants of county officers in counties of the second class shall be in such amount and from such deputy clerk and assistant as shall be designated by the salary board of such county

Section 3 The sureties to be furnished by such county officers their deputies clerks and assistants on said bonds shall be one or more surety companies authorized to do business in the Commonwealth of Pennsylvania and approved by the Insurance Commissioner and the premiums for such bonds shall be paid out of the county treasury The bonds of county officers shall be approved by the Court of Common Pleas Each of said bonds shall be conditioned for the faithful discharge by such county officer his deputy clerk or assistant of all trusts confided in him and of all duties required of him by law for the faithful accounting and payment according to law of all money received by him and shall be taken in the name of the proper county and shall be for the use of the county and of the Commonwealth and for the use of such other party or parties for whom he shall collect or receive money as the interest of each shall appear in case of a breach of the conditions thereof Provided That nothing herein contained shall affect the bonds required to be given by the county treasurer of such county to the Commonwealth of Pennsylvania under section thirty-four of an act of Assembly approved April fifteenth one thousand eight hundred and thirty-four and such bonds shall continue to be given and paid for in the manner provided for by such law The custody of each of said bonds shall belong to the county controller of the proper county except bonds of the county controller the custody of which shall belong to the county commissioner of the proper County A copy of any of said bonds certified by the county controller or the clerk to the county commissioners as the case may be shall be competent evidence thereof in any judicial proceeding

Section 4 All acts or parts of acts general special or local inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman,	Fletcher,	Lovett,	Rush,
Allmond,	French,	Lyons,	Sarge,
Auker,	Gallagher,	Malloy,	Sarraf,
Baker,	Gates,	Marks,	Scanlon,
Balthaser,	Gerard,	Maxwell,	Schwab,
Baugher,	Gillan,	McClanaghan,	Serrill,
Bentley,	Gillette,	McClester,	Shaffer,
Bentzel,	Goodwin,	McDermott,	Shaw,
Boles,	Greenwood,	McFall,	Shepard,
Boney,	Gross,	McIntosh,	Simons,
Boorse,	Gryskewicz,	McKinney,	Skale,
Bower,	Gyger,	McLane,	Snyder,
Bradley,	Habbyshaw,	McMillen,	Sollenberger,
Breth,	Haberlen,	McSurdy,	Sorg,
Bretherick,	Haines,	Melchiorre,	Stambaugh,
Brown,	Hall,	Mihm,	Stank,
Brunner, C. H.,	Hamilton,	Modell,	Stine,
Brunner, P. A.,	Hare,	Mooney,	Stockham,
Burns,	Harkins,	Moran,	Tarr,
Burris,	Harmuth,	Moul,	Tate,
Cawalader,	Harris,	Muir,	Taylor,
Chervenak,	Heatherington,	Munley,	Thompson, E. F.,
Chudoff,	Helm,	Nunemacher,	Thompson, R. L.,
Cochran,	Hering,	O'Brien,	Trout,
Cohen, M. M.,	Herman,	O'Connor	Turner,
Cohen, R. E.,	Hersch,	O'Dare,	VanAllsburg,
Cook,	Hewitt,	O'Mullen,	Verona,
Cooper,	Hirsch,	O'Neill,	Vincent,
Cordier,	Holland,	Owens,	Vogt,
Corrigan,	Huntley,	Petrosky,	Voldow,
Croop,	Imbrie,	Pettit,	Voorhees,
Cullen,	James,	Polaski,	Wagner,
Dalrymple,	Jefferson,	Polen,	Watkins,
Dennison,	Jones, G. E.,	Powers,	Weingartner,
DiGenova,	Jones, P. N.,	Prosen,	Weiss,
Dolon,	Keenan,	Rank,	Welsh, E. B.,
D'Ortona,	Kenehan,	Rausch,	Welsh, M. J.,
Duffy,	Kline,	Readinger,	Wilkinson,
Early,	Knoble,	Reagan,	Williams,
Eckels,	Kolankiewicz,	Reese, D. P.,	Winner,
Elder,	Komorofski,	Reese, R. E.,	Wolf,
Elliott,	Krise,	Regan,	Wood, L. H.,
Ellis,	Lee, E. A.,	Reynolds,	Wood, N.,
Falkenstein,	Lee, T. H.,	Rhea,	Woodring,
Finestone,	Leisey,	Rooney,	Woodside,
Finnerty,	Leonard,	Rose, S.,	Wright,
Fisher,	Lesko,	Rose, W. E.,	Yeakel,
Fiss,	Levy,	Rosenfeld,	Yester,
Fleming,	Longo,	Royer,	Young,
			Kilroy, Speaker

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 218, Printer's No. 346, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 717, Printer's No. 348, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1019, as follows:

An Act to further amend Section 1408 of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of money erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officers of the state government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" clarifying the provision of said act with respect to attorneys' commissions on taxes and other demands due the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1408 of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of money erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officers of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by the act approved the first day of June one thousand nine hundred thirty-one (P. L. 318) is hereby further amended to read as follows

Section 1408 Attorney's Commission on Amount Recovered On all claims for taxes or other demands due the Commonwealth collected after suit brought by the Department of Justice or any attorney employed by it or upon any appeal taken from a settlement or resettlement there shall be added to the amount [of the claim and recovered from the debtor for the use of the Commonwealth an attorney's commission] determined to be due and remaining unpaid by the debtor prior to the expiration of twenty-one days after the filing of the appeal or suit an attorney's commission for the use of the Commonwealth of five per centum upon [the] such amount [of recovery] not exceeding ten thousand dollars ($10,000) and upon [the] such amount [of the recovery] in excess of ten thousand dollars ($10,000) such commission in case of dispute as shall be allowed by the court having jurisdiction of the controversy not exceeding five per centum in addition to interest at the rate prescribed in this act Provided That the payment of such attorney's commission and interest shall not be deemed to affect liability for any penalty payable under existing laws

[However in any such case if the debtor admits that a part of the claim is due and payable and if the part admitted to be due be paid to the Department of Revenue within twenty-one days after the filing of the appeal or suit the attorney's commission shall not be collected upon the amount so paid]

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Fletcher,	Lyons,	Sarge,
Allmond,	French,	Malloy,	Sarraf,
Auker,	Gallagher,	Marks,	Scanlon,
Baker,	Gates,	Maxwell,	Schwab,
Balthaser,	Gerard,	McClanaghan,	Serrill,
Baugher,	Gillan,	McClester,	Shaffer,
Bentley,	Gillette,	McDermott,	Shaw,
Bentzel,	Goodwin,	McFall,	Shepard,
Boles,	Greenwood,	McIntosh,	Simons,
Boney,	Gross,	McKinney,	Skale,
Boorse,	Gryskewicz,	McLane,	Snyder,
Bower,	Gyger,	McMillen,	Sollenberger,
Bradley,	Habbyhaw,	McSurdy,	Sorg,
Breth,	Haberlen,	Melchiorre,	Stambaugh,
Bretherick,	Haines,	Mihm,	Stank,
Brown,	Hall,	Modell,	Stine,
Brunner, C. H.,	Hamilton,	Mooney,	Stockham,
Brunner, P. A.,	Hare,	Moran,	Tarr,
Burns,	Harkins,	Moul,	Tate,
Burris,	Harmuth,	Muir,	Taylor,
Cadwalader,	Harris,	Munley,	Thompson, E. F.,
Chervenak,	Heatherington,	Nunemacher,	Thompson, R. L.,
Chudoff,	Helm,	O'Brien,	Trout,
Cochran,	Hering,	O'Connor,	Turner,
Cohen, M. M.,	Herman,	O'Dare,	Van Allsburg,
Cohen, R. E.,	Hersch,	O'Mullen,	Verona,
Cook,	Hewitt,	O'Neill,	Vincent,
Cooper,	Hirsch,	Owens,	Vogt,
Cordier,	Holland,	Petrosky,	Voldow,
Corrigan,	Huntley,	Pettit,	Voorhees,
Croop,	Imbrie,	Polaski,	Wagner,
Cullen,	James,	Polen,	Watkins,
Dalrymple,	Jefferson,	Powers,	Weingarten,
Dennison,	Jones, G. E.,	Prosen,	Weiss,
DiGenova,	Jones, P. N.,	Rank,	Welsh, E. B.,
Dolon,	Keenan,	Rausch,	Welsh, M. J.,
D'Ortona,	Kenehan,	Readinger,	Wilkinson,
Duffy,	Kline,	Reagan,	Williams,
Early,	Knoble,	Reese, D. R.,	Winner,
Eckels,	Kolankiewicz,	Reese, R. E.,	Wolf,
Elder,	Komorofski,	Regan,	Wood, L. H.,
Elliott,	Krise,	Reynolds,	Wood, N.,
Ely,	Lee, E. A.,	Rhea,	Woodring,
Falkenstein,	Lee, T. H.,	Rooney,	Woodside,
Finestone,	Leisey,	Rose, S.,	Wright,
Finnerty,	Leonard,	Rose, W. E.,	Yeakel,
Fisher,	Lesko,	Rosenfeld,	Yester,
Fiss,	Levy,	Royer,	Young,
Fleming,	Longo,	Rush,	Kilroy,
	Lovett,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 151, as follows:

An Act to further amend section twenty-five and to amend section twenty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" by providing for notice by registered mail when it proves impossible to secure personal service of the subpoena in divorce

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-five of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1020) is hereby further amended to read as follows

Section 25 Presentation of Libel Contents Affidavit Any spouse may have his or her petition or libel in divorce presented to the court of common pleas when in session or during vacation to a judge thereof at chambers The petition or libel shall set forth therein particularly and specifically the cause of his or her complaint and shall be accompanied with an affidavit on oath or affirmation taken before one of the said judges or the prothonotary or clerk of the court of common pleas or any person in any county of the Commonwealth legally authorized to take acknowledgments that the facts contained in said petition or libel are true to the best of his or her knowledge and belief and that the said complaint is not made out of levity or by collusion between the said husband and wife and for the mere purpose of being freed and separated from each other but in sincerity and truth for the causes mentioned

In every case the petition or libel in divorce shall set forth the last known address of the respondent

In cases where the respondent is a hopeless lunatic or non compos mentis the fact of lunacy of the respondent and such circumstances as may be sufficient to satisfy the mind of the court as to the truth of the allegation shall be set forth in the petition or libel and affidavit required by this section shall be taken by the petitioner

In cases where the libellant is a minor the libel shall be presented by a relative or next friend and the affidavit thereto shall be taken by such minor libellant

The court may allow any libel to be amended so as to include additional grounds or causes for divorce including such as arose subsequent to the awarding of the subpoena Notice of any such amendment shall be served on the respondent in such manner as the court may direct in its order allowing the amendment

Section 2 Section twenty-nine of said act is hereby amended to read as follows

Section 29 Service by Publication If on the return of the alias subpoena or any pluries subpoena proof shall be made that the respondent could not be found the sheriff of the county upon the filing of a praecipe in the office of the prothonotary shall cause notice to be published in one or more newspapers printed within or nearest to the said county and in the legal journal if any designated by the rules of court for the publication of legal notices once a week for three successive weeks requiring the said party to appear and to answer said complaint [which] The sheriff shall also cause a copy of the notice as published to be sent by registered mail to the last known address of the respondent as set forth in the petition or libel in divorce The aforesaid publication shall be returnable not less than thirty days after the filing date of the praecipe to the next or subsequent term or to such next or subsequent monthly or intermediate return days as shall have been or may be established for such court either by statute or rule of court or both after which the same proceedings shall be had as directed after the personal service of a subpoena

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman,	Fletcher,	Lyons,	Sarge,
Allmond,	French,	Malloy,	Sarraf,
Auker,	Gallagher,	Marks,	Scanlon,
Baker,	Gates,	Maxwell,	Schwab,
Balthaser,	Gerard,	McClanaghan,	Serrill,
Baugher,	Gillan,	McClester,	Shaffer,
Bentley,	Gillette,	McDermott,	Shaw,
Bentzel,	Goodwin,	McFall,	Shepard,
Boles,	Greenwood,	McIntosh,	Simons,
Boney,	Gross,	McKinney,	Skale,
Boorse,	Gryskewicz,	McLane,	Snyder,
Bower,	Gyger,	McMillen,	Sollenberger,
Bradley,	Habbyshaw,	McSurdy,	Sorg,
Breth,	Haberlen,	Melchiorre,	Stambaugh,
Fretherick,	Haines,	Mihm,	Stank,
Brown,	Hall,	Modell,	Stine,
Brunner, C. H.,	Hamilton,	Mooney,	Stockham,
Brunner, P. A.,	Hare,	Moran,	Tarr,
Burns,	Harkins,	Moul,	Tate,
Burris,	Harmuth,	Muir,	Taylor,
Cadwalader,	Harris,	Munley,	Thompson, E. F.,
Chervenak,	Heatherington,	Nunemacher,	Thompson, R. L.,
Chudoff,	Helm,	O'Brien,	Trout,
Cochran	Hering,	O'Connor,	Turner,
Cohen, M. M.,	Herman,	O'Dare,	Van Allsburg,
Cohen, R. E.,	Hersch,	O'Mullen,	Verona,
Cook,	Hewitt,	O'Neill,	Vincent,
Cooper,	Hirsch,	Owens,	Vogt,
Cordier,	Holland,	Petrosky,	Voldow,
Corrigan,	Huntley,	Pettit,	Voorhees,
Croop,	Imbrie,	Polaski,	Wagner,
Cullen,	James,	Polen,	Watkins,
Dalrymple,	Jefferson,	Powers,	Weingartner,
Dennison,	Jones, G. E.,	Prosen,	Weiss,
DiGenova,	Jones, P. N.,	Rank,	Welsh, E. B.,
Dolon,	Keenan,	Rausch,	Welsh, M. J.,
D'Ortona,	Kenehan,	Readinger,	Wilkinson,
Duffy,	Kline,	Reagan,	Williams,
Early,	Knoble,	Reese, D. P.,	Winner,
Eckels,	Kolankiewicz,	Reese, R. E.,	Wolf,
Elder,	Komorofski,	Regan,	Wood, L. H.,
Elliott,	Krise,	Reynolds,	Wood, N.,
Ely,	Lee, E. A.,	Rhea,	Woodring,
Finestone,	Lee, T. H.,	Rooney,	Woodside,
Falkenstein,	Leisey,	Rose, S.,	Wright,
Finnerty,	Leonard,	Rose, W. E.,	Yeakel,
Fisher,	Lesko,	Rosenfeld,	Yester,
Fiss,	Levy,	Royer,	Young,
Fleming,	Longo,	Rush,	Kilroy, Speaker
	Lovett,		

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 179, as follows:

An Act validating the title to real estate purchased at judicial sales for unpaid taxes or municipal assessments where there is a defect in the names of the parties in certain cases and providing certain exceptions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore any purchaser has purchased real property at a judicial sale had on a judgment obtained for unpaid taxes or municipal assessments in

accordance with the provisions of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" and its amendments thereto and the name or names of the defendant or defendants in the writ of scire facias on the lien and in the judgment upon which execution was issued is different from that in which the tax or municipal lien is assessed such sale is hereby ratified confirmed validated and made binding in the same manner as if all the provisions of said act had been strictly complied with Provided however That the property is correctly described in the writ of execution upon which said sale was had that the purchaser thereafter has presented his petition to the proper court setting forth said sale and delivery of a sheriff's deed and the court has made an order adjudicating the title of said purchaser valid and indefeasible against all persons

Section 2 This act shall become effective immediately upon final enactment but shall not apply in any instance where the property has been redeemed by the owner thereof within the time allowed by law or where the rights of third parties have intervened or the validity of any such sale or the title to the premises purchased thereat has been made the subject of litigation in any court of the Commonwealth prior to the approval hereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman,	Fletcher,	Lovett,	Rush,
Allmond,	French,	Lyons,	Sarge,
Auker,	Gallagher,	Malloy,	Sarraf,
Baker,	Gates,	Marks,	Scanlon,
Balthaser,	Gerard,	Maxwell,	Schwab,
Baugher,	Gillan,	McClanaghan,	Serrill,
Bentley,	Gillette,	McClester,	Shaffer,
Bentzel,	Goodwin,	McDermott,	Shaw,
Boles,	Greenwood,	McFall,	Shepard,
Boney,	Gross,	McIntosh,	Simons,
Boorse,	Gryskewicz,	McKinney,	Skale,
Bower,	Gyger,	McLane,	Snyder,
Bradley,	Habbyshaw,	McMillen,	Sollenberger,
Breth,	Haberlen,	McSurdy,	Sorg,
Bretherick,	Haines,	Melchiorre,	Stambaugh,
Brown,	Hall,	Mihm,	Stank,
Brunner, C. H.,	Hamilton,	Modell,	Stine,
Brunner, P. A.	Hare,	Mooney,	Stockham,
Burns,	Harkins,	Moran,	Tarr,
Burris,	Harmuth,	Moul,	Tate,
Cadwalader,	Harris,	Muir,	Taylor,
Chervenak,	Heatherington,	Munley,	Thompson, E. F.,
Chudoff,	Helm,	Nunemacher,	Thompson, R. L.,
Cochran,	Hering,	O'Brien,	Trout,
Cohen, M. M.,	Herman,	O'Connor	Turner,
Cohen, R. E.,	Hersch,	O'Dare,	VanAllsburg,
Cook,	Hewitt,	O'Mullen,	Verona,
Cooper,	Hirsch,	O'Neill,	Vincent,
Cordier,	Holland,	Owens,	Vogt,
Corrigan,	Huntley,	Petrosky,	Voldow,
Croop	Imbrie,	Pettit,	Voorhees,
Cullen,	James,	Polaski,	Wagner,
Dalrymple,	Jefferson,	Polen,	Watkins,
Dennison,	Jones, G. E.,	Powers,	Weingartner,
DiGenova,	Jones, P. N.,	Prosen,	Weiss,
Dolon,	Keenan,	Rank,	Welsh, E. B.,
D'Ortona,	Kenehan,	Rausch,	Welsh, M. J.,
Duffy,	Kline,	Readinger,	Wilkinson,
Early,	Knoble,	Reagan,	Williams,
Eckels,	Kolankiewicz,	Reese, D. P.,	Winner,
Elder,	Komorofski,	Reese, R. E.,	Wolf,
Elliott,	Krise,	Regan,	Wood, L. H.,
Ely,	Lee, E. A.,	Reynolds,	Wood, N.,
Falkenstein,	Lee, T. H.,	Rhea,	Woodring,
Finestone,	Leisey,	Rooney,	Woodside,
Finnerty,	Leonard,	Rose, S.,	Wright,
Fisher,	Lesko,	Rose, W. E.,	Yeakel,
Fiss,	Levy,	Rosenfeld,	Yester,
Fleming,	Longo,	Royer,	Young,
			Kilroy, Speaker

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1018, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by adding thereto to section 947.1 prohibiting the cutting of and operations on tails of horses mares and geldings except as herein provided providing for certificates under oath and regulating and restricting the showing and exhibition of such animals

On the question,

Will the House agree to the bill on third reading?

Mr. MORAN. Mr. Speaker, I would like to have the sponsor of this bill explain this bill.

The SPEAKER. Will the gentleman from Montgomery, Mr. Wood explain the purpose of this bill?

Mr. LLOYD H. WOOD. I will, Mr. Speaker. I wish to say for the information of the gentleman from Allegheny, Mr. Moran, that his ignorance of a horse's anatomy amazes me.

The SPEAKER. The Chair wishes to inform the gentleman that he is going pretty far back with his Legislation.

Mr. LLOYD H. WOOD. Mr. Speaker, might I say to the Chair that that calls to my mind two conflicting proverbs. The Chair no doubt is familiar with them. One is that "There is always room for two more," and the other is "The straw that broke the camel's back." We also often hear people say "They are forging ahead," while other people claim "They are bringing up the rear." I chose to be identified with that last group, Mr. Speaker.

Mr. BRETHERICK. Mr. Speaker, does that indicate that the gentleman might be considered a horse's tail?

The SPEAKER. What was the word the gentleman from Delaware, Mr. Bretherick used?

Mr. BRETHERICK. Does the gentleman from Montgomery have any kinship with the rear end of a horse?

Mr. LLOYD H. WOOD. Mr. Speaker, the gentleman made two conflicting statements.

May I in answer to the interrogation of the gentleman from Allegheny, Mr. Moran, say that there is more merit to this bill than may appear to those who have only read it casually. As far as I am concerned—

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TURNER. Doesn't the Speaker think the sponsor of this bill is behind in this Legislation?

The SPEAKER. This is a photo finish.

PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Does the Speaker know which way he is going?

The SPEAKER. It's a long tail, but it won't be if this bill passes.

Mr. LLOYD H. WOOD. May I be seated, Mr. Speaker?

The SPEAKER. The gentleman may be seated.

Mr. MORAN. Mr. Speaker, the sponsor has not explained the bill yet. I am still waiting. I wonder if the gentleman would permit interrogation on this bill?

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. LLOYD H. WOOD. I will, Mr. Speaker, if I am permitted to finish what I have to say. May I state for the benefit and the information of the gentleman from Allegheny, Mr. Moran, that he probably has in mind that this bill provides for docking of horses.

Mr. BRETHERICK. Mr. Speaker, it seems to me this interrogation is entirely unfair. I think he is taking this gentleman for a ride.

The SPEAKER. I think they are both stalling.

Mr. MORAN. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. LLOYD H. WOOD. I will, Mr. Speaker.

Mr. MORAN. Will the sponsor of this bill, the gentleman from Montgomery, Mr. Wood, define what he means when he says the cutting off of tails of horses, mares, and geldings. Now, what is a gelding?

Mr. LLOYD H. WOOD. Mr. Speaker, I am again amazed at the dearth of information of the gentleman from Allegheny Mr. Moran, but I might say that a gelding, if he does not happen to know, is a male horse that has been emasculated.

Mr. MORAN. Would the gentleman define what he means by emasculated, Mr. Speaker?

Mr. LLOYD H. WOOD. I stand under my constitutional right, Mr. Speaker.

The SPEAKER. The Chair moves the previous question.

Mr. MORAN. Mr. Speaker, may I further interrogate the gentleman from Montgomery, Mr. Wood?

Mr. SPEAKER. The gentleman will proceed.

Mr. LLOYD H. WOOD. The gentleman may proceed if he is through with the geldings.

Mr. MORAN. For the information of the gentleman from Montgomery, I looked up in the dictionary to see the meaning of the word "gelding," and I found it is a young horse that has been castrated. I would like to ask the gentleman from Montgomery if this bill also covers jack horses.

Mr. LLOYD H. WOOD. That does not register with me, Mr. Speaker; I don't know what is meant by jack horses.

Mr. MORAN. Will the gentleman agree with me that this is a backward bill, Mr. Speaker.

Mr. LLOYD H. WOOD. I will, Mr. Speaker.

Mr. MORAN. May I ask the gentleman how you are going to know under this bill how long the extreme portions of a horse should be cut?

Mr. LLOYD H. WOOD. We are not going to eliminate any part of the anatomy of the horse in this bill, Mr. Speaker. It simply gives the veterinarian an opportunity to perform an operation on the horse's tail when the horse has been born with a crooked tail.

Mr. MORAN. Mr. Speaker, may I ask the gentleman, does this bill also take care of mules?

Mr. LLOYD H. WOOD. I think it will, Mr. Speaker.

Mr. MORAN. They are not mentioned in the bill. I think this bill ought to be amended to take care of all the rears of animals.

The SPEAKER. Will the gentleman back up to his seat?

Mr. TURNER. Mr. Speaker, it seems to me there has been too much horse play about this very important measure. We ought to get down to serious thinking.

This bill it occurs to me is important or the gentleman from Montgomery would not have introduced it. There really are some things about this bill that we ought to think about, because the gentleman from Armstrong, Mr. Gates, gave us some new ideas about legislation. He told us how if we voted for this bill, we were going to affect all of the salesmen and all the farmers—no, he left out the farmers, but all the salesmen and country doctors. It seems to me if it got around the State of Pennsylvania that we voted for something that is going to increase the price of gasoline, that same thing might be said about horses. The horse might be proud of his tail. The bill says "for the purpose of performing an operation changing the ordinary way in which the horse's tail is carried". I don't know what the ordinary carriage of a horse's tail is. I never got around that side of a horse. Personally I like to look a man in the eye, so we may be invading the privileges of the horses of this Commonwealth, and you know horses get around in the country. They may talk to the farmers and may tell them that the Members of the Legislature passed a bill that is going to allow them to change the course of his tail. The change of the course of his tail may be necessary; he may get more flies on the right side than on the left and it may be necessary to change the course of his tail. Again the flies may be [illegible] with us too, and they may go and tell the housewives and the keepers of restaurants when they alight on our ice cream and pie when we are ready to eat it, and they may feel that the Members of the Legislature ought to be defeated at the next session because we voted for the bill.

It is not conclusive evidence, even if a horse appears at an exhibition with his tail cut; the tail may have been cut off in many ways. He may have been out nights and might have backed up in some way against a buzz saw or something like that. Nevertheless at an exhibition he could not produce a certificate from a veterinarian and he might have to go to jail for twenty days or pay a fine of $100. There are many things that ought to be con-

sidered, and thereby hangs a tale: the bill ought to be recommitted.

The SPEAKER. The Chair calls to the attention of the gentleman the fact that we are trying to streamline the horse as we streamline everything else.

Mr. WALIER E. ROSE. Mr. Speaker, I want to request that the Clerk proceed with the "whinnies" and the "neighs".

Mr. HUNTLEY. Mr. Speaker, it seems to me we have had a good deal of levity over this matter. The bill has been properly introduced and reported out of committee. I believe we ought to get down to business and give it some consideration. I cannot conceive that Mr. Wood introduced this bill as a joke. He has tried to explain it to this House so that we may intelligently understand it. As a member of the House about to vote on this bill, I would like some light on it. Mr. Wood has shown a willingness to give us some light and we haven't given him a chance to finish his explanation.

I would like to ask the House to subside their foolishness for a few minutes, and take time enough to consider this bill. I seems to be a regular piece of legislation, and before we vote on it, I should like to know something about it. I hope the House will allow Mr. Wood to answer Mr. Moran's first question and explain the bill. I would like to have it explained, and I feel certain that this House, after it cools down a little would like to have the bill explained before we vote on it. It may be something worth while; I don't know.

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for further dissecting.

On the question,

Will the House agree to the motion?

Mr. FRENCH. Mr. Speaker, I have been very much disappointed. I have been sitting here all this time waiting for some farmer or some veterinary surgeon to get up and explain the merits of this bill. I am not a veterinarian, but I do profess to be a farmer, and this bill, I think was presented for humanitarian reasons and that alone. The bill specifies that operating on a horse's tail is not prohibited when there is an anesthetic given in order to alleviate the pain during the operation. This operation is intended to increase the sale value of the horse. As the gentleman stated a moment ago, a colt when it is born with a crooked tail carries its tail to one side. That is simple; nothing laughable about it, and it renders the horse unsaleable. Many a good horse has to be given away at a very reduced price on account of this defect, and by a very simple operation on the tail for the purpose of straightening it, and by holding it in the straight position for a certain length of time, the horse carries his tail thereafter in a proper manner. After that operation is performed the horse increases in value possibly two hundred per cent. That is the reason such operation is performed on a horse. The operation renders the horse much more valuable when it is put on the block for sale. For my part, so long as it is done without pain to the horse, which it is similar to operations on human beings for appendicitis, I think it is perfectly all right, and the bill should be passed.

Mr. REUBEN E. COHEN. Mr. Speaker, when this bill left the Judiciary Special Committee it was with the specific understanding that the bill would receive two readings and then be recommitted for further study. I feel all fairness to the persons who are opposed to this bill they should be given an opportunity to be heard. The bill was only reported out for the purpose of crystallizing public sentiment, and I think the Committee's wishes ought to be adhered to.

Mr. CHARLES H. BRUNNER. Mr. Speaker, I am a member of the Judiciary Special Committee, and I would like to agree with the statement of the Chairman, the gentleman from Philadelphia, Mr. Cohen. This bill was recognized and personally I believe it to be a meritorious, deserving bill. However, it was agreed in committee that it be reported out for two readings and then be recommitted. Due to an error on Thursday morning the bill was called up for second reading. Now appears before us on the third reading calendar. Despite the fact that my good friend and colleague from Montgomery, Mr. Wood, is the sponsor of this measure, I think we should abide by the wishes of the committee, and the motion to re-commit should be sustained.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1087, as follows:

An Act to amend Clause (2) of Section 3 of the Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" by changing the definition of daily newspaper

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (2) of Section 3 of the act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" is hereby amended to read as follows

(2) "Daily Newspapers" means a newspaper regularly [issued every day] published at least five days in the week either including or excluding Sundays and legal holidays

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman,	Fletcher,	Lovett,	Rush,
Allmond,	French,	Lyons,	Sarge,
Auker,	Gallagher,	Malloy,	Sarraf,
Baker,	Gates,	Marks,	Scanlon,
Balthaser,	Gerard,	Maxwell,	Schwab,
Baugher,	Gillan,	McClanaghan,	Serrill,
Bentley,	Gillette,	McClester,	Shaffer,
Bentzel,	Goodwin,	McDermott,	Shaw,
Boies,	Greenwood,	McFall,	Shepard,
Boney,	Gross,	McIntosh,	Simons,
Boorse,	Gryskewicz,	McKinney,	Skale,
Bower,	Gyger,	McLane,	Snyder,
Bradley,	Habbyshaw,	McMillen,	Sollenberger,
Breth,	Haberlen,	McSurdy,	Sorg,
Bretherick,	Haines,	Melchiorre,	Stambaugh,
Brown,	Hall,	Mihm,	Stank,
Brunner, C. H.,	Hamilton,	Modell,	Stine,
Brunner, P. A.,	Hare,	Mooney,	Stockham,
Burns,	Harkins,	Moran,	Tarr,
Burris,	Harmuth,	Moul,	Tate,
Cadwalader,	Harris,	Muir,	Taylor,
Chervenak,	Heatherington,	Munley,	Thompson, E. F.,
Chudoff,	Helm,	Nunemacher,	Thompson, R. L.,
Cochran,	Hering,	O'Brien,	Trout,
Cohen, M. M.,	Herman,	O'Connor	Turner,
Cohen, R. E.,	Hersch,	O'Dare,	VanAllsburg,
Cook,	Hewitt,	O'Mullen,	Verona,
Cooper,	Hirsch,	O'Neill,	Vincent,
Cordier,	Holland,	Owens,	Vogt,
Corrigan,	Huntley,	Petrosky,	Voldow,
Croop,	Imbrie,	Pettit,	Voorhees,
Cullen,	James,	Polaski,	Wagner,
Dalrymple,	Jefferson,	Polen,	Watkins,
Dennison,	Jones, G. E.,	Powers,	Weingartner,
DiGenova,	Jones, P. N.,	Prosen,	Weiss,
Dolon,	Keenan,	Rank,	Welsh, E. B.,
D'Ortona,	Kenehan,	Rausch,	Welsh, M. J.,
Duffy,	Kline,	Readinger,	Wilkinson,
Early,	Knoble,	Reagan,	Williams,
Eckels,	Kolankiewicz,	Reese, D. P.,	Winner,
Elder,	Komorofski,	Reese, R. E.,	Wolf,
Elliott,	Krise,	Regan,	Wood, L. H.,
Ely,	Lee, E. A.,	Reynolds,	Wood, N.,
Falkenstein,	Lee, T. H.,	Rhea,	Woodring,
Finestone,	Leisey,	Rooney,	Woodside,
Finnerty,	Leonard,	Rose, S.,	Wright,
Fisher,	Lesko,	Rose, W. E.,	Yeakel,
Fiss,	Levy,	Rosenfeld,	Yester,
Fleming,	Longo,	Royer,	Young,
			Kilroy, Speaker

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 960, as follows:

An Act to amend section one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale of having in possession with intent to sell or adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers on the Department of Agriculture

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person or persons by himself herself or themselves or by his her or their agents servants or employes to sell offer for sale expose for sale or have in possession with intent to sell sausage that is adulterated within the meaning of this act The possession of any adulterated sausage shall be deemed prima facie evidence of the intent to sell such sausage

Section 2 Defining sausage That for the purpose of the act sausage or sausage meat shall be held to be comminuted meat as defined by the Department of Agriculture from [meat] cattle or swine or a mixture of such meats either fresh salted pickled or smoked with or without added salt and spices provided they do not conceal damage or inferiority and with or without the addition of edible animals fats blood and sugar or subsequent smoking It shall contain no larger amount of water than the meats from which it is prepared contained when in their fresh condition except as hereinafter permitted If it bears a name descriptive of kind composition or origin its contents shall correspond to the kind composition or origin indicated by such name

Section 2 Section three and five of said act as last amended by the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2670) are hereby further amended to read as follows

Section 3 That for the purpose of this act sausage shall be deemed to be adulterated

First If it does not conform to the requirements and definition for sausage in section two hereof

Second If it contains added water or ice in excess of the quantity required to bring the amount up to that which the meats from which it is prepared contain immediately after slaughter excepting such water and ice as may be added for the purpose of facilitating grinding chopping and mixing and which shall in no case exceed [seven] three per centum in sausage which is not cooked or smoked and ten per centum in sausage which is cooked or smoked as determined by the methods prescribed by the Department of Agriculture all tolerances having been allowed for

[Second] Third If it contains any cereal vegetable flour vegetable product milk powder or cracklings

[Third] Fourth If it contains any coal-tar [dye] color or any added natural color vegetable coloring boric acid or borates sulphites sulphur dioxide sulphurous acid or any other chemical preservative or other substances injurious or deleterious to health

[Fourth] Fifth If it contains any diseased contaminated filthy or decomposed substance or is manufactured in whole or in part from a diseased contaminated filthy or decomposed substance or a substance produced stored transported or kept in a way or manner that [would] might render the article diseased contaminated or unwholesome or if it is any product of a diseased animal or the product of any animal which has died otherwise than by slaughter

Section 5 That the Department of Agriculture of the State shall be charged with the enforcement of the provisions of this act and shall make rules and regulations for the proper enforcement thereof including rules and regulation setting up definitions and standards for sausage of particular kind composition or origin within the general definition for sausage in section two thereof

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman,	Fletcher,	Lovett,	Rush,
Allmond,	French,	Lyons,	Sarge,
Auker,	Gallagher,	Malloy,	Sarraf,
Baker,	Gates,	Marks,	Scanlon,
Balthaser,	Gerard,	Maxwell,	Schwab,
Baugher,	Gillan,	McClanaghan,	Serrill,
Bentley,	Gillette,	McClester,	Shaffer,
Bentzel,	Goodwin,	McDermott,	Shaw
Boles,	Greenwood,	McFall,	Shepard,
Boney,	Gross,	McIntosh,	Simons,
Boorse,	Gryskewicz,	McKinney,	Skale,
Bower,	Gyger,	McLane,	Snyder,
Bradley,	Habbyshaw,	McMillen,	Sollenberger,
Breth,	Haberlen,	McSurdy,	Sorg,
Bretherick,	Haines,	Melchiorre,	Stambaugh,
Brown,	Hall,	Mihm,	Stank,
Brunner, C. H.	Hamilton,	Modell,	Stine,
Brunner, P. A.	Hare,	Mooney,	Stockham
Burns,	Harkins,	Moran,	Tarr,
Burris,	Harmuth,	Moul,	Tate,
Cadwalader,	Harris,	Muir,	Taylor,
Chervenak,	Heatherington,	Munley,	Thompson, E. F.,
Chudoff,	Helm,	Nunemacher,	Thompson, R. L.,
Cochran,	Hering,	O'Brien,	Trout,
Cohen, M. M.,	Herman,	O'Connor	Turner,
Cohen, R. E.,	Hersch,	O'Dare,	VanAllsburg,
Cook,	Hewitt,	O'Mullen,	Verona,
Cooper,	Hirsch,	O'Neill,	Vincent,
Cordier,	Holland,	Owens,	Vogt,
Corrigan,	Huntley,	Petrosky,	Voldow,
Croop,	Imbrie,	Pettit,	Voorhees,
Cullen,	James,	Polaski,	Wagner,
Dalrymple,	Jefferson,	Polen,	Watkins,
Dennison,	Jones, G. E.,	Powers,	Weingartner,
DiGenova,	Jones, P. N.,	Prosen,	Weiss,
Dolon,	Keenan,	Rank,	Welsh, E. B.,
D'Ortona,	Kenehan,	Rausch,	Welsh, M. J.,
Duffy,	Kline,	Readinger,	Wilkinson,
Early,	Knoble,	Reagan,	Williams,
Eckels,	Kolankiewicz,	Reese, D. P.,	Winner,
Elder,	Komorofski,	Reese, R. E.,	Wolf,
Elliott,	Krise,	Regan,	Wood, L. H.,
Ely,	Lee, E. A.,	Reynolds,	Wood, N.,
Falkenstein,	Lee, T. H.,	Rhea,	Woodring,
Finestone,	Leisey,	Rooney,	Woodside,
Finnerty,	Leonard,	Rose, S.,	Wright,
Fisher,	Lesko,	Rose, W. E.,	Yeakel,
Fiss,	Levy,	Rosenfeld,	Yester,
Fleming,	Longo,	Royer,	Young,
			Kilroy, Speaker

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON SECOND READING

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. McCLANAGHAN and

The House resumed the consideration on second reading of House Bill No. 685 entitled

An Act to protect the public against the advertising or offering for sale at fixed prices eyeglasses spectacles etc putting restraint upon layman selling eyeglasses spectacles etc and filling prescriptions for the same similar to the restraint upon professions licensed by the State to prescribe eyeglasses and spectacles fixing a penalty for violations of this act and investing the courts with jurisdiction to prevent and restrain violations of his act

The first, second and third sections were separately read and agreed to.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. McCLANAGHAN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 4, page 2, line 22, by inserting after the word "person" the following: "advertising fixed prices for eyeglasses or spectacles".

The amendment was agreed to.

The section was agreed to as amended.

The fifth section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. McCLANAGHAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend the title, page 1, second line of title by striking out the following "etc" in said line.

Amend the title, page 1, fourth line of title by striking out the following "etc" in said line.

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

HOUSE BILL NO. 1373 MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 1373, Printer's No. 402, on page 22 of today's calendar, bills on third reading, be made a special order of business immediately.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1373, as follows:

An Act to amend part of section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislation and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine" by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 So much of section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first on thousand nine hundred and thirty-nine" which makes an appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard is hereby amended to read as follows

For the payment of salaries wages or other compensation of a deputy adjutant general the Division Commander and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including Division Headquarters the United States Property and Disbursing Office State Arsenal State Military Reservation and advisory commissions connected with the department for the making of improvements additions or repairs to existing buildings roads and utilities on the State Military Reservation and State Arsenal for the purpose of placing at the disposal of the Governor and making the same available for replacement or repair such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistence quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps may be placed on duty under orders of the Governor under extraordinary circumstances for the protection of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania soldiers in Federal or State service when in the field on active duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or drought conditions throughout the State or when a disaster occurs for payment of claims against the Commonwealth of Pennsylvania for damages incurred by the operation or training of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps as provided by law for the payment of all necessary expenses supplies printing and equipment including annual allowances for maintenance and armory rent individual pay officers' annual allowances passenger and freight transportation telegrams telephone toll charges subscriptions to The Pennsylvania National Guardsman for distribution to officers and men of the Pennsylvania National Guard the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Property and Supplies for the use of automobiles and other expenses necessary for the maintenance training government discipline and equipment of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps for the payment of claims made by the War Department based upon approved reports of survey covering loss damage or destruction of Federal property for the payment of salaries of members and inspectors of the Armory Board of the State of Pennsylvania for the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of one million nine hundred twenty-eight thousand dollars ($1,928,000) Provided however That there is hereby appropriated for the same purposes the full amount of all rentals of armories and receipts from public or private sources in payment of costs and materials expended by the Guard or the Pennsylvania Reserve Defense Corps in furnishing relief from disaster which shall be collected as heretofore and paid into the General Fund and credited to the appropriation made by this paragraph

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman,	Fletcher,	Lovett,	Rush,
Allmond,	French,	Lyons,	Sarge,
Auker,	Gallagher,	Malloy,	Sarraf,
Baker,	Gates,	Marks,	Scanlon,
Balthaser,	Gerard,	Maxwell,	Schwab,
Baugher,	Gillan,	McClanaghan,	Serrill,
Bentley,	Gillette,	McClester,	Shaffer,
Bentzel,	Goodwin,	McDermott,	Shaw,
Boles,	Greenwood,	McFall,	Shepard,
Boney,	Gross,	McIntosh,	Simons,
Boorse,	Gryskewicz,	McKinney,	Skale,
Bower,	Gyger,	McLane,	Snyder,
Bradley,	Habbyshaw,	McMillen,	Sollenberger,
Breth,	Haberlen,	McSurdy,	Sorg,
Bretherick,	Haines,	Melchiorre,	Stambaugh,
Brown,	Hall,	Mihm,	Stank,
Brunner, C. H.,	Hamilton,	Modell,	Stine,
Brunner, P. A.,	Hare,	Mooney,	Stockham,
Burns,	Harkins,	Moran,	Tarr,
Burris,	Harmuth,	Moul,	Tate,
Cadwalader,	Harris,	Muir,	Taylor,
Chervenak,	Heatherington,	Munley,	Thompson, E. F.,
Chkodoff,	Helm,	Nunemacher,	Thompson, R. L.,
Cochran,	Hering,	O'Brien,	Trout,
Cohen, M. M.,	Herman,	O'Connor	Turner,
Cohen, R. E.,	Hersch,	O'Dare,	VanAllsburg,
Cook,	Hewitt,	O'Mullen,	Verona,
Cooper,	Hirsch,	O'Neill,	Vincent,
Cordier,	Holland,	Owens,	Vogt,
Corrigan,	Huntley,	Petrosky,	Voldow,
Croop,	Imbrie,	Pettit,	Voorhees,
Cullen,	James,	Polaski,	Wagner,
Dalrymple,	Jefferson,	Polen,	Watkins,
Dennison,	Jones, G. E.,	Powers,	Weingartner,
DiGenova,	Jones, P. N.,	Prosen,	Weiss,
Dolen,	Keenan,	Rank,	Welsh, E. B.,
D'Ortona,	Kenehan,	Rausch,	Welsh, M. J.,
Duffy,	Kline,	Readinger,	Wilkinson,
Early,	Knoble,	Reagan,	Williams,
Eckels,	Kolankiewicz,	Reese, D. P.,	Winner,
Elder,	Komorofski,	Reese, R. E.,	Wolf,
Elliott,	Krise,	Regan,	Wood, L. H.,
Ely,	Lee, E. A.,	Reynolds,	Wood, N.,
Falkenstein,	Lee, T. H.,	Rhea,	Woodring,
Finestone,	Leisey,	Rooney,	Woodside,
Finnerty,	Leonard,	Rose, S.,	Wright,
Fisher,	Lesko,	Rose, W. E.,	Yeakel,
Fiss,	Levy,	Rosenfeld,	Yester,
Fleming,	Longo,	Royer,	Young,
			Kilroy, Speaker

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. JAMES asked and obtained unanimous consent to address the House.

Mr. Speaker we are all familiar with the provisions of the Labor Relations Act of 1937 and the Republican amendments of 1939 which liberalized this law and brought the status of Pennsylvania working men to a new and more progressive level of economic stability.

The Labor Relations Act of 1937 was a one-sided affair which vested the Labor Relations Board with extraordinary powers quite out of balance with the Constitutional privileges intended by the founders of American democracy.

One of the principal amendments made under Republican

guidance was a provision permitting secret elections to determine the collective bargaining representatives upon the petition of either employer or employes.

I have seriously considered this particular phase of Republican attempts to liberalize labor laws in the Commonwealth and it was my privilege, to night, to introduce, for your consideration, a measure which would further extend the benefits under this clause.

My bill provides that secret elections shall be held within thirty days, instead of twenty days as now covered by law, where no objections are filed, and within sixty days where there are objections or exceptions necessitating oral argument.

In view of swiftly changing conditions today, twenty days does not appear to be sufficient time for the Labor Relations Board or employes to act in their own interest to bring about a fair and more equitable interpretation of the law.

It is also my privilege to have sponsored another labor improvement bill, to further amend the Labor Relations Act by extending the statute of limitations on the filing of petitions citing unfair labor practices.

This is a paramount question, especially in view of overnight developments which might possibly impede the course of National Defense and throw a heavier cloud over already strained relations between labor and industry.

My measure would extend the time of filing such petition from six weeks to three months so that the Labor Relations Board can make an order on acts or statements committed within the extended period.

This would give both sides a few more weeks to raise any question by petition and thereby improve chances for equitable adjustment of differences.

The Republican Party has always taken an advanced stand on better labor relations for Pennsylvania's army of workers and this long range viewpoint has contributed heavily to the improved economic security accruing to those who man the wheels of industry.

My measures, reflecting administration sentiment toward labor in all divisions, is further evidence that when the labor laws of this State can be improved by a fair and equitable administration of any law relating to labor relations, the Republican Party will not be blind to its obligations and responsibilities.

WELCOME EXTENDED

The SPEAKER. The Chair is pleased at this time to be informed that we have with us this evening the bride of the gentleman from Lackawanna, Mr. Kenehan. I am sure the Members also are pleased to have her here.

The Chair recognizes the gentleman from Lackawanna, Mr. Kenehan.

Mr. KENEHAN. Mr. Speaker, a few months ago the Speaker told me when I rose that my privileges were very few. I disagreed with him two nights after my honeymoon.

The SPEAKER. The gentleman has put his foot in it.

Mr. BURNS. As one of these boys who in the future may assume this status, Mr. Speaker, I would like to ask the gentleman from Lackawanna, Mr. Kenehan, whether I am in line for a little information.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. KENEHAN. Mr. Speaker, I think every man should find out for himself.

Mr. BURNS. I thank the gentleman, Mr. Speaker, I will.

RESOLUTION

CONGRATULATIONS

Mr. McLane offered a privileged resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, April 28, 1941.

Whereas, The House of Representatives has just learned of the marriage on Saturday, April 26, 1941, of the Honorable Martin F. Kenehan and Gertrude McKeenan; and

Whereas, The steadying influence of a wife is something to be treasured; and

Whereas, The Honorable Martin F. Kenehan will now be able to give a more complete and understanding study to the problems affecting the Commonwealth, especially those dealing with the employment of married women; and

Whereas, The House of Representatives rejoices in the happiness of all its component members; therefore be it

Resolved, That the House of Representatives congratulates the Honorable Martin F. Kenehan and his wife and wishes them a long and happy marital life; and be it further

Resolved, That a copy of this resolution be sent to the newly wedded pair with the best wishes of the House.

MEMBER CONGRATULATED

The SPEAKER. The Chair informs the members that the gentleman from Columbia, Mr. Croop, is fifty years old today. This also is his fifteenth wedding anniversary. The Chair congratulates the gentleman from Columbia, Mr. Croop.

COMMITTEE MEETINGS

Cities—First Class, Tuesday, April 29 at 11 a.m. in Room 521.

Cities—Second Class, Tuesday, April 29 at 10:30 a.m. in Room 521.

Constitutional Amendments, Tuesday, April 29 at 10:30 a.m. in Room 327.

Counties, Tuesday, April 29 at 11:30 a.m. in Room 330.

Elections, Tuesday, April 29 at 11:15 a.m. in Room 323.

Game, Tuesday, April 29 at 11:30 a.m. in Room 324.

Judiciary General, Tuesday, April 29 at 9 a. m. in Room 246.

Judiciary Special, Tuesday, April 29 at 10:30 a. m. in Room 246.

Military Affairs, Tuesday, April 29 at 10:30 a. m. in Room 331.

Townships, Tuesday, April 29 at 10:30 a. m. in Room 329.

Welfare, Tuesday, April 29 at 11:30 a. m. in Room 246.

PUBLIC HEARINGS

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 765 on Tuesday, May 6, 1941 at 7:00 p. m., E. S. T. in the old House Caucus Room—3rd Floor.

There will be a Public Hearing before the Committee on Professional Licensure on House Bills Nos. 335 and 678 on Wednesday, May 7, 1941 at 10:30 a. m., E. S. T. in the New House Caucus Room.

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, May 6, 1941 at 6:00 p. m., E. S. T. in the New House Caucus Room.

The meeting of the Committee on Labor scheduled for tomorrow is changed to Wednesday, April 30 at 10 a. m., E. S. T., in Room 521.

Reminder—Americanism Program—Hall of the House, April 30, Plan to be present early. Speakers: Hon. Frances Walter, Philadelphia; Hon. James Van Zandt, Altoona.

ADJOURNMENT

Mr. EARLY. Mr. Speaker, I move that this House do now adjourn until Tuesday, April 29, 1941 at 12 m.

The motion was agreed to, and (at 10:54 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., TUESDAY, APRIL 29, 1941. No. 44.

SENATE

TUESDAY, April 29, 1941.

The Senate met at 10:00 o'clock, a. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

Lord God of Hosts, in whom our forefathers implicitly believed and upon whom they depended in all times of adversity, once more in humble prayer we plead for a dual awakening by our people unto a deeper consciousness of Thee as well as unto the immediate dangers confronting our nation. Awaken us out of our smug complacency unto urgent need of great sacrifice in the interest of our continued liberty and independence.

Evil forces directed against democracy are zealously laboring for its overthrow and orderly government everywhere is being jeopardized. Government by brute force is fast supplanting all others.

O God, that we may be keenly alert unto these forces and that out preparation be more than adequate to prevent them from overthrowing our government similar to that so disastrously revealed in Europe.

O Lord, Our God, Thou hast been our Guide through all generations, a very present help in time of trouble. Help us vigorously to display our faith and trust in Thee that in the future way our national safety and integrity may never be in doubt.

Let Thy blessing rest upon our labors this day in the continued interest of sound, orderly government in our Commonwealth. We pray in our Master's name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. TYLER and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Nortaries Public.

CONSIDERATION OF NOTARIES PU

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 29, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

John F. Manns, Oakmont.

BERKS COUNTY

Mrs. Anne B. Kieser, Reading.

CAMBRIA COUNTY

John W. Stephenson, Johnstown.

PHILADELPHIA COUNTY

Frederick J. Helbling, Jr., Phila., 6132 Bingham Street.
Mrs. Elizabeth P. McCue, Phila., 1240 Land Title Bldg.

VENANGO COUNTY

James S. Benjamin, Clintonville.

WASHINGTON COUNTY

Harold A. Ashbrook, Washington.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in resolution from the Senate as follows:

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday, May 5, 1941, at 3:30 o'clock, p. m., Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday, May 5, 1941, at 8:00 o'clock, p. m., Eastern Standard Time.

HOUSE CONCURS IN SENATE BILL No. 125

He also returned to the Senate, Senate Bill No. 125, entitled:

An Act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough, town, township, school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period, and preserving certain tax liens and providing for the extension thereof.

with the information that the House has passed the same without amendments.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 727, (Senate Bill No. 151), entitled:

To further amend section twenty-five, and to amend section twenty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1237), entitled "Divorce Law," by providing for notice by registered mail when it proves impossible to secure personal service of the subpoena in divorce.

Which was committed to the Committee on Judiciary General.

House Bill No. 728, (Senate Bill No. 179), entitled:

An Act validating the title to real estate purchased at judicial sales for the unpaid taxes or municipal assessments, where there is a defect in the names of the parties in certain cases; and providing certain exceptions.

Which was committed to the Committee on Municipal Government.

House Bill No. 729, (Senate Bill No. 393), entitled:

An Act to amend sections one and two of the act approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark, brand or name," by extending the provisions thereof to vending equipment used in distribution of such articles and further defining parties having a right of action for unfair competition.

Which was committed to the Committee on State Government.

House Bill No. 730, (Senate Bill No. 647), entitled:

An Act relating to the bonds to be given by county officers, their deputies, clerks and assistants, in counties of the second class, the amount and conditions thereof, the sureties for such bonds, the payment of the premiums therefor and the recording and custody thereof.

Which was committed to the Committee on County Government.

House Bill No. 731, (Senate Bill No. 960), entitled:

An Act to amend sections one and two and to further amend sections three and five of the act, approved the sixth day of April, one thousand nine hundred and eleven (P. L. 51), entitled "Sausage Law," making possession of adulterated sausage prima facie evidence of intent to sell; further defining and regulating the adulteration of sausage; and conferring powers on the Department of Agriculture.

Which was committed to the Committee on Health.

House Bill No. 732, (Senate Bill No. 1019), entitled:

An Act to further amend Section 1408 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "Fiscal Code," clarifying the provisions of said act with respect to attorney's commissions on taxes and other demands due the Commonwealth.

Which was committed to the Committee on State Government.

House Bill No. 733, (Senate Bill No. 1087), entitled:

An Act to amend Clause (2) of Section 3 of the act approved the sixteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1784), entitled "Newspaper Advertising Act," by changing the definition of daily newspaper.

Which was committed to the Committee on Judiciary Special.

House Bill No. 734, (Senate Bill No. 1373), entitled:

An Act to amend part of section two of the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by making an appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

Which was committed to the Committee on State Government.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 125, entitled:

An Act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class and county institution district) (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

Senate Bill No. 285, entitled:

An Act abating certain tax penalties and interest on unpaid city and school taxes in cities of the first and second class and school districts of the first class, and on poll, poor district, institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens and providing for the extension thereof.

House Bill No. 145, entitled:

An Act validating county treasurers' deeds where the acknowledgment of such deed or deeds was defective in any respect, if in fact such acknowledgment was taken before a judge of the county.

House Bill No. 1151, entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 1152, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred and forty-one: and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred thirty-nine.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on State Government, reported as amended, Senate Bill No. 445, entitled:

An Act to amend section one thousand one hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claim against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay licensee fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating the making of resettlements by the Department of Revenue.

Mr. HOMSHER, from the Committee on Banking, reported as amended, Senate Bill No. 296, entitled:

An Act to re-enact and amend the title and act approved the twenty-fourth day of June, one thousand nine hundred thirty-nine, (P. L. 748), entitled "For the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," providing for the regulation and registration of persons and entities engaged in the business of investment advisers, and for the revocation and suspension of such registrations; conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

Mr. T. B. WILSON, from the Committee on State Government, reported as committed, Senate Bill No. 489, entitled:

An Act authorizing the Department of Property and Supplies to acquire by gift from the Pennsylvania State College, on behalf of the Commonwealth of Pennsylvania, that certain tract of land in Northumberland Borough, County of Northumberland, upon which is located the home of Joseph Priestley, and now the property of the Pennsylvania State College; providing for the control, management and maintenance thereof by the said department and the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to accept in trust from the American Chemical Society and other interested societies or individuals, such moneys as they may see fit to present to the Commonwealth to assist in the maintenance and development of this property as a permanent memorial; authorizing the Pennsylvania Historical Commission to accept as gifts or loan, such books, manuscripts, pamphlets, relics and furniture as interested societies or individuals may provide for the permanent utilization of the property as a museum of science; and making an appropriation.

Mr. H. I. WILSON, from the Committee on Elections, reported as amended, Senate Bill No. 164, entitled:

An Act to further amend section one thousand two hundred and seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L.

1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership in county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners, imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by increasing their compensation for services rendered by constables and their deputies.

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 446, entitled:

An Act to amend section six of the act, approved the sixteenth day of May, one thousand nine hundred and thirty-five (P. L. 208), entitled, as amended "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," authorizing the Department of Revenue to grant an additional extension of time for the filing of reports under the provisions of said act.

Mr. CRIDER, from the Committee on State Government, reported as amended, Senate Bill No. 514, entitled:

An Act to further amend subsection (b) of section eight hundred one of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay licenses fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further prescribing the time within which the Department of Revenue shall make settlements of taxes and bonus due the Commonwealth.

Mr. CAVALCANTE, from the Committee on Elections, re-reported as recommitted, Senate Bill No. 169, entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records.

Mr. DiSILVESTRO, from the Committee on Municipal Government, reported as committed, Senate Bill No. 502, (House Bill No. 895), entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts, to file tax and municipal claims, not filed within the time specified by law and to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

Mr. COLEMAN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 649, (House Bill No. 971), entitled:

An Act to further amend sections fifteen and fifteen and three-tenths, and to repeal sections fifteen and one-tenth and fifteen and two-tenths, of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing for the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in certain cases, reviving, validating, preserving and extending liens.

BILLS INTRODUCED

Mr. CARR read in his place and presented to the Chair Senate Bill No. 735, entitled:

An Act to further amend subsection (a) of section eight and to amend section twelve of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor

vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by further regulating the suspension and restoration of licenses and the proof of financial responsibility and providing a system for the payment of judgments against operators and owners of motor vehicles.

Which was committed to the Committee on Highways.

Mr. SNOWDEN read in his place and presented to the Chair Senate Bill No. 736, entitled:

An Act to amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by adding subsection (d) authorizing departments, boards, or commissions to grant easements or rights of way upon, across, over, under or along lands of the Commonwealth, under certain conditions, in the interest of National Defense.

Which was committed to the Committee on State Government.

Mr. MUNDY. Mr. President, I would like at this time to introduce a bill, and I request permission to make a short statement in connection therewith.

The PRESIDENT. The gentleman from Luzerne may proceed.

Mr. MUNDY. Mr. President, in recent months in this chamber we have witnessed the introduction of a number of bills borne of the hysteria produced by the present national emergency. Souls, afire with a perverted patriotism, have cluttered the Calendar with bills that regulated a neighbor's conduct, because we felt his lineage and blood ties were too far removed from the original occupants of the Mayflower. Like Diogenes of old we were searching about for honest, brave courageous patriotic men of our own type, and at the same time impugning the motives of timid souls who were unable to speak in their own defense. In order to make the argument more convincing we were told that many of these bills were sponsored by the American Legion. In one supreme effort we drove out of the open places undesirable citizens, drove them back into holes, hovels and dark cellars the better to carry out their nefarious plot against constituted authority.

In our effort to strike against communism, we, by law, enacted conduct regulations which carry with them the distinct and pungent odor of fascism. There was a grave intolerance breathed into law with a series of "Thou Shall Nots." Federal regulation of citizenship requirements has stood the Nation well for over 150 years, and federal control of its individual citizens in the U. S. A. has produced a substantial brand of citizenship in America, not equalled and certainly not excelled anywhere in the world.

We agree with the authors of these bills that they were probably motivated by pure patriotism alone, but ask them in their experience whether exposure to sunlight does not kill off the slimy creatures bred in dark damp places—or render inert the deadliest germ awaiting a favorable time to attack the human host.

I am concerned seriously about the danger to our Nation's future from a subtle enemy from within, but believe that a democracy will survive, not because of a series of prohibitions, mandates or regulations, but rather because that democracy gives to its individual citizens in fact, those previous guarantees within the Constitution of Pennsylvania and the United States of America. Human rights, property rights, individual liberty must be zealously guarded in order to make a democracy sufficiently inviting to its new citizens, that they will zealously guard it and fight and bleed and die to maintain its entity, that liberty, the pursuit of happiness, and the life of 130 millions of their fellow citizens will be guaranteed.

I have purposely placed human rights where they properly belong—first in our consideration, and have relegated property rights to second place. This may not meet with the approval of the ultra reactionaries of special privilege, but certainly in the last ten years has been definitely approved in repeated public referendum by the votes of the masses.

In order to do all this the law making body, the Senate and the House, should effect a real leadership, which will separate the chaff from the wheat, avoid protracted sessions, and send out of the legislative mills only real constructive legislation. The executive branch should impartially enforce the law, urge its immediate repeal if not practical. Sometime later I will deal with these branches separately.

Today I am concerned entirely with that branch of government to which is entrusted the honest interpretation of the intent and purpose of all law. Oratorical spellbinders from public platforms reach a patriotic fervor in assuring our citizens that they have lost none of their constitutional guarantees. I heard our present Governor tell a group of citizens that their personal and property rights were safeguarded by law, and that when falsely accused or denied these just rights, they still had their day in court before an impartial judge and a jury of twelve men of their peers. I sometimes wonder if Mr. Average Citizen really has this.

The greatest asset of democracy lies in maintaining and guarding the integrity of its courts of justice. One dishonest judge false to his trust can do more injury to American democracy than all the fifth columnists and alien saboteurs combined. When a judge sells justice for money and favor he drives a stiletto into the heart of the American nation.

When and if the confidence of the American people is lost in our judicial system and our trial by jury, then democracy will cease to function and we will resort to the rule so prevalent in the world today that "might alone makes right."

You may say that here in America our judciary are beyond reproach. I am glad to feel that the great majority are of that type, but there is still a minority of the bench whose decisions are tainted by prejudice because they have permitted themselves to be compromised by favor and financial distress, or just cannot suppress the urge to be known as political powers in their local communities.

Lawyers in this august body have a false conception of their duty in the legislative halls. They still retain the mistaken idea of professional ethics that they do not wish to offend the judiciary in general. This was evidenced a short time ago when you killed an excellent bill aimed to take Judges out of politics. I sincerely believe that the great majority of the American Bar Association would welcome bills of this type, because they would help to remove the odium from the great majority of distinguished lawyers and jurists cast upon them by a relatively few judicial accidents occupying positions of public trust.

While we have two major party systems in America, it seems to me that each party can find some method of investigating the character, the personality, and the integrity of candidates for the judicial offices before they receive either party's endorsement.

Judges who were former corporation lawyers should never be elevated to the bench, because they will avail themselves of that corporate influence to be elected, and will obligate themselves to their former employers during their tenure on the bench. In addition, having been trained to see the law from a corporation standpoint they naturally follow that line of reasoning after elevation to the bench.

Lawyers in grave financial distress with multiple obligations to banks and trust companies should be told to clean up their personal affairs before they aspire for judicial honors, because when they are elected they invite too many back-door visitors and too many star chamber decisions.

No judge should invest in big business or should sit in cases involving the interest of former clients. In my County of Luzerne I have known a Judge to sit on a case where a brother (a lawyer), a son (a lawyer), or a near relative lawyer acted as counsel for one of the litigants, and in Luzerne County at least five of the six Judges are members of bank or building and loan boards. The vast financial interests of these banks should ethically bar these Judges from sitting on many cases, but it never seems to.

A few years ago we had a notorious political Judge who gloried in the fact that his name should be blazoned in bold type across the pages of all the newspapers of the state. All of you are familiar with the seemingly invincible Fine-Pinchot political machine of perforated ballot fame. The people of Luzerne County, nauseated with the notorious political activity of Judge John S. Fine, retired him to side lines for two years. Chastened he was returned to the bench and since his return has up to date actively shunned the political spotlight and has become a real Judge.

The Democratic Party in Luzerne County failed to avail themselves of the opportunity to do a real public service. To supplant Judges Fine and Coughlin on the bench they selected as their candidate a brilliant lawyer unfortunately in dire financial straits, and a mediocre lawyer who rarely had a case in court. Both swore to be non-political judges. The election of both has not improved the situation appreciably insomuch as the one lacking the cleverness—organizing ability or courage of Fine crudely lives to become a political power without one quality which would recommend him to leadership. By party affiliations he is a Republicocrat.

From my neighboring County of Lackawanna hails a Supreme Court Justice who was very political in the past. Two independent coal operators invested and lost considerable money in a large hotel in the City of Scranton. Coincidently the Justice was also interested in the same losing investment.

The startling tales of maladministration of justice, and abuse of the judicial parole system emanating from the City of Philadelphia are not conducive to producing respect for constituted authority. The pungent odor of the famous preferred list and judicial leaks striking at members of our Appellate Court had hardly ceased to offend sensitive nostrils when we read that one Federal Judge had been sent to prison—another is on trial—and that a third is being investigated and soon may be called to account.

By your recent vote on the floor of this Senate, you said it was distinctly patriotic to pass bills to prohibit foreigners from holding positions in all functions of government, distinctly patriotic to bar communists from the ballot, eminently patriotic to fire some timid little school marm for teaching historical facts because they disagree with your thoughts, but I am firmly convinced that there are but a few of us on this Senate floor who have the intestinal fortitude to clean out the crooked lawyer and cleanse the bench of those who, forgetful of judicial ethics, cast a stigma upon the reputation and professional attainments of that great mass of the legal profession and members of the bench whose honesty and integrity has never been questioned.

A dishonest Judge is the most potent saboteur extant in the American democracy today. Let us destroy these termites who are eating into the heart of democracy.

BILLS INTRODUCED

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 737, entitled:

An Act prohibiting certain activities by judges of courts of record; granting powers and imposing duties on the Auditor General of this Commonwealth; requiring the filing of certain information by such judges with the Auditor General; and prescribing impeachment and removal from office as a penalty.

Which was committed to the Committee on State Government.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 738, entitled:

An Act making an appropriation to the Department of Property and Supplies for the use of the Valley Forge Park Commission.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 739, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in restoring and maintaining the original valley forge at Valley Forge Park.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 740, entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions, and imposing certain duties upon the juvenile court.

Which was committed to the Committee on Education.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 741, entitled:

An Act to further amend section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," permitting hotel and restaurant licensees to sell by the bottle, at certain times, for consumption off the premises; regulating such sales and imposing penalties.

Which was committed to the Committee on Law and Order.

RESOLUTION

Mr. REED. Mr. President, with your permission and leave of the Senate, I wish to discuss a resolution offered on February 10, 1941.

The PRESIDENT. The gentleman from Washington may proceed.

Mr. REED. On February 10, 1941, I introduced in this Senate Resolution No. 22, requesting the Secretary of Public Assistance to furnish to the Senate certain information relating to the administrative side of his department.

In response to that resolution, Mr. Russell has submitted to each member of this body a compilation containing much of the information desired, and for this service at this time I wish to openly thank him.

I believe that each member of this Senate has on his desk a volume of this report. I might say there is some fine information in it bearing on the welfare of the Commonwealth.

In numerous discussions on relief back through the years, much has been stated about its cumbersome, expensive and unsatisfactory administration, and the aim of this resolution was to bring into the open for public scrutiny this phase of the general subject of public assistance.

When relief was first brought forth for consideration under the Pinchot administration, it was generally viewed as a temporary measure that would soon evaporate and pass away with the return of prosperity. That has not been the case. On the contrary, relief developed and spread with amazing rapidity, and in 1937 the public assistance law was enacted to consolidate and regulate its operations.

Mr. President, at that time a new industry came into being in this Commonwealth, and I am sure the Department of Commerce would not take any credit for creating this new industry. It is known as the public assistance industry, and into this new industry has rushed thousands of persons from all over the Commonwealth to offer their services, not without pay, to assist in helping the widow, the blind, the maimed, the aged and the unfortunate to get their just share of the public bounty. This group of self-styled charitably servants soon became organized into a consolidated unit chiefly, no doubt for their own preservation and protection.

The report submitted by Mr. Russell shows that 7052 such servants were on the state payroll on March 11, 1941, drawing handsome salaries up to six thousand dollars per annum, and I am told authoritatively that in Pennsylvania there are many other hidden charitable workers that draw their sustenance from the public funds of this Commonwealth.

Mr. President, in order to get at this problem properly, it is necessary to determine what was the purpose of public relief. As I understand relief, and I have given it some considerable study, it was created for the purpose of taking care of the unfortunate and unemployed people during the famous depression starting back around in 1930 and 1931. It was viewed as I have already stated, by everyone as a temporary matter. People thought it was a sickness that could be cured, and the cure was to be the furnishing of relief.

Now, what has happened in our relief set-up today? It has become organized from the inside and vast numbers of people are drawing sustenance from that fund. I want Senator Haluska particularly to look at its personnae. It is amazing in many of its aspects.

Out of the 7052 names in this document, there are over thirteen hundred people who are married and whose husbands are drawing in many cases handsome salaries and handsome stipends from other sources. I want Senator Mundy to look at that document also, because within its leaflets are the names of many attorneys, many physicians, many dentists, many contractors, veterinary surgeons, almost all phases of the business world are represented there, and I want you to look at that with this in mind: while men and women that Senator Haluska have brought to your attention are today receiving nothing, thousands and thousands of dollars of the people's money are going into the homes of attorneys, into the homes of physicians, into the homes of contractors and into the homes of other people who do not need it at all.

I want to bring to your attention in this connection a case that came to my attention last Saturday. A man whom I have known for many years, a man who is now past seventy years of age, and a man who has been a thrifty citizen in Washington County, a man who had

purchased his own home, who had there a nice family, who had worked steadily down to the time when he was seventy years of age, and then one day his boss said to him, "George, you can not come to work tomorrow; you are too old." He had given to that industry the best of his life. George said, "Well, why must I quit?" His boss said, "You will have to take your old age pension." He goes home and he takes his old age pension. That was several years ago. On Saturday he came into my office with a bundle of papers. He had been sued for the money he had been forced to take as a pensioner. He had never been sued in his life, he has never even been in a squire's office in his life; the only thing he knew was to earn a thrifty living and to go to church on Sunday and recognize his God and his government in his daily avocation. There is a man who was denied his pension, his little property might pay for his subsistence and at the same time, Mr. President and members of the Senate, I repeat by going through this booklet, thousands or hundreds of people in the Commonwealth who do not need the work, who do not need the money, have been drawing down for years fancy salaries under the administrative department of Public Assistance.

I say, as I have heard Senator Ealy say many times on this floor, this subject is such that it must be curtailed in the near future or it will ruin the very existence of our free form of government.

Just recently a small road contractor said to me, "I have not been able to get the men this year that I had last year." I said, "How many were there?" He said, "about sixty, and I took some men that were not employed and they were on relief." This year he was only able to get five of them; the rest said they would sooner now stay on relief. Now, Mr. President, and members of this Senate, those are the things which shake our confidence at this time in our form of government. Here is a matter that was supposed to be temporary and everything you read about it indicates clearly that is now working towards a permanent status. I almost fell off my chair in the Committee room of Senator Bartlett the other day when I heard the secretary say relief was going to be permanent and that the core would be around $4,500,000 a month. It is the same old story. When you start anything that has money involved in it, as temporary, you will find a crew working to make it permanent and that is the case with public assistance in Pennsylvania today.

I go back to this record, and I want to call to the Senate's attention some of the startling facts found therein. Here is a case where a woman is getting $3,000 a year and her husband is a lawyer. He would not give his annual salary; he said he could not compute it. I would like to know when Uncle Sam calls on him whether he computes it then, for his income tax.

Here is another person getting $3,000 a year and her husband is reputed as a marine engineer and he is in the same class, he will not give his annual income.

Here is a case where a married woman is getting $2,400 a year and her husband is getting $2,600 a year. Here is a married woman getting $1,860 a year and her husband, an architect, is getting $2,100 a year. Here is a case where a woman is getting $1,380 a year and her husband, a skilled accountant, is getting $3,000 a year Here is a case where a woman is getting $1,140 a year and her husband, an osteopath, is getting $2,400 a year. All down through the pages of this book you will find cases of that nature.

Now, Mr. President, I always understood that when this great Commonwealth gave money for relief it was to go to the people who were actually in need. If we would eliminate from this personnae many of those cases, then perhaps some of the unfortunate people that Senator Haluska is interested in will receive some stipend at least.

Now, from up in Senator Coleman's district comes a letter, and I was supposed to show it to Senator Coleman, speaking of this subject, in which the writer says in part: "Now, sir, in addition to all this, this D. P. A. brainbuster had a husband who was earning four hundred dollars a month and she herself was receiving over one hundred dollars a month."

There are many, many cases like that in the great Commonwealth of Pennsylvania and there are many in the record as submitted by Mr. Russell. It is unfortunate that over six hundred of the more than thirteen hundred married cases in this document fail to report how much their respective annual incomes were. It is clearly indicated thereby they do not wish to bring that information to public scrutiny and the light of day.

Mr. President, this matter of public relief is getting into a dangerous situation. Something must be done with relief soon. It was a temporary matter, I repeat, but now it has become deeply rooted in the very social and economic life of this great state and this great Republic. We are teaching through relief the idea that a young man need not to work, he can take relief, he can live a life of ease, he can follow a life of indolence, and yet he will tell you, "Well, that is all right, when I get old the government will keep me." We have a great class in that respect and we have another class made up of men like the individual case I cited, men who want to be thrifty, men and women who want to live the American way, men and women who want to live God's way and earn their bread by the sweat of their face, and yet today that class is breaking down. They say, "What is the use; if we are thrifty, if we do acquire a home, if we do lay aside a little insurance, when the time comes, when the old age pension law puts us out of business, then we must give our home and our insurance and our little savings away."

There are the two pictures, my friends, and as I see it, there is only one way that we can break this nefarious business up and that is through good old American courage. I think the time is here, if it will ever come, when the act of 1937 must be restudied or repealed. I am not talking against the blind. I am not talking against the aged widow and dependent children, I am not talking against the aged. We had them before the act of 1937. I am talking against that great group today who believe the state will forever keep them without working and I say to you, Mr. President and members of this Sentae, the time is now here, if it will ever come, when the government is hunting men everywhere, when the state is looking for good men, when private industry is looking for good men, to tear this public assistance law apart; take care of the blind, take care of the aged, take care of the dependent children, take care of the maimed, and tell the other ablebodied men that under our American way they must go to work or they shall not receive the benefits of our Republican form of government.

Now, Mr. President, as I see it that is the picture. I would like to discuss this matter in greater detail but I

know time will not permit at this time, but I want to leave this thought with you once more: that no nation from the time of antiquity down to the present has ever ascended, has ever gone upward, with its people drinking the milk of relief. Every great nation that has tried a permanent relief set-up has gone in the opposite direction, down, down, down to destruction, and these things are things that bring home to those who are interested in the preservation of the Republic the fact that now is the time to study this matter with a view of either eliminating or at least controlling it for the public good.

Mr. President, this is one of the most important subjects before the people of Pennsylvania and America today, and we in the service of Pennsylvania should take off our coats, roll up our sleeves, haul down the old fashioned American courage and say we are first going to stand for the state and the nation rather than for the organized group of people who are trying to control our actions for their own good.

Mr. President, that is the picture as I see it. In conclusion I wish every Senator on this floor would go through this book, particularly as bearing on their own districts, and then decide what your action and what my action should be as bearing on this important problem.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Westmoreland will state his question of personal privilege.

Mr. DENT. Mr. President and members of the Senate, relative to the subject just discussed by the eminent Senator from Washington County, I have a few observations I would like to make to the Senate now. They have occurred to me during the talk of the gentleman from Washington and are the result of a rather thorough study of the same book that he has discussed here before you.

Back in 1935 I headed a committee of the House that studied relief in Westmoreland County and in our report to the Legislature I called attention to the fact that employes of the relief administration at that time were very definite in their observations that relief was permanent and not an emergency proposition. I called attention of the Legislature to the fact that one of the most evil things I had seen creep into government up to that time was the matter of record taking of the persons who received relief.

No man on this Senate floor, unless he has personally made an investigation or made a visit to the relief headquarters in his own county or the State Department of Public Assistance, can have any idea of the thousands upon thousands of records that have been kept on persons who have received relief. No class of citizenry has ever had a more thorough investigation of their personal activities than the person who receives relief and the permanent record has ben made for the purpose of keeping on the payroll the seven thousand odd persons who make up the relief administration. They will deliberately go out into a county and remove from the relief rolls a certain number of cases, without rhyme or reason, and then after five or six weeks put them back on the relief rolls with an apology. The idea behind it, of course is, that as long as they have active cases then there is a necessity for their being employed.

I want to call your attention to these facts, Mr. President, and I only give you rough figures. Approximately $1,500,000 a month is being spent by the Department of Public Assistance for administrative costs and when you realize that in the last report of the Department of Public Assistance about two-thirds of the money expended for relief is expended for unemployable persons, in other words, old age assistance, aid to dependent children, blind assistance and so forth, when you realize that two thirds of the $1,500,000, a month, amounting to roughly $12,000,000 a year for administering relief, or assistance, if you please, to the so called fixed cases in the State of Pennsylvania, I say to you members of the Senate, now is the time to break up the Department of Public Assistance and put the so called fixed cases of blind pensions and so forth back in the Department of Welfare.

Mr. President, at no time in the history of this state did it cost $12,000,000 a year to administer assistance grants to those persons who are on the relief rolls constantly.

I want to say to you that you will never break up this octopus created by this Legislature in the form of the Department of Public Assistance until we do that very thing. When you realize we are spending about $10,000,000 a month, about $6,500,000 of it for fixed cases and about $3,500,000 for the so-called employable relief cases, and $1,500,000 of the total is being spent for administrative costs, you have an overall of about fifteen per cent for administrative costs.

The cost is entirely too great in proportion to the amount received by the relief recipients and this Senate must and this General Assembly must at this session of the Legislature, while business is on the up-trend, do something to destroy the Department of Public Assistance; it is a cancer that grows worse with age.

According to the figures of the Department of Public Assistance there has been a decline of seventy per cent in the active relief rolls. Does anybody here think or believe there has been a reduction of seventy per cent in the personnel? There has not. When you realize that blind assistance, mother's assistance, aid to dependent children and so forth are cases that do not require weekly visits from visitors, then I think you can see the logic of the argument that I am making and that it is the duty of this Legislature now to destroy the Department of Public Assistance and put back into the Department of Welfare, where it belongs, the administration of public assistance grants to those persons in static cases.

Mr. WALKER. Mr. President, under the heading of resolutions yesterday I introduced a resolution suggesting a sine die adjournment of this session of the General Assembly. If there is any chance that we might be able to get something accomplished, as suggested by the gentleman from Westmoreland, I would be perfectly willing to scrap that resolution.

I want to take this opportunity, Mr. President, of saying to the gentleman from Washington, Senator Reed, I think that was a very able and statesmanlike presentation of a very difficult and technical subject.

Now, Mr. President, I would like to interrogate the gentleman from Allegheny, Senator Geltz.

The PRESIDENT. Will the gentleman from Allegheny, Mr. Geltz, permit himself to be interrogated by the gentleman from Allegheny, Mr. Walker.

Mr. GELTZ. Yes, Mr. President.

Mr. WALKER. Mr. President, I desire to ask the gen-

tleman from Allegheny, Mr. Geltz, if he contemplates holding a meeting of the Rules Committee this week?

Mr. GELTZ. Mr. President, I have not even had time to think as to whether or not we will have a meeting of the Rules Committee.

Mr. WALKER. Mr. President, I should like to further interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. WALKER. Mr. President, without probing too deeply into this process of thinking of the gentleman from Allegheny, is the gentleman from Allegheny contemplating a meeting of the Rules Committee next week or in the week succeeding that?

Mr. GELTZ. Mr. President, I stated before I had not thought about whether there would be a meeting of the Rules Committee or not. When it is proper to hold a meeting on the Rules Committee one will be held, and we trust my colleague from Allegheny will be satisfied.

Mr. WALKER. Mr. President, without desiring to press the subject too strenuously I desire to further interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. WALKER. The gentleman from Allegheny stated when it was proper to call a meeting of the Committee on Rules one would be called; may I ask the gentleman from Allegheny when is the proper time when a meeting of the Rules Committee will be called.

Mr. GELTZ. Mr. President, the proper time will be when we get a bundle of bills, such as they have in the Judiciary General Committee, of which my colleague from Allegheny is chairman.

Mr. WALKER. Then, Mr. President, under the heading of resolutions I shall offer a resolution that all the bills in the Committee on Judiciary General be re-referred to the Committee on Rules so that we can get a meeting on the Rules Committee.

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Cambria will proceed.

Mr. HALUSKA. Mr. President, I was certainly very much interested in the discussion given by the gentleman from Washington, Mr. Reed, and I think he gave us a very comprehensive report of the relief situation in the Commonwealth of Pennsylvania. Mr. Reed has devoted a great deal of time to that study and I think all of us should pay more attention to it.

It is not my intention, Mr. President, to take up much time of the Senate, but I have myself made a very comprehensive study of the situation and naturally I am interested and I am quite familiar with the set-up in the entire Commonwealth.

There is one phase of the law that is very much complicated to me and I would like this morning to call upon or interrogate the gentleman from Allegheny, Mr. Geltz, to see whether or not it is possible for him to throw some light upon this subject.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. HALUSKA. Mr. President, under the laws of Pennsylvania the law reads, on page 2046, 1937 P. L. superseded by the 1939 laws, which are identical, section 3 reads:

"Relatives liable for the support of indigent persons; procedure to enforce support. Section A. The husband, wife, child, father, mother, grandparents and grandchild of every indigent person shall, if of sufficient financial ability, care for and maintain or financially assist such indigent person at such rate as the court of the county where such person resides shall order or direct."

Now, Mr. President, my question is: does the court set the procedure or does the Department of Public Assistance have the right to set this procedure? Can the gentleman from Allegheny answer that question?

Mr. GELTZ. Mr. President, I do not like to give a so-called curbstone opinion, but I think the proper answer to the question of the gentleman from Cambria is that under that law the court has the right to enforce the provisions of that section. I think I know what is in my colleague's mind in connection with the administration of this matter. The Department of Public Assistance, as I understand, sets up a certain budget or plan under which relief shall be granted to an individual. If there is co-operation on the part of the individual or the individual's relatives, then there is no necessity for the enforcement of the provisions of that section by court action. However, if there is not a voluntary acceptance of the demand of the Department of Public Assistance, then either the department, the individual who is in need of assistance, or I would think, any other citizen could institute proceedings in court and compel those persons named in that section to contribute to the assistance of the individual who is in need of assistance or relief.

Mr. HALUSKA. Mr. President, I accept the answer of course, because I am very much in the dark on this question, but again I repeat that the law states very specifically that the court shall decide how much a relative shall give. No place in the law, Mr. President, can I find any wording where the Department of Public Assistance shall decide.

Now, Mr. President, I realize this is a very important question and for that reason I offered to this body a bill known as Senate Bill No. 21 and I was very much disappointed that this body has failed up until this time to pay any consideration to that measure.

I really believe all of you, if you would read that bill, would give it some thought. I am trying to set up some figure so that this body shall state to the Department of Public Assistance, through the courts, when a person is financially able to assist. As I have quoted many times, we have cases—I quoted one case in my county where the son was making fifty dollars a month and he is called upon to assist his father and mother. Well, gentlemen, you know that is impossible, to maintain himself and at the same time to assist his father and mother.

Now, Mr. President, I think we should, before we adjourn this Session of the Legislature, sit down at a round table and decide, it is our duty, as to when a person is able to assist. My bill says any person making less than $100.00 a month should not be called upon to assist his parents. Gentlemen, if that is too high, let us make it $75, let us make it $70, or let us make it some other figure. I think we owe it to ourselves sincerely and we owe it to the people that we are feeding, we owe it to the entire Com-

monwealth, to say when a person is liable for support and I am trusting that my members on the other side of the House, along with the chairman of the Committee on Public Assistance, will sit down some afternoon and really try to simplify this matter and say when we think a person is able to assist.

Mr. President, along the line of thought given by Senator Reed, glancing over the figures as released by the Department of Public Assistance, here we find in one city of this Commonwealth the name of Anna F. Goldberg on the payroll, Gustav Goldberg on the payroll, Dorothy R Goldberg on the payroll, Arthur M. Goldberg on the payroll, Grace R. M. Goldberg on the payroll, and Wilbert Goldberg, who at the present time is vacationing down in Daytona Beach, Florida.

Now, gentlemen, I assume they are all from the same family; they are all from the same city. Here we have six persons of the same name, if they are not of the same family, placed on the public payroll, while we have thousands upon thousands of persons who scarcely have sufficient to eat.

So, Mr. President, I agree with what has been stated by the gentleman from Washington, Senator Reed, and what has been stated by the gentleman from Somerset, Senator Ealy, back in the 1937 and in the 1939 Session, and I think at this Session, that this Department of Public Assistance should go back to the counties. It is our duty to make sure that thing is done, because the department payroll is eating up the money that we are appropriating to take care of the people who are on relief.

Above all, permit me to remind you that I hope and trust you will give some consideration to Senate Bill No. 21, setting up some figure, that we shall state when a person is liable for support of his indigent parents.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 3:00 o'clock p. m., E. S. T.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

The PRESIDENT. Before we take up consideration of the regular order of business, the Chair is going to recognize a Senator whom the Chair believes is held in the highest esteem and in whom every Senator, whether he be on the left or on the right, has the greatest of confidence; he is a grand old man and we all love him and I think when he finishes what he has to say and I don't know what he will say, like the ladies you will say, "isn't he sweet?"

The Senator from Somerset, Mr. Ealy.

Mr. EALY. Mr. President, I ask permission to make a short statement.

The PRESIDENT. There is no objection.

Mr. EALY. A number of times in this Senate, Mr. President, I have referred to the difficulties of legislation, which are due not only to the fact that we have such a large population in this state, about ten millions, which is equal to or almost equal to the population of the whole of Canada, and to the fact of the diversity or unequal spreading of that population, but also to the fact that we have so many problems of different natures. Pennsylvania is a great agricultural state, a great manufacturing state and a great mineral state. It has large forest areas, recreational areas and many other things.

I was surprised when I came down here to find that there was a large meat packing industry in Lancaster and York Counties; we have up in the district of Senator Reed a great sheep raising country. Senator Ziesenheim has brought to our attention the industries in his part of the state, and so it goes all over this Commonwealth. Service in this body is a wonderful educational privilege.

My own county, Somerset, is a great agricultural and dairy county, it is a great mineral county, and it has various other industries. One of its minor, but an important side industry, is the raising of maple sugar and syrup. I should like to see the Department of Agriculture or the Forestry Department take an interest in the maple groves throughout our county and the other counties of the Commonwealth, so as to rehabilitate, as it were, this industry and make it more productive in the Commonwealth.

The Somerset Business Men's Organization, in order to bring this matter somewhat to the attention of the Legislature, has prepared samples of the maple syrup of our county and have had these samples distributed in the House. They have also furnished a certain number of these little bottles or jars of pure maple syrup for distribution to the Senators. I am sorry I do not have enough of them at this time to give samples to the press and to all the minor officials of this Senate, but I am going to ask that the pages distribute a bottle of this syrup to each one of our Senators.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. As I say, Mr. President, if the Chair does not object, or the Senators, the pages will distribute little bottles or jars of this syrup, which you men can try on some buckwheat cakes—I think that is the best place to use it. I hope to have some additional bottles or jars for the officers later and perhaps I can secure some for the members of the press, and for others as well.

Mr. REED. Mr. President, I wish to call the attention of the good Senator from Somerset to the fact it will not be necessary to hand one of the bottles to me, as I have already purchased my syrup from one of the good farmers of Somerset County, a couple of weeks ago.

BILLS INTRODUCED

Mr. SHAPIRO. Mr. President, in presenting this bill I should first like to make a few explanatory remarks.

The PRESIDENT. If there is no objection the gentleman from Philadelphia may proceed.

Mr. SHAPIRO. Mr. President, in 1937 Governor Earle appointed a commission to investigate and make recommendations to the Legislature concerning a new charter for the City of Philadelphia. This commission made a thorough study of the matter for a period of almost two years and prepared a proposed charter which was widely circulated throughout the City of Philadelphia. The bill was introduced in the session of 1939 as the Woodward-Shapiro bill. The Senate passed the bill. The bill was killed in the House.

As drawn, the bill provided for a city manager and proportional representation. Notwithstanding the fact that these two very controversial features were introduced the

signatures of over 100,000 petitioners asking for the passage of the law were obtained.

The bill which I am about to present is practically the same bill as that prepared by that commission with the elimination of the two controversial features—namely, city manager and proportional representation. It provides for a submission of the bill to the people at the first general, special or primary election next succeeding the adoption of this bill as an act. It will become effective generally when the term of the present elected officials expires, except that provisions dealing with the making of the budget become effective as of January 1, 1942.

The fact that this bill, even with the controversial provisions, was approved by signatures far in excess of those required under any so-called home rule bill now before this session should be sufficient evidence that there are a sufficient number of people in Philadelphia who want this charter. The care which was given to the preparation of this bill and the general approval which it received in the city, together with the fact that it passed a Republican controlled Senate should be sufficient proof that it is unnecessary to put the people of the City of Philadelphia to the expense and trouble of going through the form of preparing another charter. The provision in the act for its submission to the people at an election for approval or disapproval ought to label this definitely as a home rule bill.

The adoption of the budgetary provisions alone should result in a saving of at least $2,500,000 per year in the expenses of the city and enable the city to increase salaries of policemen, firemen, park guards, and other deserving and underpaid employes.

When introduced in the 1939 session the bill was accompanied by a companion bill transferring the duties of the Registration Commission to the County Commissioners. It was the belief of the commissioners who framed the 1939 charter bill that this procedure should be followed. In order to avoid any implications and any controversy I am, for the present, not offering such a bill. It may become necessary to do so in the near future, but that is a matter which is not important at the moment.

I am also, at the same time, introducing for the purpose of the record, a resume of the provisions of this bill, indicating the proposed changed in the existing set-up of our city government.

I offer this as the opportunity for all home rulers to join me in affording the citizens of Philadelphia an opportunity to vote on a bill which, in my opinion and in the opinion of many others, is a well considered program which, when finally enacted, will result in a saving of at least $5,000,000 a year to the City of Philadelphia in governmental expenses alone.

I would like to add, Mr. President, that the correction of this bill for the elimination of the two features was not an easy task; it was difficult and cumbersome and took a long time and it may be that there may be some mistakes in it; I hope not, but if there are I ask your humble indulgence and I shall try to correct them.

I also might state, Mr. President, I have prepared a resume of its provisions, copies of which will be laid on the desks of the Senators.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO read in place and presented to the Chair Senate Bill No. 742, entitled:

An Act for the better government of cities of the first class of the Commonwealth by providing, among other things, for the election of a mayor and a council at large, the creation, abolition, and change of departments, and the addition to departments of certain functions pertaining to parks, detention and correction, planning within the city, weights and measures and dependent, neglected, incorrigible and delinquent children transferred from certain county offices to the extent of the performance of such functions within such cities, improvement of the civil service, increased control over finances, by requiring balanced current and capital budgets, and by greater control over the collection of charges, fees and taxes, and over payments, of salaries and other expenditures out of the city treasury, improvements in the making and revision of assessments, the grant of home rule to such cities and penalties.

Which was committed to the Committee on Municipal Government.

REPORT FROM COMMITTEE

Mr. MILLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER from the Committee on Municipal Government reported as amended, Senate Bill No. 7, entitled:

An Act to carry into effect section one of article fifteen of the Constitution, giving cities of the first class, cities of the second class, and cities of the second class A the right and power to frame, adopt and amend their own charters, and to exercise the powers and authority of local self-government, and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county boards of elections, courts of common pleas, and the Secretary of the Commonwealth; and providing for the payment of certain expenses by cities.

PERMISSION TO ADDRESS THE SENATE

Mr. COLEMAN. Mr. President, I rise for the purpose of making a motion and I would like to make a few remarks preliminary to that motion.

The PRESIDENT. If there is no objection the gentleman from Lackawanna will proceed.

Mr. COLEMAN. Mr. President, yesterday there was inaugurated in the state of Pennsylvania daylight saving time and already in the Senate of Pennsylvania we have had considerable confusion. I remember in 1937, when I was a member of the House, some member from the western part of the state sought to adjourn the House of Representatives and was forced to make three motions involving daylight and eastern standard time. Each time he made a motion to have the House adjourn, to meet Monday night at eight o'clock—on one motion he referred to it as daylight standard time and then when somebody called his attention to that fact, he said daylight saving time and of course, as I understand the constitution you can not convene the General Assembly under any time other than standard time. Mr. President, yesterday afternoon we heard a motion made that the Senate adjourn to meet at ten o'clock this morning, standard time, and then a few minutes later, or rather a few minutes preceding that, in the announcements we heard committee meetings called on daylight saving time.

In order to have no confusion I think we ought to definitely eliminate any reference to daylight saving time in the proceedings of the Senate; we ought to eliminate any reference either directly or indirectly to daylight saving time. I think this Senate ought to be convened on standard time and that all committee meetings be called on standard time, and I would suggest in order to avoid any confusion, that when the reading clerk is reading he say ten a. m. standard time and not eleven a. m. daylight saving time, by way of explanation, because I think instead of explaining, it adds to the confusion. I suggest Mr. President, to all intents and purposes this Senate knows nothing about daylight saving time.

MOTION THAT SENATE ADHERE TO EASTERN STANDARD TIME

Mr. COLEMAN. Mr. President, in order to bring this matter properly before the members of the Senate, I move you the committee chairmen be instructed and the reading clerk be instructed to call all committee meetings for the duration of this Session of the Senate on eastern standard time.

Mr. STEVENSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion? It was agreed to.

REPORT FROM COMMITTEE

Mr. CAVALCANTE. Mr. President. I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, from the Committee on Judiciary General, reported as committed, Senate Bill No. 141, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

BILL INTRODUCED

Mr. WOODWARD. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD read in place and presented to the Chair Senate Bill No. 743, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1933) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of election; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," as amended, by imposing further duties upon county boards of elections and their employes, and courts; providing for the appointment of examiners of elections and prescribing their duties; reducing the number of watchers that may be appointed for any primary or election, and reducing their compensation, and limiting the time in which requests for appointment of watchers may be filed; providing for reports of rooms and buildings used or proposed to be used as polling places; prescribing a procedure whereby party officers may be removed from office providing for challenge of persons disqualified for violation of this act; changing the method by which district election officers shall make returns of votes cast, and the method by which the returns shall be computed by county boards of elections; requiring expense accounts to be accompanied by vouchers for all items in excess of three dollars; providing additional penalties; and further clarifying coordinating certain provisions of said act.

Which was committed to the Committee on Municipal Government.

REPORT FROM COMMITTEE

Mr. HOMSHER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOMSHER, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 464, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051) entitled, "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repeaing laws relating to Mothers' Assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by changing the residence requirement for general assistance.

BILL INTRODUCED

Mr. JASPAN. On behalf of Senator DiSilvestro, and myself, Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. JASPAN and DiSILVESTRO read in place and presented to the Chair Sentae Bill No. 744, entitled:

An Act to further amend section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by further fixing the hours during which liquor, malt or brewed beverages may be sold.

Which was committed to the Committee on Law and Order.

REPORTS FROM COMMITTEES

Mr. MUNDY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MUNDY, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 555, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions.

Mr. BARTLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARTLETT, from the Committee on Welfare, Public Assistance and Pensions, re-reported as committed, Senate Bill No. 554, entitled:

An Act to amend section two and clause (b) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance, providing for and regulating assistance to certain classes of persons designated, and defined as dependent children, aged persons, blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose, authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board," as amended by redefining assistance and eliminating the requirement that fresh fluid milk shall be furnished to relief recipients or their children.

Mr. WATKINS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WATKINS, from the Committee on Finance, reported as amended, Senate Bill No. 574, entitled:

An Act to amend section twenty of the act approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, bee keeping, horticulture, and other allied occupations; and providing penalties," by limiting exemptions of and by further exempting certain classes of associations formed under such act from State, county and municipal taxation, and from the duty of filing certain tax reports with State, county or municipal agencies.

He also, from the Committee on Judiciary General, re-reported as amended, Senate Bill No. 402, (House Bill No. 376), entitled:

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser.

Mr. THOMAS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS, from the Committee on County Government, reported as amended, Senate Bill No. 352, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fourth and fifth classes; imposing certain charges on counties, and prescribing penalties.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 316, entitled:

An Act to amend clause (b) of section five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergenry Relief Board," by providing that the judge of the court of common pleas, the president of the board of county commissioners, and the coroner shall constitute the county board of assistance in certain cases.

Mr. SHAPIRO. I should also like to place on the record for the benefit of members of the Senate a paper which I have had prepared because of the continuous discussion on the floor of this Senate dealing with contributions by families for their dependents.

I have here prepared a scale which shows the regulations of the department and the amount of money which a person must earn before he is requested to contribute and it may interest you to note that there is no contribution requested from any family where the income of the family is not more than $75; and it is $5.00 between $75 and $84.

Mr. President, I have this chart which shows contributions dealing with family contributions, where the children run from one to ten persons; I have shown the income, from $75 to $375 and I offer it for the record for the benefit of the Senators.

The PRESIDENT. If there is no objection, the tabulation submitted by the gentleman from Philadelphia will be incorporated in full in the record.

RELATIVE'S CONTRIBUTION SCALE

A.* Total Average Monthly Income of Relative (s)	B. Number of Persons Dependent Upon Income									
	1	2	3	4	5	6	7	8	9	10
	C. Maximum Monthly Contribution									
Under $75	0	0	0	0	0	0	0	0	0	0
$75-$84	5	0	0	0	0	0	0	0	0	0
85- 94	8	0	0	0	0	0	0	0	0	0
95-104	12	5	0	0	0	0	0	0	0	0
105-114	16	8	0	0	0	0	0	0	0	0
115-124	20	12	5	0	0	0	0	0	0	0
125-134	25	16	8	0	0	0	0	0	0	0
135-144	30	20	12	5	0	0	0	0	0	0
145-154	36	25	16	8	0	0	0	0	0	0
155-164	42	30	20	12	5	0	0	0	0	0
165-174	49	36	25	16	8	5	0	0	0	0
175-184	56	42	30	20	12	8	5	0	0	0
185-194	64	49	36	25	16	12	8	5	0	0
195-204	72	56	42	30	20	16	12	8	5	0
205-214	81	64	49	36	25	20	16	12	8	5
215-224	90	72	56	42	30	25	20	16	12	8
225-234	100†	81	64	49	36	30	25	20	16	12
235-244	..	90	72	56	42	36	30	25	20	16
245-254	..	100†	81	64	49	42	36	30	25	20
255-264	..	..	90	72	56	49	42	36	30	25
265-274	..	..	100†	81	64	56	49	42	36	30
275-284	..	..	..	90	72	64	56	49	42	36
285-294	..	..	..	100†	81	72	64	56	49	42
295-304	..	..	..	..	90	81	72	64	56	49
305-314	..	..	..	..	100†	90	81	72	64	56
315-324	..	..	..	..	..	100†	90	81	72	64
325-334	..	..	..	..	..	..	100†	90	81	72
335-344	..	..	..	..	..	..	..	100†	90	81
345-354	..	..	..	..	..	..	..	..	100†	90
355-364	..	..	..	..	..	..	..	..	..	100†
365-374	..	..	..	..	..	..	..	..	..	..

* Adjust to the nearest dollar. A total monthly income ending in fifty cents is adjusted to the next lower dollar.
† Increase by $10 for every $10 increase in A.

Mr. HALUSKA. Mr. President, may I interrogate the gentleman from Philadelphia?

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. I will be very glad to, Mr. President.

Mr. HALUSKA. Mr. President, did I understand the Senator from Philadelphia to say that under the present provision no one making less than $75 is required to assist the family of an indigent person applying for relief.

Mr. SHAPIRO. Mr. President, I asked the Joint State Government Commission to prepare this scale for me—I am answering the question of the gentleman from Cambria—and the chart which they have prepared shows that up to $75 there is no requirement for contributions.

Mr. HALUSKA. Mr. President, that is not correct; I wish to say that report is not correct, because I have stated on a number of occasions I have specific cases where the department has asked for assistance from persons making as low as $50 and therefore the report can not be correct. In proof of my statement, Mr. President, next Monday I shall bring to this Senate a copy of a letter I received from one of my constituents, asking a contribution from him, and he makes as low as $50 per month.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 418, as follows:

An Act requiring the Governor of the Commonwealth to issue a proclamation setting apart September thirteenth of this year as Commodore John Barry Day

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor shall this year issue a proclamation setting apart September thirteenth as Commodore John Barry Day and recommending that it be observed by the people with appropriate exercises in the public schools and otherwise as he may see fit to the end that the memory of the service rendered by Commodore John Barry during the struggle for American independence may be perpetuated

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. STIEFEL. Mr. President, apparently I have no other alternative than to vote in the affirmative on this bill, but I desire to state that I believe in its present emasculated form it does not conform with the wishes of thousands of Pennsylvanians who would like to see this celebration arranged annually.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Snowden,
Bartlett,	Ealy,	Letzler,	Stevenson,
Becker,	Edmonds,	Mallery,	Stiefel,
Carr,	Farrell,	McCreesh,	Tallman,
Cavalcante,	Frey,	McGinnis,	Taylor,
Chapman,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Tyler,
Cox,	Heyburn,	Mundy,	Wade,
Crider,	Homsher,	Reed,	Walker,
Crowe,	James,	Ruth,	Watkins,
Deitrick,	Jaspan,	Scarlett,	Wilson, H. I.,
Dent,	Kephart,	Shapiro,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 196, as follows:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof under the supervision of the Department of Mines

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seventy-five thousand dollars ($75,000) or so much thereof as may be necessary is hereby appropriated to the Pennsylvania State College for expenditure by the School of Mineral Industries under

the supervision of the Department of Mines for the purpose of employing engineers chemists technical experts assistants clerks stenographers and other employes and the purchase of machinery equipment apparatus supplies and other things necessary in connection with researches to discover by-products of anthracite and bituminous coal and uses therefor and to develop new scientific chemical and other uses and new and extended markets for anthracite and bituminous coal and its products

The moneys herein appropriated shall be available for expenditure only to the extent that a sum equal to the amount expended from the State appropriation has been made available by the anthracite and bituminous coal industry for the use of the School of Mineral Industries of the Pennsylvania State College for expenditure for the purposes provided in this section

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Snowden,
Bartlett,	Ealy,	Letzler,	Stevenson,
Becker,	Edmonds,	Mallery,	Stiefel,
Carr,	Farrell,	McCreesh,	Tallman,
Cavalcante,	Frey,	McGinnis,	Taylor,
Chapman,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Tyler,
Cox,	Heyburn,	Mundy,	Wade,
Crider,	Homsher,	Reed,	Walker,
Crowe,	James,	Ruth,	Watkins,
Deitrick,	Jaspan,	Scarlett,	Wilson, H. I.,
Dent,	Kephart,	Shapiro,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL POSTPONED

Mr. MALLERY. Mr. President, I move that further consideration of Senate Bill No. 212, on third reading, entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledges and to make uniform the law with reference thereto.

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 233, on third reading, entitled:

An Act to amend section one of the act, approved the thirteenth day of May, one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of miners; by forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording fo the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; required certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts and police officers; and defining the procedure in prosecutions thereunder, and establishing certain persumptions in relation thereto; providing penalties for the violations of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," by exempting children employed as caddies from the provisions of this act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 364, as follows:

An Act requiring receivers of Taxes in and for cities of the first class to furnish certificates of taxes water rents and claims which are liens on real estate without charge to owners of said real estate or other parties having an interest therein and limiting the liability of the Receiver for errors in said certificates and retaining the liens of all unpaid taxes water rents and claims against such property though the same are not set forth in said certificate and repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Receiver of Taxes acting in and for any city of the first class shall upon demand made by any registered owner of real estate or any person claiming an interest therein furnish to such owner or person without charge certificate showing the taxes and claims which are a lien on said real estate located in such city Provided However That in the event that said Receiver shall through inadvertence mistake or negligence or through the inadvertence mistake or negligence of any of his employees or agents omit from said certificate any taxes or claims or water rents which are a lien on the real estate described in said certificate the failure to list said taxes water rents or claims in the said certificate shall not operate to discharge the lien of said taxes water rents or claims from said real estate but the same shall remain in full force and effect as though said certificate were never issued nor shall the Receiver be liable to any person whether such person be the owner or person claiming an interest in said property or any other person for any damages caused or claimed to have been caused by reason of the omission from such certificate of said taxes water rents or claims which are a lien on the real estate described therein through the inadvertence mistake or negligence of the said Receiver or any of his employes or agents

Section 2 That so much of Section 1 of the Act approved the twentieth day of May nineteen hundred and twenty-one (P. L. 923) entitled "An Act Authorizing Receivers of Taxes in and for Cities of the First Class to Furnish Certificates of Taxes and Claims which are liens on real estate and fixing the fees for said services" and so much of Section eleven of the Act approved the second

day of February eighteen hundred and fifty-four (P. L. 21) entitled "A Further Supplement to an Act entitled 'An Act to incorporate the City of Philadelphia'" and all other acts or parts of acts as may be inconsistent herewith be and the same is hereby repealed.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Snowden,
Bartlett,	Ealy,	Letzler,	Stevenson,
Becker,	Edmonds,	Mallery,	Stiefel,
Carr,	Farrell,	McCreesh,	Tallman,
Cavalcante,	Frey,	McGinnis,	Taylor,
Chapman,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Tyler,
Cox,	Heyburn,	Mundy,	Wade,
Crider,	Homsher,	Reed,	Walker,
Crowe,	James,	Ruth,	Watkins,
Deitrick,	Jaspan,	Scarlett,	Wilson, H. I.,
Dent,	Kephart,	Shapiro,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 365, as follows:

An Act to provide that notices to delinquent taxpayers or statements of such delinquents and the publication of municipal liens or notices thereof shall not be required of the receiver of taxes or of the city solicitor and repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That from and after the passage of this act the receiver of taxes of cities of the first class shall not be required to publish statements of delinquent taxpayers therein or to publish notices to such delinquent taxpayers nor shall the city solicitor of such cities of the first class be required to publish or direct the publication of municipal liens or of notices thereof

Section 2 So much of Section eleven of the act approved the second day of February eighteen hundred and fifty-four (P. L. 21) entitled "A Further Supplement to an act entitled 'An act to incorporate the City of Philadelphia'" and of Section five of an act approved the twenty-third of May eighteen hundred and seventy-five (P. L. 230) entitled "An act dividing the cities of this state into three classes regulating the passage of ordinances providing for contracts for supplies and work for said cities authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same defining and punishing certain offenses in all of said cities and providing for the incorporation and government of cities of the third class" and of all other acts or parts of acts as may be inconsistent herewith be and the same is hereby repealed

Provided that nothing herein contained shall be construed to repeal alter or affect in any manner the Act approved the sixteenth day of May one thousand nine hundred twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure of tax and municipal claims filed under other and prior acts of Assembly" its amendments and supplements.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Snowden,
Bartlett,	Ealy,	Letzler,	Stevenson,
Becker,	Edmonds,	Mallery,	Stiefel,
Carr,	Farrell,	McCreesh,	Tallman,
Cavalcante,	Frey,	McGinnis,	Taylor,
Chapman,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Tyler,
Cox,	Heyburn,	Mundy,	Wade,
Crider,	Homsher,	Reed,	Walker,
Crowe,	James,	Ruth,	Watkins,
Deitrick,	Jaspan,	Scarlett,	Wilson, H. I.,
Dent,	Kephart,	Shapiro,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 381, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. MILLER. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Section 496.1, page 2, line 17, by striking out, following the word "land," the word "for"; amend Section 496.1, page 2, line 17, by inserting, following the word "land," the word "or"; amend Section 496.1, page 2, line 18, by striking out the word, "said"; amend Section 496.1, page 2, line 18, by inserting, following the word "in" the word, "the"; amend Section 496.1, page 2, line 18 by inserting, following the words, as amended, "in the county," the following "in which the land is situated"; amend Section 496.2, page 2, by inserting between the end of line 22 and the beginning of line 23, the following:

"for an adequate consideration after due notice to and by and with the consent and approval of the taxing authorities of the county acquiring such land".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. MUNDY. Mr. President, before we dispose of this bill, is it proper for me to interrogate the gentleman from Luzerne?

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MILLER. Yes, Mr. President.

Mr. MUNDY. After reading the bill over hastily, Mr. President, I was wondering whether the gentleman from Luzerne would let me know after condemnation proceedings have been availed of, whether these authorities have a right to turn these airports over to individuals or not.

Mr. MILLER. That is correct, Mr. President. A feature of the last amendment read covers that particular point.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 424, as follows:

An Act restricting the granting of licenses to marry to divorced persons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No license to marry shall issue in this Commonwealth to any person who has been divorced until a period of six months shall have elapsed between the date of the decree of divorce and the application for the marriage license

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, a number of my friends have become divorced by daylight saving time, and remarried on daylight losing time and with that hour's intermission it is high time we have a bill of this kind.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	McGinnis,	Taylor,
Becker,	Farrell,	McQuiddy,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Scarlett,	Walker,
Crider,	Heyburn,	Shapiro,	Watkins,
Crowe,	Homsher,	Snowden,	Wilson, H. I.,
Deitrick,	Lanius,	Stevenson,	Woodward,
Ealy,	Letzler,	Tallman,	

NAYS—8

Cavalcante,	James,	Mallery,	Stiefel,
Cox,	Jaspan,	Reed,	Wilson, T. B.,

PRESENT—6

Barr,	DiSilvestro,	McCreesh,	Mundy,
Coleman,	Frey,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. JASPAN. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified. The Clerk will call those voting in the affirmative.

The Clerk read the affirmative votes as follows:

Bartlett,	Edmonds,	McGinnis,	Taylor,
Becker,	Farrell,	McQuiddy,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Scarlett,	Walker,
Crider,	Heyburn,	Shapiro,	Watkins,
Crowe,	Homsher,	Snowden,	Wilson, H. I.,
Deitrick,	Lanius,	Stevenson,	Woodward,
Ealy,	Letzler,	Tallman,	

The PRESIDENT. Are there any corrections? The Chair hear none.

The Clerk will call those voting in the negative.

The Clerk read the negative votes as follows:

Cavalcante,	James,	Mallery,	Stiefel,
Cox,	Jaspan,	Reed,	Wilson, T. B.,

The PRESIDENT. Are there any corrections? The Chair hears none.

The Clerk will call those voting present.

The Clerk read the vote of those voting present as follows:

Barr,	DiSilvestro,	McCreesh,
Coleman,	Frey,	Mundy,

The PRESIDENT. Are there any corrections? The Chair hears none. The roll will stand as verified. Affirmative votes—31; negative votes—8; present—6.

Mr. MUNDY. Mr. President, there seems to be some question about some of the members of the Senate voting "present" on this bill. By way of explanation I should like to say, for those who do not conscientiously believe in divorce should vote "present" on this bill, and we have done so.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 458, as follows:

An Act to authorize the revival of judgments entered in favor of the Department of Public Assistance by filing a suggestion of non-payment and directing prothonotaries to make the necessary entries without charge

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever a claim of the Department of Public Assistance of the Commonwealth of Pennsylvania for repayment of public assistance has been reduced to judgment and the claim has not been paid or the judgment satisfied then in any such case the Executive Director of the County Board of Assistance in the county where the judgment was originally entered may file with the prothonotary at any time within five years of the date of entry of the original judgment a suggestion of non-payment which shall revive the original judgment for a

period of five years from the date of entry of the suggestion of non-payment with the same force and effect as though a writ of scire facias had been issued served on all proper parties and duly prosecuted to judgment and any judgment so revived shall remain a valid lien upon any real estate upon which it was a lien at the time the suggestion of non-payment was filed for a further period of five years and may again be revived in like manner

Section 2 Whenever a judgment is revived as provided in Section 1 of this Act the prothonotary shall file the suggestion of non-payment and make the necessary notations in the proper dockets and indexes to show that the judgment has been revived without charge

Section 3 This Act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Woodward,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 459, as follows:

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this Act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All persons having claims of any nature whatever against the State Emergency Relief Board created by the Act approved the nineteenth day of August one thousand nine hundred thirty-two (P. L. 88) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Fedral Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" and abolished by Section 14 of the Act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (P. L. 2051). entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" shall present their invoices or other evidence of claim to the Department of Public Assistance within six months of the effective date of this Act Claims for which invoices or other evidence have not been presented within the required time shall not be honored

Section 2 This Act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Woodward,

NAYS—1

Haluska,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. SHAPIRO. Mr. President, Senate Bill No. 542, (House Bill No. 666), extends on old act permitting installment payments of taxes to counties of the first class. We just got through passing in the Senate a very carefully considered tax abatement bill, which I am sure will conflict with the provisions of this bill. In order to get some information on what was back of the sponsor's mind in asking that this bill be passed, I should like to ask that it go over in its order.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 542, (House Bill No. 666), on third reading, entitled:

An Act to amend section one of the act approved the twenty-sixth day of August, A. D., one thousand nine hundred thirty-two (P. L. 101), entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments," by including counties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 550, on third reading, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined"; by adding thereto section 2114 establishing a civil service system for the Department of Health.

be postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 218, on second reading, entitled:

An Act to amend section three hundred and six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institutions districts and on the Commonwealth, regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for fixing the number and compensation of employes of institution districts; and conferring powers and imposing duties on county officers.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 219, on second reading, entitled:

An Act requiring prothonotaries and clerks of courts to notify officers charged with the duty of collecting taxes, of all judicial sales and taxing the cost of such notices.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 221, on second reading, entitled:

An Act fixing the salaries of controllers of the several counties, except counties of the first and second class, wherein said office has been or hereafter may be established.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 224, on second reading, entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 236, entitled:

An Act to amend section six hundred fifty-four of article six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising, and consolidating the law; providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for appeals from any classification, rule, rate, or schedule of the Insurance Commissioner affecting insurance of employes and employers under the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. LETZLER. Mr. President, due to the fact the sponsor of Senate Bill No. 236, the gentleman from Westmoreland, Mr. Dent, is absent this afternoon, he has asked me to present the following amendments:

The Clerk read the amendments as follows:

Amend, page 3, line 9, by striking out the brackets em-

bracing the word [applied]; amend, page 3, line 9, by striking out after the word [applied] the word proposed.

On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.
The second section was read and agreed to.
The title was read and agreed to.
And said bill as amended having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. MALLERY. Mr. President, I move that further consideration of Senate Bill No. 284 on second reading, entitled:

An Act to amend section 901 of, and to add sections 901.1 901.2, 901.3, 901.4, 901.5, 901.6, 901.7, and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city.

be postponed for the present.
Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of Senate Bill No. 294, (House Bill No. 481), entitled:

An Act to amend sections eighteen and nineteen of the act, approved the second day o July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties," requiring the filing of local ordinances, rules and regulations with the Dairy Advisory Council; requiring local ordinances, rules and regulations in certain cases to be consistent.

The first section was read.
On the question,
Will the Senate agree to the section?
Mr. CARR. Mr. President, I desire to offer amendments.
The Clerk read the amendments, as follows:

Amend Section 1, page 2, line 12, after the word "shall" and before the word "not", by striking out the light faced bracket; Amend Section 1, page 4, line 26, after the word "shall" and before the word "paid", by inserting the word: "be"; Amend Section 1, page 6, line 4, by inserting before the word "of" the following words: "and classification"; Amend Section 1, page 6, line 6, after the word "Act", by inserting the following paragraphs: "c. Any person aggrieved by any decision rule or regulation made prescribed or adopted by the Dairy Advisory Council may within twenty (20) days after the decision or adoption of such rule or regulation file an appeal therefrom in the Court of Common Pleas of Dauphin County. No such appeal shall be permitted to act as a supersedeas except on special order of the court. A special order of court permitting the appeal to act as a supersedeas may be made only after reasonable notice to the Secretary of Health. The appeal from the action of the Dairy Advisory Council shall be by petition against the Secretary of Health officially as defendant alleging therein in brief detail the action of the Dairy Advisory Council complained of and praying for a reversal thereof. Such petition shall specify the petitioner's objections to the action of the Dairy Advisory Council and shall state the reasons in support of such objections. All averments in the petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed for the purpose of delay. Upon service of a summons upon the Secretary of Health returnable at least ten (10) days from the date of service the Secretary of Health may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form of sufficiency of the petition. If such motion is not sustained the Secretary of Health shall be given leave to file an answer within not less than ten (10) days after the order of court overruling the motion. Upon the filing of the answer by the Secretary of Health the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay.

"The Secretary of Health shall on the return day of such summons certify to the court the record of the proceedings before the Dairy Advisory Council to which the petition refers. Such record shall include the testimony if any taken relative thereto the findings of fact of the Dairy Advisory Council and a copy of the rules and regulations complained of in the petition.

"Mere technical irregularities in the procedure of the Dairy Advisory Council shall not be the basis of the decisions of the court. In an appeal from the decision and action of the Dairy Advisory Council the case shall be heard upon the record certified to the court by the Secretary of Health. No evidence shall be received at the hearing of an appeal but if any party shall satisfy the court that evidence has been discovered since the hearing before the Dairy Advisory Council that could not have been obtained for use at that hearing by the exercise of reasonable diligence and will materially affect the merits of the case the court may in its discretion remand the record and proceedings to the Dairy Advisory Council with directions to take such after-discovered evidence and after consideration thereof to make such findings and so modify the decision rules and regulations complained of in the petition as the Dairy Advisory Council may deem proper and re-certify and re-submit to the court the record together with such additional supplemental findings decision rules and regulations as the Dairy Advisory Council shall have issued. Whereupon the court of common pleas shall proceed with the hearing of said appeal on the original and suppplemental record."

On the question,
Will the Senate agree to the amendment?
It was agreed to.

On the question,

Will the Senate agree to the section as amended?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman who just offered these amendments.

The PRESIDENT. Will the gentleman from Butler permit himself to be interrogated?

Mr. CARR. Certainly.

Mr. SHAPIRO. Mr. President, will the gentleman from Butler tell us what happens to a farmer and the milk during all this time they are reading about?

Mr. CARR. What is that, Mr. President?

Mr. SHAPIRO. Mr. President, while all this is going on will the gentleman from Butler tell us what happens to the farmer and to the milk?

Mr. CARR. There is no supersedeas, Mr. President.

Mr. SHAPIRO. That is all right, Mr. President, but I want to know what happens to the milk?

Mr. CARR. It goes on the same as it has been, Mr. President.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the gentleman from Butler?

The PRESIDENT. Will the gentleman from Butler permit himself to be interrogated?

Mr. CARR. Gladly, Mr. President.

Mr. CAVALCANTE. Mr. President, are these amendments intended to give the farmers more convenience?

Mr. CARR. They are intended to give the farmer an appeal from what might sometimes be referred to as bureaucratic dictation.

Mr. CAVALCANTE. Why do we have the Milk Board in the first place then, Mr. President, if we are not to have bureaucrats or dictators.

Mr. CARR. I do not think the board is set up for that purpose, Mr. President, but sometimes boards do what they are not set up to do and it is to protect the rights of anybody concerned. It gives them the right to appeal, to which I think any American ought to be entitled.

Mr. SHAPIRO. Mr. President, are we about to vote on the amendments separately.

Mr. CARR. That is right, Mr. President.

Mr. SHAPIRO. Mr. President, I ask my colleagues to vote against adoption of these amendments. This is the milk bill which is being kicked around now and these amendments have come in suddenly to the Senate. The bill was in committee and it comes out as amended, and I assumed this amendment was put in for the purpose of creating a basis upon which we could agree but here now we have amendments, three pages of amendments, dealing with appeals. In the first place we have to set up a board which by the very amendment shows there is no reason for such a board, because in this case once you create a board, you create a bureaucracy, and in order to protect themselves against the very machine they have set up they want to give appeals to both sides and I ask my colleagues to vote the amendments down.

Mr. President, I ask a roll call on the amendments by sections.

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—26.

Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	Miller,	Thomas,
Carr,	Geltz,	Scarlett,	Tyler,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Wilson, T. B.,
Deitrick,	Kephart,	Tallman,	Woodward,
Ealy,	Letzler,		

NAYS—20.

Barr,	DiSilvestro,	Lanius,	Reed,
Cavalcante,	Frey,	McCreesh,	Shapiro,
Chapman,	Haluska,	McGinnis,	Stiefel,
Coleman,	Heyburn,	McQuiddy,	Walker,
Cox,	Jaspan,	Mundy,	Watkins,

So the question was determined in the affirmative.

Mr. CAVALCANTE. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified. The Clerk will call those voting in the affirmative.

The Clerk read the affirmative votes as follows:

Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	Miller,	Tyler,
Carr,	Geltz,	Scarlett,	Wilson, H. I.,
Crider,	Homsher,	Snowden,	Wilson, T B.,
Crowe,	James,	Stevenson,	Woodward,
Deitrick,	Kephart,	Tallman,	
Ealy,	Letzler,	Taylor,	

The PRESIDENT. Are there any corrections?

Mr. HEYBURN. Mr. President, I desire to be recorded as voting "no".

The PRESIDENT. It will be so recorded.

The affirmative vote stands as verified.

The Clerk will call those voting in the negative.

The Clerk read the negative votes as follows:

Barr,	DiSilvestro,	Lanius,	Reed,
Cavalcante,	Frey,	McCreesh,	Shapiro,
Chapman,	Haluska,	McGinnis,	Stiefel,
Coleman,	Heyburn,	McQuiddy,	Walker,
Cox,	Jaspan,	Mundy,	Watkins,

The PRESIDENT. Are there any corrections? The Chair hears none.

The roll stands as verified. The affirmative vote—26; the negative vote—20.

The sections was agreed to, as amended.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Lackawanna will state his question of parliamentary inquiry.

Mr. COLEMAN. Mr. President, I desire to inquire how this bill will appear on the Calendar tomorrow in the event the Senate agrees to the bill as amended on second reading.

The PRESIDENT. For the information of the gentleman from Lackawanna, the Chair is advised that the gentleman from Butler, Mr. Carr, intends to ask that this bill go over in its order after adoption of the amendments.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. CARR. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: Amend Title, page 2, line 3 of the title, after the word "regulations" and before the word "establishing," by striking out the word "and"; Amend Title, page 2, line 5 of the title, after the word "thereon" by inserting the following words: "and providing for appeals to the Court of Common Pleas of Dauphin County."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

BILL OVER IN ORDER

Mr. CARR. Mr. President, I ask unanimous consent that Senate Bill No. 413, (House Bill No. 692), go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 378, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," exempting from said tax casualty insurance companies having no capital stock.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, before this bill gets to third reading I propose to call attention now to the fact that this bill is creating another exempt class and a very peculiar one. By the terms of this bill, as I read it, if a man dies and there is a policy of insurance on his life in favor of his wife, if she leaves the money with the insurance company, which invests it in railroad bonds and she gets the income, she pays no tax, but if she takes the money herself and invests it in the same railroad bonds she will pay a tax. It seems to me that is creating a very peculiar and new phase of our law. It is true that this same bill has created a number of other exempt classes but that is no excuse for continuing this and getting it down to a point where it is ridiculous.

Here is a tax exemption given for the same kind of money, which if invested by one person through one agent, bringing a return of the same amount, it is taxed, but if invested through the medium of an insurance company it is not taxed. If that is the kind of bills we are going to pass let us so record ourselves.

I propose to vote "No" on this bill and I desire to make my position known now so that the gentlemen may deal with this as they see fit on second reading and not when the bill is on final passage.

Mr. CAVALCANTE. Mr. President, I think the gentleman from Philadelphia has not covered all the points on that subject. This amendment also covers the case of where the insurance policy itself gives the wife who is the beneficiary an option to either take the entire amount of the policy at once or take it on an annuity plan and this bill, if passed, will exempt the proceeds of that policy, if the wife should elect to take the proceeds on an annuity plan, and I think that is a very good idea. I do not see why we ought to tax the proceeds of that insurance policy just because the wife elects to take it on an installment plan rather than in a lump sum.

Mr. SHAPIRO. Mr. President, I want to call attention to the fact that I do not say this woman should be or not be taxed; what I am saying is that if this woman has the option to invest it in annuities under this bill she would not be taxed, if she does not exercise that option and invests it in the same kind of bonds that the insurance company would invest in, she is taxed. If she has an insurance policy which does not give such option and she collects the fund and invests it in railroad bonds in which the insurance company would invest it, she is taxed.

In other words, any person who invests their money in the same railroad bonds, whether insurance money or not, pays a tax but if they invest through the medium of an insurance company, under this bill they will not then pay a tax.

I know the argument can be made that the widow will not receive a whole lot of money and will have to pay a tax, personal property tax, to such an extent she will not get much of an income but that is true, if a person makes an investment whether it be insurance or otherwise and all we are doing is to enlarge the class of exempt people to the point where we will have no taxes and where we will have an exempt class and the exempts will be greater than the taxables.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 379, entitled:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for state and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same, providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by excluding proceeds of life insurance policies from the provisions thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 413, (House Bill No. 692), entitled:

An Act to amend clauses (k) and (l) and to add clause (n) to section two thousand four hundred two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof; including the board of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the leasing of Indiantown Gap Military Reservation to the United States.

Mr. MILLER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend page 1, line 1 of the title, by striking out at the end of the line, with boldface brackets, the following: [clauses (k) and (l) and to add clause (n)]; Amend page 2, line 2 of the title, by striking out at the beginning of the line, with boldface brackets, the following: [to section two thousand four hundred two of]; Amend page 2, line 9 of the title, by inserting after the word "determined" and before the word "authorizing" the following: "as amended by making further provision for the granting of easements or rights-of-way upon across over under or along lands and waters of the Commonwealth making further provision for the granting of commissions to certain air pilots authorizing the Pennsylvania Historical Commission to change certain admission fees conferring powers upon the Department of Property and Supplies to control and supervise certain buildings devised to the Commonwealth authorizing the micro filming of records in the various administrative departments boards or commissions and

Amend page 2, line 10 of the title, by inserting after the word "Reservation" and before the word "to" the following: "and certain other real estate of the Commonwealth"; Amend section 1, page 2, line 1 by striking out at the end of the line, with foldface brackets, the following: [Clause (k) of section two thousand four]; Amend section 1, page 2, line 2 by striking out at the beginning of the line, with boldface brackets, the following: "[hundred two]"; and inserting in lieu thereof the following: "Section five hundred fourteen"; Amend section 1, page 3, line 8 by striking out at the end of the line, with baldface brackets, the following: "[added by the act approved the twenty-first]", and inserting in lieu thereof the following: "last amended by the act approved the twenty-second day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred forty-one) and the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws seven hundred ninety-one) is hereby further amended to read as follows:

"Section 514 Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Commonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place upon in or over any dry or submerged land or bridge of or maintained by the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or if such line is necessary for the service of [persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line] the public and it is necessary or reasonably required to cross the Cammonwealth's land to afford such service or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line. Every such license shall be revocable for reasonable cause upon six months' written notice by the Commonwealth and [upon] also after like notice for violation of such [other] proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe when the license issues [and unless] Unless any such line is primarily for the benefit of a State building or State institution the license shall provide for the payment to the Commonwealth of compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

But nothing herein contained shall authorize the Commonwealth to impose and collect from any municipality or township any compensation for a license granted to such municipality or township for the running of a public service line over any such bridge

"This section shall be deemed the exclusive system for the granting of licenses consents and permits to place public service lines upon in or over any dry or submerged lands of the Commonwealth In the case of submerged lands such licenses shall be granted only by the Water and Power Resources Board and the permit shall prescribe such terms and conditions as shall be deemed necessary by the board to protect the interests of the public In the case of dry lands licenses shall be issued by the department board or commission having the management of such lands

"(b) Any department board or commission having control over lands of the Commonwealth underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonwealth Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized

hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

"(c) Any department board or commission having control over any water supply serving any State institution or sanitorium may with the approval of the Governor permit and authorize the public authorities of any political subdivision to which no other source of supply is available under suitable regulations to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanitorium and may impose reasonable charges payable periodically by such political subdivision for the water so furnish d All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue

"(d) In the event that the facilities of any corporation heretofore created under the act, approved the twenty-ninth day of April one thousand eight hundred seventy-four (Pamphlet Laws seventy-three) section two clause eleven as amended by the act approved the eighth day of May one thousand eight hundred eighty-nine (Pamphlet Laws one hundred thirty-six) are located by virtue of a permanent easement right of way upon across over under or along lands of the Commonwealth which lands were acquired by it subject to such easement or right of way and in the interest of National Defense such corporation consents or is required to remove or dispose of such facilities and abandon such easement or right of way any department board or commissior having control over such lands of the Commonwealth may with the approval of the Governor and upon the surrender to the Commonwealth of the easement or right of way pertaining to such facilities grant to such corporation a permanent easement or right of way upon across over under or along other lands of the Commonwealth in the same locality Every such department board or commission is hereby authorized and empowered to execute and deliver and to receive deeds or other legal instruments necessary to effectuate such grant and surrender which deeds or instruments shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

"Section 2 Paragrph (j) of section seven hundred one of the said act which was added to said section by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred sixty-five) is hereby amended to read as follows:

"Section 701 The Governor The Governor shall have the power and it shall be his duty:

* * * * * * *

"(j) To grant to pilots, engaged in [the] aeronautical work [of the Department of Revenue] under the provisions of The Aeronautical Code of May twenty-five one thousand nine hundred thirty-three (Pamphlet Laws one thousand one) and its amendments commissions of such grades as the Governor may prescribe

"Section 3 Paragraph (f) of section one thousand three hundred nine of the said act is hereby amended to read as follows:

"Section 1309 Pennsylvania Historical Commission Subject to any inconsistent provisions in this act contained the Pennsylvania Historical Commission shall have the power:

* * * * * * *

"(f) To assume the preservation care and maintenance of historical buildings grounds monuments or antiquities committed to its custody by the General Assembly and to make and enforce rules and regulations for the visitation of such places by the public and at its discretion to charge admission fees therefor such fees to be paid into the State Treasury through the Department of Revenue and credited to the General Fund"

Amend section 1, page 3, by adding between lines 8 and 9 the following: "Section 4 Paragraph (a) of section two thousand four hundred two of the said act as amended by the act approved the sixteenth day of May one thousand nine hundred forty (Act No. 7) is hereby further amended to read as follows paragraph (i) of said section is hereby amended to read as follows paragraph (k) of said section as added by the act approved the twenty-first"

Amend section 1, page 3, line 11 by striking out after the following "lows" and before "(1)" the word: "[clause];" and inserting in lieu thereof the word: "paragraph"; amend section 1, page 3, line 15 by striking out after the word "new" and before the word "to" the word: "[clause]"; and inserting in lieu thereof the word: "paragraph"; amend section 1, page 3, by inserting between lines 19 and 20 the following: "(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol Building and the public grounds and buildings connected with the State Capitol including the State Arsenal any building or buildings that may have been devised or may hereafter be devised to the Commonwealth within the City of Harrisburg the Northwest office Building now occupied by the Pennsylvania Liquor Control Board and the Executive Mansion and to make or supervise the making of all repairs alterations and improvements in and about such grounds and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided

* * * * *

"(i) To rent to individuals, firms, or corporations or the Government of the United States or any branch or agency thereof such real estate owned by the Commonwealth as is not being used in connection with the work of any department board or commission thereof upon such terms and conditions as the Secretary of Property and Supplies may prescribe with the approval of the Governor in writing Provided however That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year"

Amend section 1, page 4 by inserting between lines 8 and 9 the following: "Section 5 Article five of the said act is hereby amended by adding at the end thereof a new section to be known as section five hundred twenty-five and to read as follows: "Section 525 Any administrative department board or commission may with the approval of the Executive Board have micro film records made of any correspondence records or other papers for the purpose of protecting and safeguarding the original

correspondence records or other papers or for the purpose of conserving filing space and such micro film reproduction shall when properly identified be admitted in evidence in any proceedings in place of the original correspondence records or other papers"; "Section 6 All acts or parts of acts inconsistent herewith are hereby repealed"

Amend section 2, page 4, line 9 by striking out after the word "Section" and before the word "The" the figure: "[2]"; and inserting in lieu thereof the figure: "7"

On the question,

Will the Senate agree to the amendment?

Mr. SHAPIRO. Mr. President, I object to these amendments being accepted since they change the purpose of the whole bill. This has no place as an amendment to the bill because it adds new subject matter and changes the purpose of the bill, and if that is the intention there should be a new bill offered. There is a reason for that, more than a technical proposition. There ought not to be amendments offered on the floor of the Senate of the type we have just heard, controversial, being offered here without warning, after the bill has been given consideration and without an opportunity to carefully read the amendments in order to understand what they are here is a five or six page amendment to the bill, which is an amendment to the existing law. The present amendments now set up a new procedure which have no place in the original amendment; they are contradictory to it, in conflict with it and include certain new subject matters which are not included in the original bill.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I therefore rise to a point of order.

The PRESIDENT. The gentleman from Philadelphia will state his point of order.

Mr. SHAPIRO. Mr. President, my point of order is that I suggest the amendments may not be accepted, for the reasons I have above stated and I ask the Chair to rule on my point of order.

The PRESIDENT. The Chair is of the opinion that the position taken by the gentleman from Philadelphia is correct, the Chair would have to rule in the affirmative, but in view of the fact the amendments are very lengthy, the Chair can not rule on the point of order at this moment and the Chair will withhold decision on the point of order until he has had opportunity to read the amendments.

Mr. SHAPIRO. That is correct, Mr. President. My motion is based on the rule and the law which provides that an amendment can not be introduced which changes the subject matter of the bill.

RULING ON MOTION DEFERRED

The PRESIDENT. The Chair quite agrees with the gentleman from Philadelphia, and if that is the fact the Chair will rule on that tomorrow, but he is not in a position to do so at this time because he is not familiar and the Chair does not believe anybody could give snap judgment on a question of that kind.

Mr. SHAPIRO. I agree with the Chair on that.

SENATE BILL No. 413 OVER IN ITS ORDER

The PRESIDENT. In the meantime the amendments will lay on the table and the bill will go over in its order without being read.

BILLS OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 545, on second reading entitled:

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 645 on second reading, entitled:

An Act to reenact and further amend the title and the act, approved the first day of June (one thousand nine hundred and thirty-three (P. L. 1409), entitled as amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, because there is a meeting of the State Council of Defense scheduled for eleven o'clock tomorrow morning, it will be necessary, when the Senate adjourns today, that it adjourn until twelve o'clock noon eastern standard time, Wednesday, April 30th.

Therefore, Mr. President, there will be some time, probably an hour and a half from ten thirty a. m. to twelve noon, during which time there are no committee meetings or other meetings scheduled and I should therefore suggest to some of the chairmen of committees, if they are thinking of holding meetings of their committees soon, that they set a time between ten thirty and twelve o'clock tomorrow morning.

ADJOURNMENT

Mr. GELTZ. Mr. President I move that the Senate do now adjourn until Wednesday, April 30, 1941, at 12:00 o'clock, noon, Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:34 o'clock, p. m., Eastern Standard Time, until Wednesday, April 30, 1941, at 12:00 o'clock, noon, Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, April 29, 1941

The House met at 12 m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain Rev. Donald McFall, offered the following prayer:

We thank Thee, O Lord, that Thou didst send Thy Son into the world to reveal to us our low estate, but yet our worth to Thee. In His presence we become aware of our need. The measure of the stature of His fulness is so far beyond us that our hearts grow faint within us. Yet He believes in us, and this belief shall make us believe in ourselves. Keep us close to Him, Our Father, that we may dare to become like Him, who, while we were yet sinners, believed in us and called us to be sons with Thee. Make us willing to dare for Thee, unafraid of risks, and unmindful of dangers if Thou art near. In Jesus' Name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when on motion of Mr. SHEPARD unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. RAUSCH. HOUSE BILL No. 1410.

An Act to amend sections nine hundred ten and one thousand four of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," permitting candidates for aldermen, justices of the peace and magistrates to be candidates of more than one party for nomination for the same office.

Referred to the Committee on Elections.

By Mr. JAMES. HOUSE BILL No. 1411.

An Act to further amend clause (b) of section seven, clause (e) of section eight, and clauses (b) and (e) of section nine of the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," broadening the definition of "labor dispute"; making further provision for designation and selection of representatives for the purposes of collective bargaining and changing the practice before the Pennsylvania Labor Relations Board; limiting the time for appeals therefrom.

Referred to the Committee on Labor.

By Mr. JAMES. HOUSE BILL No. 1412.

An Act to further amend subsection (c) of section seven of the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through aplication of the proper court; providing for service of papers and process of the board; prescribing certain penalties," revising the rights and procedure before the board in certifications of the representation of employes.

Referred to the Committee on Labor.

By Messrs. BALTHASER and PAUL A. BRUNNER. HOUSE BILL No. 1413.

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania, after the use of any highway as a detour has been discontinued, to restore promptly such highway to substantially the same condition as it was prior to its use as a detour.

Referred to the Committee on Highways.

By Mr. ROONEY. HOUSE BILL No. 1414.

An Act to add section seven hundred twenty-five to the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedes-

trians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation, and providing for refunds," by providing for refunds of certain fees to persons inducted or enlisting in the armed forces of the United States; imposing duties on the Department of Revenue and the State Treasurer; and making an appropriation.

Referred to the Committee on Motor Vehicles.

By Mr. NAGEL. HOUSE BILL No. 1415.

An Act validating certain acts of county commissioners, county treasurers, tax collectors and other officials in giving to delinquent taxpayers the advantages of various acts of Assembly abating penalties and interest on county city, borough, town, township, school district, poor district and institution district taxes contrary to the requirements of said acts.

Referred to the Committee on Municipal Corporations.

By Mr. HIRSCH. HOUSE BILL No. 1416.

A Joint Resolution proposing an amendment to section three, article four of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. ACHTERMAN. HOUSE BILL No. 1417.

An Act making an appropriation to The General State Authority, to defray the costs and expenses of the said Authority in connection with the organization, administration, and operation thereof.

Referred to the Committee on Appropriations.

By Mr. ACHTERMAN. HOUSE BILL No. 1418.

An Act making an appropriation to the Department of Welfare, for the maintenance of certain homes.

Referred to the Committee on Appropriations.

By Mr. ACHTERMAN. HOUSE BILL No. 1419.

An Act making an appropriation to the Department of Welfare, for the maintenance of certain hospitals.

Referred to the Committee on Appropriations.

By Mr. TURNER. HOUSE BILL No. 1420.

An Act to amend the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended. by imposing the tax upon personal property held and managed in this Commonwealth, owned, held or possessed by residents as trustees, agents, or attorneys-in-fact jointly with one or more trustees, agents, or attorneys-in-fact domiciled in another state, and by imposing the tax upon equitable interests of residents in personal property held and managed in another state, where the legal title to such personal property is held by more than one trustee, agent or attorney-in-fact, one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth.

Referred to the Committee on Ways and Means.

By Mr. McMILLEN. HOUSE BILL No. 1421.

An Act making an appropriation to the Indiana Volunteer Fire Company, Indiana, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. McMILLEN. HOUSE BILL No. 1422.

An Act making an appropriation to the Blairsville Volunteer Fire Company, Blairsville, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. TAYLOR. HOUSE BILL No. 1423.

An Act to further amend section eleven of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by extending the service allowance of certain employes.

Referred to the Committee on Education.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 1424.

An Act prescribing the degree of care to be exercised by the driver of any vehicle at the crossing of a highway and a railroad or railway at grade, providing that the failure to stop shall not in itself constitute negligence or contributory negligence; and providing that the issue of negligence or contributory negligence in such case shall be a question of fact for the jury.

Referred to the Committee on Judiciary General.

By Messrs. REUBEN E. COHEN and McINTOSH. HOUSE BILL No. 1425.

An Act authorizing the appointment of a commission to make a thorough study of the laws relating to crime and criminal procedure in this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings and recommendations to the General Assembly; and authorizing the commission to employ counsel and employes; and making an appropriation.

Referred to the Committee on Appropriations.

By Messrs. WEISS and MAXWELL. HOUSE BILL No. 1426.

An Act to further amend section three of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 414), entitled as amended "An act providing for a system of recording the identification of persons convicted of crime, and of fugi-

tives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania Motor Police, district attorneys, police officers, wardens or keepers of jails, persons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by limiting authority to finger print and photograph persons in custody.

Referred to the Committee on Judiciary Special.

By Messrs. WEISS and MAXWELL.

HOUSE BILL No. 1427.

An Act requiring lock-ups to be attended at all times, except when entirely unoccupied, and imposing liabilities.

Referred to the Committee on Judiciary Special.

By Mr. D'ORTONA. HOUSE BILL No. 1428.

An Act to further amend sections seven hundred seven and seven hundred eight and sub-sections (a) and (c) of section nine hundred two and sub-section (e) of section nine hundred three of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley, omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth providing for the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers providing that records are admissable as evidence imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties, imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts, making an appropriation and providing for refunds" changing the provisions of said act relating to the weight, length and width of motor buses and loads and limiting the registration fees of motor buses equipped with pneumatic times.

Referred to the Committee on Motor Vehicles.

By Mr. HABBYSHAW. HOUSE BILL No. 1429.

An Act to amend section four of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April nineteen hundred and five, and providing penalties for violations of this act," providing for the appointment of local registrars of vital statistics by county commissions.

Referred to the Committee on State Government.

By Mr. STANK. HOUSE BILL No. 1430.

An Act to further amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance, and construction of such highways; and making an appropriation to carry out the provisions of this act," by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. STANK. HOUSE BILL No. 1431.

An Act to further amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. STANK. HOUSE BILL No. 1432.

An Act to further amend section two of the act, approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions, and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. BENTZEL. HOUSE BILL No. 1433.

An Act to add section two hundred and twenty-seven to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," making school directors ineligible for any other public office or appointment for which compensation is paid.

Referred to the Committee on Education.

By Messrs. BAUGHER and STOCKHAM.

HOUSE BILL No 1434.

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia,

and the District of Columbia, which together with three members, to be appointed by the President of the United States, shall constitute the Inter-state Commission on the Potomac River Basin with power to cooperate in the abatement of the existing pollution, and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia, the Commonwealth of Virginia, and the District of Columbia; to authorize the Governor of the state to execute on behalf of this State, a compact with representatives of other states for the purpose of forming the above mentioned commission; and creating a Potomac Valley Conservancy District; providing for the appointment of the Pennsylvania members of said commission and their terms of office; and providing an appropriation.

Referred to the Committee on State Government.

By Messrs. KEENAN and ROSENFELD.

HOUSE BILL No. 1435.

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national-defense activities.

Referred to the Committee on Welfare.

By Mr. HARKINS. HOUSE BILL No. 1436.

An Act authorizing all political subdivisions of the Commonwealth to control the timing, synchronization and location of all traffic lights, signals or standards on all highways located within the corporate limits of such political subdivisions.

Referred to the Committee on Motor Vehicles.

By Mr. HARKINS. HOUSE BILL No. 1437.

An Act to further amend section one thousand four hundred and thirty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," further providing for home and school visitors, and attendance officers, and for their compensation.

Referred to the Committee on Education.

By Messrs. KEENAN and ROSENFELD.

HOUSE BILL No. 1438.

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations; political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banning business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

Referred to the Committee on Welfare.

By Mr. HEATHERINGTON. HOUSE BILL No. 1439.

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto.

Referred to the Committee on Welfare.

By Mr. ROSENFELD. HOUSE BILL No. 1440.

An Act to establish a State Emergency Rent Commission and Regional Emergency Rent Boards; to prescribe the powers, duties and functions of such commission and of such boards, to provide for regulation of rents, rental agreements, and certain other incidents of the landlord-tenant relationship within regions and with respect to classes of dwellings as defined and to provide penalties and other means of enforcement.

Referred to the Committee on State Government.

By Mr. HALL. HOUSE BILL No. 1441.

An Act to amend routes 52037 and 52044 as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," changing certain routes in the county of Potter.

Referred to the Committee on Highways.

By Mr. BONEY. HOUSE BILL No. 1442.

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work.

Referred to the Committee on Appropriations

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 53. (HOUSE BILL No. 1443).

An Act authorizing counties, cities, boroughs, towns, townships and school districts to operate programs of public recreation and playgrounds, either alone or in cooperation with each other, or through recreation boards created by one or more of them.

Referred to the Committee on Education.

SENATE BILL No. 315. (HOUSE BILL No. 1444).

An Act to further amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties.

Referred to the Committee on Judiciary General.

SENATE BILL No. 302. (HOUSE BILL No. 1445).

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions.

Referred to the Committee on Education.

SENATE BILL No. 547. (HOUSE BILL No. 1446).

An Act to further amend section four hundred twenty of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by providing for the conversion of annuity contracts.

Referred to the Commitee on Insurance.

SENATE BILL No. 602. (HOUSE BILL No. 1447).

An Act to further amend section one thousand four hundred and thirty-nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for education of blind children by the Department of Public Instruction, and for the payment therefor out of appropriations made for such purposes.

Referred to the Committee on Education.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. WEISS and MAXWELL.

RESOLUTION No. 88.

In the House of Representatives, April 28, 1941.

Whereas, "Speed traps" planned to catch the unsuspecting motorist and subject him to humiliation, fine and embarrassment are in most cases but the legalized means adopted by unscrupulous peace officers to enrich themselves; and

Whereas, Many of our citizens have been entrapped when far from home and have been compelled to pay the charges imposed or to put themselves to great inconvenience and expense in order to contest the charges preferred; and

Whereas, The General Assembly should be made familiar with the operation of "speed traps" in order to intelligently eliminate them without opening the highways to reckless and illegal traffic; therefore be it

Resolved, That the Speaker of the House is authorized to appoint a Legislative Committee composed of five members of the House whose duty it shall be to investigate "speed traps" existing in the Commonwealth in order to determine the best method of eliminating them and substituting some better method of curbing reckless and illegal driving, and to report to this House as speedily as possible the result of its investigation.

Referred to the Committee on Rules.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 125.

An Act abating certain tax penalties and interest on unpaid county, (except counties of the second class) city (except cities of the first and second class), borough, town, township, school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. BRETH for himself for the remainder of the week.

The SPEAKER. The gentleman from Butler, Dr. Imbrie, asks leave of absence for himself for the remainder of the week to attend the Fortieth Class Reunion in Pittsburgh tomorrow afternoon, April 30, 1941.

Dr. Imbrie graduated with his class in 1901 from the Western University of Pennsylvania. The Chair is glad to grant him leave of absence. He is to be congratulated on such a memorable occasion.

Dr. IMBRIE. Mr. Speaker, I thank you.

REPORTS FROM COMMITTEES

Mr. MOONEY, from the Committee on Cities—Second Class, reported as committed, House Bill No. 1326, entitled:

An Act to amend sections three and four of the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 110), entitled "A supplement to an act, entitled 'An act regulating the construction, maintenance. alteration, and inspection of buildings and party walls in cities of the second class,' approved the seventh day of June, Anno Domini one thousand eight hundred and ninety-five; regulating the construction, alteration and ventilation of tenement-houses, and providing for the safety of the inhabitants thereof; and providing penalties for the violation of the same," further regulating the erection, alteration and ventilation of certain tenement houses.

Mr. MOONEY, from the Committee on Elections, reported as committed, House Bill No. 979, entitled:

An Act to amend section one thousand seven hundred and one of article seventeen of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county

boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by further regulating the recount of ballots in cases of suspected fraud or error, and governing the return of the moneys deposited in such cases.

Mr. DOLON, from the Committee on Cities—First Class, reported as committed, House Bill No. 619, entitled:

An Act imposing joint and severable liability upon cities of the first class, for damages, caused by arrests or imprisonments by police authorities in certain cases.

Mr. SCANLON, from the Committee on Elections, reported as committed House Bill No. 636, entitled:

An act to amend the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments, and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties, "as amended, redefining the powers and duties of the registration commission and its employes; revising the provisions regulating the filing of removal notices and the cancellation of registrations; changing the provisions and times for registration, change of party enrollment and the cancellation of registrations; imposing duties on certain city officers; revising the procedure on appeals to the courts; providing for the manner of reckoning time; and imposing additional penalties.

Mr. DUFFY, from the Committee on Welfare, reported as committed, House Bill No. 1338, entitled:

An Act providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons and blind persons; providing for the administration of such assistance by the Department of Welfare and county welfare boards created for this purpose, instead of by the Department of Public Assistance and the county boards of assistance; requiring the transfer of certain records and documents; and authorizing the Department of Welfare to cooperate with and to accept and dispose of moneys received from the United States Government for assistance to such persons.

Mr. McCLANAGHAN, from the Committee on Judiciary General, reported as committed, House Bill No. 504, entitled:

An Act to amend section three and clause (88) of section one hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," further providing for the position of the enacting clause; and further defining the phrase "political subdivision."

Mr. MONKS, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1235, entitled:

An Act to further amend section three hundred and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts, and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the commissioners of any county institution district from time to time, to make supplemental appropriations.

Mr. ROSENFELD, from the Committee on Judiciary Special, reported as committed, House Bill No. 1402, entitled:

An Act to add section six hundred fifty-five and one-tenth to article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," relating to discrimination against persons employed or seeking employment on contracts effecting the national preparedness program because of the race, color or religion of such person.

Mr. TATE, from the Committee on Cities-Second Class, reported as committed, House Bill No. 1327, entitled:

An Act to amend section six and to further amend section eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," restricting the right of per diem employes to join such pension system, and giving part time drafted employes credit for the time spent in the services of the United States.

Mr. ALLMOND, from the Committee on Judiciary Special, reported as committed, House Bill No. 1223, entitled:

An Act to add section 654.2 to the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," making it a crime for any officer of any labor union to discriminate because of race, color or creed between applicants for membership in such union, or between assignments for employment of union members because of their race, color or creed.

Mr. YOUNG, from the Committee on Judiciary Special, reported as committed, House Bill No. 1221, entitled:

An Act to add section 654.1 to the act, approved the twenty-fourth day of June, one thousand nine hundred

thirty-nine (P. L. 872) entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it a crime to discriminate in the selection or appointment of persons for employment in the civil service of the Commonwealth; or of any political subdivision thereof because of the race, creed or color of any person.

Mr. GATES, from the Committee on Townships, reported as committed, House Bill No. 887, entitled:

An Act to amend section one thousand eight hundred and three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for contracts and purchases not requiring advertising and bids.

Mr. McFALL, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 127, entitled:

A joint resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Mr. HARE, from the Commitee on Counties, reported as committed, House Bill No. 1324, entitled:

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties.

Mr. LEVY, from the Committee on Welfare, reported as committed, House Bill No. 1401, entitled:

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," further regulating the establishment of standards and qualifications for assistance.

Mr. BENTLEY, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1269, entitled:

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by extending the time for filing municipal claims.

Mr. POLASKI, from the Committee on Elections, reported as committed, House Bill No. 812, entitled:

An Act to amend clause (b) of section three hundred and two of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections; including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the display of the standard flag of the United States at polling places; and imposing such duty on county boards of elections.

Mr. FRENCH, from the Committee on Townships, reported as committed, House Bill No. 789, (Senate Bill No. 81), entitled:

An Act to amend section one thousand one hundred and forty-seven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto", by extending the power to accept roads, streets, lanes and alleys dedicated as public highways.

Mr. WOLF, from the Committee on Counties, reported as amended, House Bill No. 896, entitled:

An Act authorizing and requiring county commissioners to sell seated and unseated lands purchased at tax sales, upon which the period of redemption has expired; and validating certain sales heretofore made.

Mr. MONKS, from the Committee on Railroads and Railways, reported as amended, House Bill No. 109, entitled:

An Act to promote the safety of the traveling public and employes on steam or electric railroads by regulating the construction of caboose cars and providing penalties.

Mr. McSURDY, from the Committee on Elections, reported as amended, House Bill No. 358, entitled:

An Act to further amend clauses three, of subsection (b) of section 913 of the act approved the third day of June, one thousand nine hundred thirty-seven, (Pamphlet Laws 1333), entitled, "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections;" by fixing the fee for filing nomination petitions for the office of jury commissioner.

Mr. BALTHASER, from the Committee on Counties, reported as amended, House Bill No. 1172, entitled:

An Act to further amend the act, approved the second day of May, one thousand nine hunderd and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by empowering counties to acquire real estate by lease, purchase, gift or eminent domain for use as fair-

ground, authorizing the acquisition of property by eminent domain for certain other public purposes; and authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fairgrounds, including the appropriation of funds, joint action with other political subdivisions, the levy and collection of taxes, the creation of county fair boards, and the acceptance of State contributions.

Mr. HAMILTON, from the Committee on Military Affairs, re-reported as committed, House Bill No. 182, entitled:

An Act to amend section two of the act, approved the twenty-sixth day of May, one thousand eight hundred and ninety-seven (P. L. 106), entitled "An act prohibiting the discharge from public positions of Union soldiers without reasonable cause, and prohibiting the abolishment of or changing the emoluments of public offices occupied by Union soldiers except for good reason," by extending the provisions thereof to veterans and nurses of any war in which the United States has engaged.

Mr. FLEMING, from the Committee on Cities-Second Class, re-reported as committed, House Bill No. 875 (Senate Bill No. 253), entitled:

An Act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions; providing for an election on such question; and regulating hours of service, hours of rest and annual vacations.

Mr. WOODRING, from the Committee on Military Affairs, re-reported as amended, House Bill No. 104, entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives or persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," extending the time during which application may be filed for veterans' compensation.

Mr. LOVETT, from the Committee on Rules, reported as committed, House Resolution No. 87.

FRANKLIN-MARSHALL ACADEMY WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the History Class of Franklin-Marshall Academy, Lancaster, who are the guests of Mr. Marshall M. Cohen.

PRESENTATION TO SPEAKER

Mr. McFALL asked and obtained unanimous consent to address the House.

Mr. Speaker, some time ago a very important conference was held at the rostrum by the four members from Northampton County, in which they discussed with you, Mr. Speaker, legislation vital and important to the state. A newspaper photographer appeared on the scene and flashed a picture. Now, it is funny how these newspaper photographers appear at the psychological moment. This picture appeared in many newspapers in the eastern part of Pennsylvania and caused very favorable comment, so much so that we feel the picture may become a classic, somewhat on the order of the signing of the Declaration of Independence, Washington crossing the Delaware, and Paul Revere's ride. These men, of course, helped to save the nation, and we, the Members of this legislative body from Northampton County, seek to save the state for the Democrats. This picture has been beautifully autographed and I now present it to you, Mr. Speaker, with the compliments and best wishes of Joseph A. Longo D. Miller Early, Carleton T. Woodring, and Charles McFall.

The SPEAKER. The Chair thanks the gentleman from Northampton, Mr. McFall.

RESOLUTION

THANKS EXTENDED

Mr. MIHM offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 29, 1941.

Whereas, he Committee on Cities of the Second Class recently held public hearings in the City of Pittsburgh on House Bill No. 875 and Senate Bill No. 253; and

Whereas, the City Council of the City of Pittsburgh graciously allowed the committee to use the council chambers for the purpose of holding such public hearings; and

Whereas, The facilities offered the committee by the City Council of Pittsburgh were more than adequate for its needs, and the courtesy extended to the members of the committee by the officials of the City Council could not be excelled; and

Whereas, The arrangements made for the holding of the hearings were satisfactory to the smallest and insignificant detail; therefore be it

Resolved, That the House of Representatives thanks the City Council of Pittsburgh for its gracious and courteous treatment of the members of the House of Representatives while they were engaged in their legislative duties in Pittsburgh; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House to the President of the said City Council, conveying thereby the most heartfelt thanks and appreciation of the House of Representatives.

CONGRATULATORY RESOLUTIONS

Mr. HEATHERINGTON offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 28, 1941.

Whereas, The Legislature has learned with mixed emotions of the birth of a 9½ pound daughter to the Honorable Anthony J. Petrosky and his wife; and

Whereas, Because of the excellent state of medical knowledge in the Commonwealth, we are happy to report that the father suffered no acute discomfort and will undoubtedly be able to continue to perform his legislative duties capably; and

Whereas, We have learned with a great deal of satisfaction that mother and daughter are "doing nicely"; therefore be it

Resolved, That the House of Representatives desires to felicitate the Honorable Anthony J. Petrosky and his wife on the birth of their daughter; and be it further

Resolved, That the Chief Clerk of the House mail a copy of this resolution to the happy parents.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Petrosky.

Mr. PETROSKY. Mr. Speaker, I certainly appreciate the trouble the gentlemen have gone to for me here today. The membership of the House, Mr. Speaker, will well know that the daddie has been disappointed, but due to

the fact that the little girl wanted a sister, we compromised with her and gave her one. Inasmuch as every Member of the House is well versed in the subject of the other sex, I can say to them that I will receive any and all recipes that they can give me for the next effort. Thank you.

The SPEAKER. The Chair congratulates the gentleman from Westmoreland Mr. Petrosky.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to he second reading and consideration of House Bill No. 117, entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing for different classes of operators' licenses and learners' permits; prescribing the circumstances under which they shall be issued; requiring proof of financial responsibility in certain cases; denying operating privileges under certain circumstances and providing additional penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr LONGO. Mr Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of further consideration.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 523, entitled

An Act to protect the public against fraud and deception to prevent unfair competition and unfair trade practices regulating the business of selling gasoline by requiring persons engaged therein to post the price thereof to public view and requiring sale at the price posted and prescribing certain penalties.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 640, entitled:

An Act establishing certain public roads and streets and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway and providing for their laying out opening construction and maintenance by the Department of Highways subject to certain terms and conditions.

The first section was read.

On the question,

Will the House agree to the section?

Mr. DAVID P. REESE. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as folows:

Amend Sec. 1, page 2, line 11, by inserting after the word "along" the following: "or over."

The amendment was agreed to.

The section was agreed to as amended.

The second, third and fourth sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1233, entitled:

An Act to amend section three hundred seventy of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eight classes and revising amending and consolidating the laws relating thereto" authorizing the county commissioners from time to time to make supplemental appropriations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LONGO. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1232, entitled:

An Act to further amend section one thousand eight hundred and four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" authorizing the council in such cities from time to time to make supplemental appropriations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LONGO. Mr. Speaker, I move that this bill be recommitted to the Committe on Municipal Corporations for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 522, entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

The first section was read.

On the question,

Will the House agree to the section?

Mr. MARSHALL M. COHEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, lines 2 and 3, by striking out the following: "Department of Agriculture" and inserting in lieu thereof: Pennsylvania State College.

The amendment was agreed to.

The section was agreed to as amended

The title was read.

On the question,

Will the House agree to the section?

Mr. MARSHALL M. COHEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Title, page 1, line 1 of title, by striking out the following: "Department of Agriculture" and inserting in lieu thereof: "Pennsylvania State College."

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1234, entitled:

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing the township commissioners from time to time to make supplemental appropriations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LONGO. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1236, entitled:

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the township supervisors from time to time to make supplemental appropriations

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LONGO. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 292, entitled:

An Act to promote the safety of employes and travellers upon railroads by compelling common carriers by railroad to furnish employes with certain signal devices

The first section was read.

On the question,

Will the House agree to the section?

Mr. PRESLEY N. JONES. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, by inserting between lines 6 and 7 the following: "Any common carrier by railroad which shall violate the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than three hundred dollars ($300).

Each and every day's continuance in the violation of this act shall be a separate and distinct offense.

It shall be the duty of the Pennsylvania Public Utility Commission to supervise the enforcement of the provisions of this act.

The amendment was agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. MIHM and

The House resumed the consideration on second reading of House Bill No. 684, entitled:

An Act to further amend sections six and nine of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and

means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" further regulating the granting suspension and revocation of the licenses of optometrists

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS HOUSE

Mr. HARE. Mr. Speaker, I feel after three months of sitting in seat 174 of the General Assembly as a Member of the House, and listening to the very many issues discussed, some intelectually, some emotionally and some of them without any semblence of sense whatsoever, and realizing full well that the first time I was on the floor the Members of the House rather took personal affront at some of my statements, I ask the indulgence of the House this afternoon to bear with me as a first term Member. If I perhaps tramp on your toes, as a servant of the people of the Commonwealth, in my own feeble method of understanding as a rural Member from Somerset County, I trust that you will bear with me with a sense of justice and mercy.

We have heard during debate windy and short arguments. We have had the milk bill discussed pro and con, we have had the bowling bill rolling over the floor, and I feel I would be derelict in my duty as a representative from a rural county if I did not take this opportunity to point in all seriousness to such phrases as occurred last evening on the question of the horse's tail, to the end that perhaps I can give you some light on the seriousness of the situation and can point out to you that we are wasting much time in this legislative year.

I am asking, Mr. Speaker, for unanimous consent at this time to introduce a resolution, and I forthwith introduce it.

RESOLUTION

THANKS EXTENDED

Messrs. HARE and WAGNER offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, as follows:

In the House of Represenatives, April 29, 1941.

Whereas, it is common knowledge and a generally accepted fact that Somerset County is the greatest single gift made by the Creator of the Commonwealth of Pennsylvania; and

Whereas, its inhabitants have been known for generations as the Frosty Sons of Thunder, and their abiding place has been called "The roofgarden of Pennsylvania, the foothills of Heaven"; and

Whereas, the glories of this celestial region have been broadcast over the Commonwealth by the Honorable William S Livengood, Jr., distinguished Secretary of Internal Affairs, and the Honorable Charles H. Ealy, the equally disinguished President Pro Tempore of the Senate; and

Whereas, it is a matter of common knowledge that the residents of Somerset County have been singularly blessed with an abundance of all the better traits found in man; and

Whereas, it is universally known that this county has never departed from the true faith, but has steadfastly continued to select and elect only proponents of the Republican philosophy of government; and

Whereas, there is substantially authenticated proof that this county was the original site of the Garden of Eden. It is therefore the distinct pleasure of the Somerset Business Men's Organization to present to each Member of this honorable House, regardless of his political affiliation, some small measure of proof in support of the above mentioned contentions. For many years past the Honorable Wilson Gillette of Bradford County, and the Honorable Jacob Schrock of Somerset County have argued at great length as to the relative merits of the products of their respective counties; and

Whereas, on divers occasions these discussions have gone far afield and have embraced the productivity of the fields and size of the barns and pulchritude of their ladies, they have invariably ended up on the sweet subject of maple syrup; and

Whereas, these discussions have been of great length, violence and verbosity, they have to date produced no tangible evidence of the good faith of either claimant; and

Whereas, it is the desire of the Business Men's Division of the Somerset Chamber of Commerce to advance tangible proof of the greatness of the county and the purity of their maple products, and to the end that no further shadow shall be cast upon the fair name of Somerset County, and to insure for all time its recognized position as one of the two largest maple syrup producing counties in the world, they have, through its duly elected Representatives, made it possible for the Members of this honorable House to share in some of the nectar of the Gods that annually flows from the sugar trees of their fair county; and

Whereas, they are adherents of the old adage that you catch more flies with sugar than with vinegar, they have decided to extend this sweet distillation of the maple alike to all Members of this honorabl House, regardless of their political faith. It is the hope that the Members of this honorable body will avail themselves of this opportunity to sample its delicate flavor, to observe its clear golden color, and to revel in its Heavenly perfume; and

Whereas, in the past the old County of Somerset has been known as a member of the Bible Belt, we feel it incumbent to bring to the attention of this honorable body the fact that our third grade syrup is regularly sold to the city slickers as first grade Vermont syrup at first grade prices; and

Whereas, the Frosty Sons of Thunder have no desire to have an army camp named after their county, but are only desirous of perpetuating the name and fame of their native heath as the home of world renouned maple products; therefore be it

Resolved, that this House of Representatives in General Assembly convened on the 29th day of April, 1941, do cause this resolution to be made a part of the permanent record of the House and that a copy of said resolution be forwarded forthwith to Mr Charles F. Weimer, Director, Business Men's Division, Somerset Chamber of Commerce, Somerset, Pennsylvania.

On the question,

Will the House adopt the resolution?

Mr. JAMES. Mr. Speaker, before voting on this resolution I call the attention of the Members of the House to the fact that peddling in the Hall of the House is forbidden.

Mr. TARR. Mr Speaker, I am going to vote for this resolution but only because Fayette County holds Somerset County in place, and only because it adjoins Somerset County. Fayette County is the place where the maple syrup comes from and only the sap comes from Somerset County.

Mr. HARE. Mr. Speaker, the gentleman from Fayette, Mr. Tarr, refrained from telling the House that I sold him a gallon of maple syrup last week at $1.90 a gallon and I bought it at $1.10 a gallon. That is not being such

a sap after all. The sap seems to be on the other side of the House.

I now ask the Speaker to instruct pages Thompson and Walker to make the distribution.

Mr. TARR. For the information of the gentleman from Somerset I sold that gallon of maple syrup that he hocked to me in Fayette County, to the only Republican in Fayette County for $2.25.

The SPEAKER. The Chair was of the opinion that the gentleman from Somerset, Mr. Hare, was a rural member and not a city slicker.

Mr. MAXWELL. Mr Speaker, I desire to interrogate the gentleman from Fayette, Mr. Tarr.

The SPEAKER. Will the gentleman from Fayette permit himself to be interrogated?

Mr. TARR. I shall, Mr. Speaker.

Mr. MAXWELL. As a point of information, Mr. Speaker, I did not quite hear the gentleman a minute ago. Did I understand him to say that sap or saps came from Somerset County?

Mr. TARR. Mr. Speaker, I definitely said sap, s-a-p-p-.

The Speaker. The Chair thanks the gentleman for telling us where maple syrup comes from. It is a very nice gesture.

Mr. HARE. Bootleggers having been driven out of Somerset County and not being familiar with the operation, I had to refer that subject to Mr. Tarr.

Mr. TARR. Mr. Speaker, I stand spanked. I will go back to my seat.

The SPEAKER. The Chair has been informed that a sample of Somerset maple syrup is to be given to each Member, with the compliments of the gentlemen from Somerset, Messrs. Hare and Wagner. Is this a bribe to vote for this resolution?

Mr. HUNTLEY. Mr. Speaker, I desire to interrogate the gentleman from Somerset, Mr. Hare.

The SPEAKER. Will the gentleman from Somerset permit himself to be interrogated?

Mr. HARE. I shall, Mr. Speaker.

Mr. HUNTLEY. Mr. Speaker, I would like to ask the gentleman if this is the kind of bottled stuff they sell in one man clubs in Somerset County.

Mr. HARE. Mr. Speaker, if you judge it by the sweetness of the ladies of our county, it probably is.

On the question recurring.

Will the House adopt the resolution?

It was adopted.

The SPEAKER. The Chair hopes the gentleman from Delaware will finish the buckwheat cakes in the morning.

QUESTION OF INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of inquiry.

The SPEAKER. The gentleman from Delaware will state his question of inquiry.

Mr. TURNER. Mr. Speaker, I did not know this was maple syrup. I thought a little soda would go well with it.

BILL PASSED OVER

There being no objection House Bill No. 1156, Printer's No. 308, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 984, as follows:

An Act providing that when new trial is granted upon grounds that damages are inadequate or excessive the new trial shall be confined to that question and not to liability.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 When in any action a new trial shall be granted to any party soley upon the grounds of inadequacy or excessiveness of a verdict or finding the sole question to be determined upon such new trial shall be the amount of damages and the question of liability as between the parties shall be deemed to have finally determined by the prior verdict or finding.

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flynn,	Lovett,	Royer,
Allmond,	Foor,	Lyons,	Rush,
Auker,	French,	Malloy,	Sarge,
Baker,	Gallagher,	Marks,	Sarraf,
Balthaser,	Gates,	Maxwell,	Scanlon,
Baugher,	Gerard,	McClanaghan,	Schwab,
Bentley,	Gillan,	McClester,	Serrill,
Bentzel,	Gillette,	McDermott,	Shaffer,
Boles,	Goodwin,	McDowell,	Shaw,
Boney,	Greenwood,	McFall,	Shepard,
Boorse,	Gross,	McGrath,	Simons,
Bower,	Gryskewicz,	McIntosh,	Skale,
Bradley,	Gyger,	McKinney,	Snyder,
Bretherick,	Habbyshaw,	McLanahan,	Sollenberger,
Brown,	Haberlen,	McMillen,	Sorg,
Brunner, C. H.,	Haines,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hall,	Melchiorre,	Stank,
Burns,	Hamilton,	Mihm,	Stine,
Burris,	Hare,	Modell,	Stockham,
Cadwalader,	Harkins,	Monks,	Tarr,
Chervenak,	Harmuth,	Mooney,	Tate,
Chudoff,	Harris,	Moran,	Taylor,
Cochran,	Heatherington,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Helm,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hering,	Nagel,	Trout,
Cook,	Herman,	Nunemacher,	Turner,
Cooper,	Hersch,	O'Brien,	Van Allsburg,
Cordier,	Hewitt,	O'Connor,	Verona,
Corrigan,	Hirsch,	O'Dare,	Vincent,
Croop,	Holland,	O'Mullen,	Vogt,
Cullen,	Huntley,	O'Neill,	Voldow,
Dalrymple,	Imbrie,	Owens,	Voorhees,
Dennison,	James,	Petrosky,	Wagner,
DiGenova,	Jefferson,	Pettit,	Watkins,
Dix,	Jones, G. E.,	Polaski,	Weingartner,
Dolon,	Jones, P. N.,	Polen,	Weiss,
D'Ortona,	Keenan,	Powers,	Welsh, E. B.,
Duffy,	Kenehan,	Prosen,	Welsh, M. J.,
Early,	Kline,	Rank,	Wilkinson,
Eckels,	Knoble,	Rausch,	Williams,
Elder,	Kolankiewicz,	Readinger,	Winner,
Elliott,	Komorofski,	Reagan,	Wolf,
Ely,	Krise,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Lee, E. A.,	Reese, R. E.,	Wood, N.,
Finestone,	Lee, T. H.,	Regan,	Woodring,
Finnerty,	Leisey,	Reynolds,	Woodside,
Fisher,	Leonard,	Rhea,	Wright,
Fiss,	Lesko,	Rooney,	Yeakel,
Fleming,	Levy,	Rose, S.,	Yester,
Fletcher,	Leydic,	Rose, W. E.,	Young,
	Longo,	Rosenfeld,	Kilroy,
			Speaker.

NAYS—1

Lichtenwalter,

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 218, as follows:

An Act to further amend section three and to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded Paris greens lead arsenates lime-sulpher compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by imposing additional duties on the Secretary of Agriculture and further regulating the sale manufacture and transportation of insecticides and fungicides.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section three of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L . 224) entitled "An act preventing the manufacture or transportation within the Commonwealth of adulterated or misbranded Paris green lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" as amended by the act approved the fourth day of April one thousand nine hundred and twenty-five (P. L. 136) is hereby further amended to read as follows

Section 3 That the Secretary of Agriculture shall promulgate uniform rules and regulations for enforcing this act including the collection and examinations by existing bureaus of insecticides and examinations by existing bureaus of insecticides and fungicides manufactured or offered for sale in the Commonwealth for the purpose of determining whether such articles are adulterated or misbranded within the meaning of this act or if such insecticides or fungicides do not comply with any provision of this act.

Section 2 Section eight of said act is hereby amended to read as follows

Section 8 (a) That any insecticide or fungicide that is condemmed as being adulterated or misbranded within the meaning of this act or otherwise failing to comply with the provisions of this act shall be confiscated and disposed of by destruction or in such other manner as the court may direct

(b) That it shall be unlawful to sell or offer for sale manufacture or transport within the Commonwealth any insecticide or fungicide so colored that the said insecticide or fungicide can be confused with or resembles closely flour baking soda salt pepper or any other common kitchen and household condiment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gerard,	McClanaghan,	Scanlon,
Baugher,	Gillan,	McClester,	Schwab,
Bentley,	Gillette,	McDermott,	Serrill,
Bentzel,	Goodwin,	McDowell,	Shaffer,
Boles,	Greenwood,	McFall,	Shaw,
Boney,	Gross,	McGrath,	Shepard,
Boorse,	Gryskewicz,	McIntosh,	Simons,
Bower,	Gyger,	McKinney,	Skale,
Bradley,	Habbyshaw,	McLanahan,	Snyder,
Bretherick,	Haberlen,	McLane,	Sollenberger,
Brown,	Haines,	McMillen,	Sorg,
Brunner, C. H.,	Hall,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stank,
Burns,	Hare,	Mihm,	Stine,
Burris,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chervenak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M M.,	Hering,	Muir,	Thompson, R. L.,
Cohen, R E.,	Herman,	Munley,	Trout,
Cook,	Hersch,	Nagel,	Turner,
Cooper,	Hewitt,	Nunemacher,	Van Allsburg,
Cordier,	Hirsch,	O'Brien,	Verona,
Corrigan,	Holland,	O'Connor,	Vincent,
Croop,	Huntley,	O'Dare,	Vogt,
Cullen,	Imbrie,	O'Mullen,	Voldow,
Dalrymple,	James,	O'Neill,	Voorhees,
Dennison,	Jefferson,	Owens,	Wagner,
DiGenova,	Jones, G. E.,	Petrosky,	Watkins,
Dix,	Jones, P. N.,	Pettit,	Weingartner,
Dolon,	Keenan,	Polaski,	Weiss,
D'Ortona,	Kenehan,	Polen,	Welsh, E. B.,
Duffy,	Kline,	Powers,	Welsh, M. J.,
Early,	Knoble,	Prosen,	Wilkinson,
Eckels,	Kolankiewicz,	Rank,	Williams,
Elder,	Komorofski,	Rausch,	Winner,
Elliott,	Krise,	Readinger,	Wolf,
Ely,	Lee, E. A.,	Reagan,	Wood, L. H.,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Finestone,	Leisey,	Reese, R. E.,	Woodring,
Finnerty,	Leonard,	Regan,	Woodside,
Fisher,	Lesko,	Reynolds,	Wright,
Fiss,	Levy,	Rhea,	Yeakel,
Fletcher,	Leydic,	Rooney,	Yester,
Fleming,	Lichtenwalter,	Rose, S.,	Young,
Flynn,	Longo,	Rose, W. E.,	Kilroy,
	Lovett,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 717, as follows:

An Act relating to crimminal procedure providing for the securing of attendance of witnesses from within or without the State in crimminal cases and making uniform the law in reference thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The word "witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a crimminal action prosecution or proceeding

The word "state" shall include any territory of the United States and the District of Columbia

The word "summons" shall include a subpoena order or other notice requiring the appearance of a witness

Section 2 Summoning Witness in this State to Testify in Another State If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this State certifies under the seal of such court that there is a criminal prosecution pending in such court or that a grand jury investigation has commenced or is about to commence that a person being within this State is a material witness in such prosecution or grand jury investigation and his presence will be required for a specified number of days upon presentation of such certificate to any judge of a court of record in the county in which such person is such judge shall fix a time and place for a hearing and shall make an order directing the witness to appear at a time and place certain for the hearing

If at a hearing the judge determines that the witness

is material and necessary that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state and that the laws of the state in which the prosecution is pending or grand jury investigation has commenced or is about to commence and of any other state through which the witness may be required to pass by ordinary course of travel will give to him protection from arrest and the service of civil and criminal process he shall issue a summons with a copy of the certificate attached directing the witness to attend and testify in the court where the prosecution is pending or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons In any such hearing the certificate shall be prima facie evidence of all the facts stated therein

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state such judge may in lieu of notification of the hearing direct that such witness be forthwith brought before him for said hearing and the judge at the hearing being satisfied of the desirabilty of such custody and delivery for which determination the certificate shall be prima facie proof of such desirability may in lieu of issuing subpoena or summons order that said witness be forthwith taken into custody and delivered to an officer of the requesting state Provided however That such judge may admit the witness to bail by bond with sufficent sureties and in such sum as he deems proper conditioned for his appearance before him at a time specified in such bond and for his surrender to an officer of the requesting state

If the witness who is summoned as above provided after being paid or tendered by some properly authorized person the sum of ten cents ($0.10) a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars ($5) for each day that he is required to travel and attend as a witness fails without good cause to attend and testify as directed in the summons he shall be punished in the manner provided for the punishment or any witness who disobeys a summons isued from a court of record in this State

Section 3 Witness from Another State Summoned to Testify in this State If a person in any state which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations commenced or about to commence in this State is a material witness in a prosecution pending in a court of record in this State or in a grand jury investigation which has commenced or is about to commence a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this State to assure his attendance in this State This certificate shall be presented to a judge of a court of record in the county in which the witness is found

If the witness is summoned to attend and testify in this State he shall be tendered the sum of ten cents ($0.10) a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars ($5) for each day that he is required to travel and attend as a witness A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this State a longer period of time than the period mentioned in the certificate unless otherwise ordered by the court If such witness after coming into this State fails without good cause to attend and testify as directed in the summons he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State

Section 4 Exemption from Arrest and Service of Process If a person comes into this State in obedience to a summons directing him to attend and testify in this State he shall not while in this State pursuant to such summons be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this State under the summons

If a person passes through this State while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom he shall not while so passing through this State be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this State under the summons

Section 5 Uniformity of Interpretation This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it

Section 6 Short Title This act may be cited as the "Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings"

Section 7 Repealer All acts and parts of acts inconsistent with the provisions of this act are hereby repealed in the following acts are hereby expressly repealed

The act approved the fifteenth day of July one thousand nine hundred thirty-five (P. L. 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto"

The act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (P. L. 2088) entitled "An act to amend sections one two four five and seven of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (P. L. 1017) entitled 'An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto' by further regulating the attendance of such witnesses and limiting the powers with respect thereto to judges learned in the law"

The act approved the fifteenth day of June one thousand nine hundred thirty-nine (P. L. 401) entitled "An act to further amend sections one and four of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (P. L. 1017) entitled 'An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto' by extending the provisions thereof to include grand jury investigations"

Section 8 Constitutionality If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section 9 Effective Date This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. CHARLES H. BRUNNER. Mr. Speaker, House Bill 717 is an attempt to clarify a situation which unfortunately exists in Pennsylvania at the present time. In 1935 this legislature passed a similar act which was amended in 1937 and 1939 and under which the now famous arson murder cases in Philadelphia were brought to a successful conclusion. The use of this act to bring from New York State a witness in the arson murder prosecution, and use of the information and evidence derived from him, as I said before, enabled a successful conclusion of the matter.

In 1940, the Philadelphia Court of Quarter Sessions declared the act to be unconstitutional in three respects. It stated that the title of the act was defective since it did

not indicate that citizens of Pennsylvania might be compelled to go out of this state to testify. This particular objection has been cured in this act by the addition of the words to the title "within or".

Secondly, another objection to this act was that it gave the witness no right to be allowed out on bail. This likewise has been cured by this act, a suitable bail provision being inserted in this bill.

Finally and by far the most serious objection was raised by the Court to the effect that the act violated the constitution in that it abridged or violated the right of a citizen of this Commonwealth to the freedom of ingress and egress within or without the state. I am calling this matter to the attention of the membership because considerable time has been devoted to this bill in an effort to try to remove this objectionable feature. May I state that thirty seven states of the Union have enacted this bill into law, and that the only way it can become effective in Pennsylvania is by having it become a law in this state because, of course, it is a reciprocal agreement.

I wish to call to the attention of the membership of this House at this time the thought expressed in the only authority which I could find on the subject following the opinion of the Philadelphia court, declaring the old act unconstitutional, and I am submitting it to the membership for inspection and I hope approval.

The North Carolina Law Review of April, 1941, in a case made reference to the Philadelphia decision about which I have just spoken, and on the basis of a case entitled Massachusetts vs. Klaus it says:

> "The right of free ingress and egress was never intended to enable a citizen of the United States to interfere with the orderly administration of justice within . . . the State . . . the only protection which the privileges and immunities clause . . . affords him there is that no state shall discriminate between him and the citizens of the state. Giving testimony when one is capable is a long-recognized duty, whose performance society has a right to compel. Admittedly, the right of free ingress and egress is subjected to the police power of a state. What right should one have to insist on exercising that freedom for society and the orderly administration of justice? There should be no objection to a temporary interference with this right until such duty is performed. Whenever a citizen is subpoenaed as a witness, his freedom of movement is restrained in much the same manner."

In conclusion, Mr. Speaker, this article states, and I quote:

> "The desirability of the type of law in question need be no further reiterated. Suffice it to say that this is one of six fundamental problems in the administration of the criminal law which have been studied by the Interstate Commission on Crime. Unless this uniform law be upheld, we will be again thrown into that anomalous situation wherein a needed witness who has placed a state line between himself and the court may be begged to return, or kidnapped and returned, but there is no legal procedure provided by the states which can compel him to return unless he, himself, has committed an extraditable offense."

Under these circumstances, I feel this bill should be enacted into law, and I therefore, ask the membership of this House to vote "aye" on this measure.

Mr. BROWN. Mr. Speaker, I am in accord with the request made by the gentleman from Montgomery Mr. Brunner, for the passage of House Bill 717.

However, I do not feel we should allow the act to be passed without raising certain questions because we are dealing with one of the most mundamental rights a citizen has in this Commonwealth. Too often many of these bills come before us and we pass them over without even knowing what is in them. This is a very important bill and the gentleman from Montgomery has given it careful consideraion. It is a bill which should be studied and this legislature should know what is in the bill before it is passed.

I samply want to raise three fundamental questions so tha the record will show that we were cognizant of the issue before us. As I said before, he gentleman from Mongomery and I have gone over the question with the Attorney General and the Deputy Attorney General in charge of this legislation and we are agreed that it is a necessary piece of legislation and we are going to leave to the courts the question of constitutionaliyt. I would like however, he recard to show that we raised hese fundamental questions.

Does this act violate the provisions of the Federal Constitution, he 14th amendment, prohibiting the states from enacting any law abridiging he privileges and immunities of citizens of the United States?

This act will compel a citizen of this State to go into another state where he has committed no crime, where he is not a citizen, where he is not a resident, and produce testimony under the pain of all the penalties atendant upon any witness.

The second question is, does the act violate he clause in the 14th amendment to the Federal Constitution which provides, "Nor shall any State deprive any person of life, liberty or property without due process of law."

Under this act a citizen of this state, called by the State of New York could be seized and brought before a judge. Of course, they get around any constitutional question. This new act allows bail to be fixed by the judge, but I still raise he question as to whether or not a man can be seized for a crime which he has not committed.

The third question which I raise under the Constitution of Pennsylvania, under Aricle 1, Section 8 is, "The people shall be secure in heir persons from unreasonable searches and seizures."

As I said before, Mr. Speaker, I am entirely in accord with the gentleman who made the request for the passage of this bill and I am going to voe for the bill, but I believe we ought to know just what we are voting on, and I should like the record to show that in my opinion this question should be approached from the standpoint of an amendment to the Federal Constitution such as we have in the extradition law and he statutes pertaining thereto. This is an important piece of legislation and we ought not to pass it by lightly. However, I am willing to vote for it, leaving it to the courts to determine these very fundamental questions, which go to the heart of all our rights.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flynn,	Lichtenwalter,	Rose, W. E.,
Allmond,	Foor.	Longo,	Rosenfeld,
Auker,	French,	Lovett,	Rush,
Baker,	Gallagher,	Lyons,	Sarge,
Balthaser,	Gates,	Malloy,	Sarraf,
Baugher,	Gerard,	Marks,	Scanlon,
Bentley,	Gillan,	Maxwell,	Schwab,
Bentzel,	Goodwin,	McClanaghan,	Serrill,
Boles,	Greenwood,	McClester,	Shaffer.
Boney,	Gross,	McDermott,	Shepard,
Boorse,	Gryskewicz,	McDowell,	Simons,
Bradley,	Gyger,	McFall,	Skale,
Breth,	Habbyshaw,	McGrath,	Snyder,
Bretherick,	Haberlen,	McIntosh,	Sollenberger,
Brown,	Haines,	McKinney.	Sorg,
Brunner, C. H.,	Hall,	McLanahan,	Stambaugh,
Brunner, P. A.,	Hamilton,	McMillen,	Stank,
Burns,	Hare,	McSurdy,	Stine.
Burris,	Harkins,	Melchiorre,	Stockham,
Cadwalader,	Harmuth,	Mihm,	Tarr,
Chervenak,	Harris.	Modell,	Tate,
Chudoff,	Heatherington,	Monks,	Taylor,
Cochran,	Helm,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nagel,	Verona,
Cordier,	Hirsch,	Nunemacher,	Vincent,
Corrigan,	Holland,	O'Brien,	Vogt,
Croop,	Huntley,	O'Connor,	Voldow,
Cullen,	Imbrie,	O'Dare,	Voorhees,
Dalrymple,	James,	O'Mullen,	Wagner,
Dennison,	Jefferson,	O'Neill,	Weingartner,
DiGenova,	Jones, G. E.,	Owens,	Weiss,
Dix.	Jones, P. N.,	Petrosky,	Welsh, E. B.,
Dolon,	Keenan,	Pettit,	Welsh, M. J.,
D'Ortona,	Kenehan,	Polaski,	Williams,
Duffy.	Kline,	Polen,	Winner,
Early,	Knoble,	Powers,	Wolf,
Eckels,	Kolankiewicz,	Prosen,	Wood, L. H.,
Elder,	Komorofski,	Rank,	Wood, N.,
Elliott,	Krise,	Readinger,	Woodring,
Ely,	Lee, E. A.,	Reagan,	Woodside,
Finestone,	Lee, T. H.,	Reese, D. P.,	Wright,
Finnerty,	Leisey,	Reese, R. E.,	Yeakel,
Fisher,	Leonard,	Regan,	Yester,
Fiss,	Lesko,	Reynolds,	Young,
Fleming,	Levy,	Rooney,	Kilroy,
Fletcher,	Leydic,	Rose, S.,	Speaker.

NAYS—1

Rausch,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

CONGRATULATORY RESOLUTION

Mr. GOODWIN. Mr. Speaker, I ask unanimous consent to offer a resolution.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Goodwin, who desires to offer a privileged resolution. The reason for his request is that Mr. Goodwin is driving the gentleman from Allegheny, Mr. Gerard, back to Pittsburgh, due to a death in Mr. Gerard's family. The gentleman from Allegheny, Mr. Goodwin, wishes to offer this resolution before he leaves. Will the House give its unanimous consent to the immediate consideration of the resolution?

The Chair hears no objection and consent is granted.

Mr. GOODWIN offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 29, 1941.

Among the freshmen of this House, headed for the status of leadership in a very short time, is the gentleman from the ninth district of Allegheny County, the Honorable William J. Yester of McKeesport.

For his rapid progress in business and public affairs this youngster is in no small degree indebted to a happy decision made by him just fifteen years ago today, when he led to the alter of matrimony, the delightful young lady who has ever since been known as his Mrs., and whose presence with him today is a source of joy to him and a pleasure to his colleagues in the House; be it, therefore

Resolved, That the House of Representatives hereby extend its heartiest congratulations to Honorable and Mrs. Yester on the occasion of this their crystal wedding, and hope that on their diamond wedding they will be no less happy, and even more prosperous and exalted in public and private life than they now are; and be it further

Resolved, That a certified copy of this anniversary greeting be forwarded by the Chief Clerk to the wedded couple whose fifteenth anniversary this is.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Yester.

Mr. YESTER. Mr. Speaker, I want to thank the House for this resolution. I would say to the bachelors in the House, no matter how old they are,—I believe when I was married, I was about thirty-five,—if they will take my advice they will become married. They will enjoy the happiest days of their lives if they do so. I want you to meet my wife.

The SPEAKER. The Chair congratulates Mr. and Mrs. Yester.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 660, as follows:

An Act to amend section two hundred twenty-two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended providing that State employes may accumulate their authorized leaves of absence and take such accumulated leaves at one time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred twenty-two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for the reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers

and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (P. L. 1865) is hereby further amended to read as follows

Section 222 Work-Hours and Vacations Each employe of an administrative department of an independent administrative board or commission or of a departmental administrative board or commission if employed for continuous service shall work during such hours as the head of the department or the board or commission shall require but not less than thirty-five hours per week Such employe shall be entitled [during] for each calendar year to fifteen days' leave of absence with full pay and in special and meritorious cases where to limit the annual leave to fifteen days [in] for any one calendar year would work peculiar hardships the extent of such leave with pay may in the discretion of the head of the department or of the board or commission be extended but any such extension shall not be for more than fifteen days except with the approval of the Executive Board in the case of employes of departments or of independent administrative boards or commissions and in the case of employes of departmental administrative boards or commissions of the departments with which such boards or commissions are respectively connected This section shall be construed to mean that the pay of such employe shall cease upon the expiration of the granted leave regardless of his or her continuation thereafter upon the rolls of the department board or commission The annual leave of absence with pay shall be exclusive of Saturdays Sundays and legal holidays Each such employe shall be permitted with the approval of the supervising authorities if such employe so desires to accumulate his annual leave of absence year by year and take such accumulated leave at one time but such accumulated leave shall in no case exceed forty-five days Each such employe shall be permitted if he so desires to accumulate his special and meritorious leave of absence year by year and take such accumulated leave at one time but such accumulated leave shall in no case exceed forty-five days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarraf,
Baugher,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Bentzel,	Goodwin,	McDowell,	Serrill,
Boles,	Greenwood,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shepard,
Boorse,	Gryskewicz,	McIntosh,	Simons,
Bradley,	Gyger,	McKinney,	Skale,
Breth,	Habbyshaw,	McLanahan,	Snyder,
Bretherick,	Haberlen,	McMillen,	Sollenberger,
Brown,	Haines,	McSurdy,	Sorg,
Brunner, C. H.,	Hall,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hamilton,	Mihm,	Stine,
Burns,	Hare,	Modell,	Stockham,
Burris,	Harkins,	Mooney,	Tarr,
Cadwalader,	Harris,	Moran,	Tate,
Chervenak,	Heatherington,	Muir,	Taylor,
Chudoff,	Helm,	Munley,	Thompson, E.,
Cochran,	Herman,	Nagel,	Thompson, R.,
Cohen, M. M.,	Hersch,	Nunemacher,	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor,	Van Allsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan,	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,
Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
Dennison,	Jones, P. N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E. B.,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Finnerty,	Lesko,	Rhea,	Wright,
Fisher,	Levy,	Riley,	Yeakel,
Fiss,	Leydic,	Rooney,	Yester,
Fleming,	Lichtenwalter,	Rose, S.,	Young,
Fletcher,	Longo,	Rose, W. E.,	Kilroy,
	Lovett,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 797, as follows:

An Act providing for notice to defendants admitted to bail and to persons furnishing such bail of the time and place where the appearance of such defendants is required.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Whenever hereafter within this Commonwealth any defendant having been charged with the commission of a crime is admitted to bail in order that the appearance of such defendant will be procured it shall be the duty of the district attorney to notify the defendant by registered mail and the person furnishing such bail by personal notice of the time and place where such appearance is required Provided however That the provisions of this act shall not apply when the defendant is before the court and is requested to re-appear at a time and place certain.

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 3 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as fololws, viz:

YEAS—200

Achterman,	Flynn,	Longo,	Rosenfeld,
Allmond,	Foor,	Lovett,	Royer,
Auker,	French,	Lyons,	Rush,
Baker,	Gallagher,	Malloy,	Sarge,
Balthaser,	Gates,	Marks,	Sarraf,
Baugher,	Gerard,	Maxwell,	Scanlon,
Bentley,	Gillan,	McClanaghan,	Schwab,
Bentzel,	Goodwin,	McClester,	Serrill,

Boles,	Greenwood,	McDermott,	Shaffer,
Boney,	Gross,	McDowell,	Shepard,
Boorse,	Gryskewicz,	McFall,	Simons,
Bradley,	Gyger,	McGrath,	Skale,
Breth,	Habbyshaw,	McIntosh,	Snyder,
Bretherick,	Haberlen,	McKinney,	Sollenberger,
Brown,	Haines,	McLanahan,	Sorg,
Brunner, C. H.,	Hall,	McMillen,	Stambaugh,
Brunner, P. A.,	Hamilton,	McSurdy,	Stank,
Burns,	Hare,	Melchiorre,	Stine,
Burris,	Harkins,	Mihm,	Stockham,
Cadwalader,	Harmuth,	Modell,	Tarr,
Chervenak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helm,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Nagel,	Trout,
Cook,	Hersch,	Nunemacher,	Turner,
Cooper,	Hewitt,	O'Brien,	Van Allsburg,
Cordier,	Hirsch,	O'Connor,	Verona,
Corrigan,	Holland,	O'Dare,	Vincent,
Croop,	Huntley,	O'Mullen,	Vogt,
Cullen,	Imbrie,	O'Neill,	Voldow,
Dalrymple,	James,	Owens,	Voorhees,
Dennison,	Jefferson,	Petrosky,	Wagner,
DiGenova,	Jones, G. E.,	Pettit,	Watkins,
Dix,	Jones, P. N.,	Polaski,	Weingartner,
Dolon,	Keenan,	Polen,	Weiss,
D'Ortona,	Kenehan,	Powers,	Welsh, E. B.,
Duffy,	Kline,	Prosen,	Welsh, M. J.,
Early,	Knoble,	Rank,	Williams,
Eckels,	Kolankiewicz,	Rausch,	Winner,
Elder,	Komorofski,	Readinger,	Wolf,
Elliott,	Krise,	Reagan,	Wood, L. H.,
Ely,	Lee, E. A.,	Reese, D. P.,	Wood, N.,
Finestone,	Lee, T. H.,	Reese, R. E.,	Woodring,
Finnerty,	Leisey,	Regan,	Woodside,
Fisher,	Leonard,	Reynolds,	Wright,
Fiss,	Lesko,	Rhea,	Yeakel,
Fleming,	Levy,	Riley,	Yester,
Fletcher,	Leydic,	Rooney,	Young,
	Lichtenwalter,	Rose, S.,	Kilroy,
		Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 580, as folows:

An Act to amend section twenty-four of the act approved the sixteenth day of June one thousand eight hundred thirty-six (P. L. 784) entitled "An act relating to the jurisdiction and powers of courts" by further defining the power of courts to punish summarily for contempt and setting up a period of limitations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section twenty-four of the act approved the sixteenth day of June one thousand eight hundred thirty-six (P. L. 784) entitled "An act relating to the jurisdiction and powers of courts" is hereby amended to read as follows:

Section 24 The punishment of imprisonment for contempt as aforesaid shall extend only to such contempts as shall be committed in [open court] the presence of the court or so near thereto as to obstruct the administration of justice and all other contempts shall be punished by fine not exceeding five hundred dollars only Provided That the court shall have the power to punish summarily for such contempts only within a period of two years after their commission.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flynn,	Longo,	Rose, W. E.,
Allmond,	Foor,	Lovett,	Rosenfeld,
Auker,	French,	Lyons,	Royer,
Baker,	Gallagher,	Malloy,	Rush,
Balthaser,	Gates,	Marks,	Sarge,
Baugher,	Gerard,	Maxwell,	Sarraf,
Bentley,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Goodwin,	McClester,	Schwab,
Boles,	Greenwood,	McDermott,	Serrill,
Boney,	Gross,	McDowell,	Shaffer,
Boorse,	Gryskewicz,	McFall,	Shepard,
Bradley,	Gyger,	McGrath,	Simons,
Breth,	Habbyshaw,	McIntosh,	Skale,
Bretherick,	Haberlen,	McKinney,	Snyder,
Brown,	Haines,	McLanahan,	Sollenberger,
Brunner, C. H.,	Hall,	McMillen,	Sorg,
Brunner, P. A.,	Hamilton,	McSurdy,	Stambaugh,
Burns,	Hare,	Melchiorre,	Stank,
Burris,	Harkins,	Mihm,	Stine,
Cadwalader,	Harmuth,	Modell,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor,	Van Allsburg,
Corrigan,	Holland,	O'Dare,	Verona,
Croop,	Huntley,	O'Mullen,	Vincent,
Cullen,	Imbrie,	O'Neill,	Vogt,
Dalrymple,	James,	Owens,	Voldow,
Dennison,	Jefferson,	Petrosky,	Voorhees,
DiGenova,	Jones, G. E.,	Pettit,	Wagner,
Dix,	Jones, P. N.,	Polaski,	Watkins,
Dolon,	Keenan,	Polen,	Weingartner,
D'Ortona,	Kenehan,	Powers,	Weiss,
Duffy,	Kline,	Prosen,	Welsh, E. B.,
Early,	Knoble,	Rank,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rausch,	Williams,
Elder,	Komorofski,	Readinger,	Winner,
Elliott,	Krise,	Reagan,	Wolf,
Ely,	Lee, E. A.,	Reese, D. P.,	Wood L. H.,
Finestone,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Finnerty,	Leisey,	Regan,	Woodring,
Fisher,	Leonard,	Reynolds,	Woodside,
Fiss,	Lesko,	Rhea,	Wright,
Fleming,	Levy,	Riley,	Yeakel,
Fletcher,	Leydic,	Rooney,	Yester,
	Lichtenwalter,	Rose, S.,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 32, as follows:

An Act to amend paragraph one of subsection (e) of section twelve of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decendents for the sale or purchase of real estate legacies including legacies charged on land the di-

charge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits therupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decendents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decendents" by further defining exemption granted minor child or children.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Paragraph one of subsection (e) of section twelve of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decendents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decendents widow's and children's exemptions debts of decendents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decendents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiudciaries the organization of corporations to carry on the business of decendents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decendts" is hereby amended to read as fololws:

Section 12

* * * *

(e) 1 In the case of any decendent leaving to survive her or him any minor child or children forming part of his family and no widow or widower or in the case of any decedent leaving to survive her a widower together with any minor child or children when such widower will not become a distributee his or her administrator or executor as the case may be without request made to him by any one shall have appraised and set aside for the use and benefit of all such minor children of said decedent property to the full value of five hundred dollars.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows,viz:

YEAS—200

Achterman,	Flynn,	Longo,	Rose, W. E.,
Allmond,	Foor,	Lovett,	Rosenfeld,
Auker,	French,	Lyons,	Royer,
Baker,	Gallagher,	Malloy,	Rush,
Balthaser,	Gates,	Marks,	Sarge,
Baugher,	Gerard,	Maxwell,	Sarraf,
Bentley,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Goodwin,	McClester,	Schwab,
Boles,	Greenwood,	McDermott,	Serrill,
Boney,	Gross,	McDowell,	Shaffer,
Boorse,	Gryskewicz,	McFall,	Shepard,
Bradley,	Gyger,	McGrath,	Simons,
Breth,	Habbyshaw,	McIntosh,	Skale,
Bretherick,	Haberlen,	McKinney,	Snyder,
Brown,	Haines,	McLanahan,	Sollenberger,
Brunner, C. H.,	Hall,	McMillen,	Sorg,
Brunner, P. A.,	Hamilton,	McSurdy,	Stambaugh,
Burns,	Hare,	Melchiorre,	Stank,
Burris,	Harkins,	Mihm,	Stine,
Cadwalader,	Harmuth,	Modell,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nagel,	Thompson, R. L.,
Cook,	Hersch,	Nunemacher,	Trout,
Cooper,	Hewitt,	O'Brien,	Turner,
Cordier,	Hirsch,	O'Connor,	Van Allsburg,
Corrigan,	Holland,	O'Dare,	Verona,
Croop,	Huntley,	O'Mullen,	Vincent,
Cullen,	Imbrie,	O'Neill,	Vogt,
Dalrymple,	James,	Owens,	Voldow,
Dennison,	Jefferson,	Petrosky,	Voorhees,
DiGenova,	Jones, G. E.,	Pettit,	Wagner,
Dix,	Jones, P. N.,	Polaski,	Watkins,
Dolon,	Keenan,	Polen,	Weiss,
D'Ortona,	Kenehan,	Powers,	Weingartner,
Duffy,	Kline,	Prosen,	Welsh, E. B.,
Early,	Knoble,	Rank,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rausch,	Williams,
Elder,	Komorofski,	Readinger,	Winner,
Elliott,	Krise,	Reagan,	Wolf,
Ely,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Finestone,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Finnerty,	Leisey,	Regan,	Woodring,
Fisher,	Leonard,	Reynolds,	Woodside,
Fiss,	Lesko,	Rhea,	Wright,
Fleming,	Levy,	Riley,	Yeakel,
Fletcher,	Leydic,	Rooney,	Yester,
	Lichtenwalter,	Rose, S.,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1185, Printer's No. 359 was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1127, as follows:

An Act defining regulating and providing for the licensing and registration of employment agents and their representatives including private employment agents theatrical employment agencies and nurses' registries providing for revocation and suspension of licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the Department of Labor and Indusiry and the Department of Public Instruction providing penalties and repealing existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as the "Employment Agency Law."

Section 2 Definitions The following terms shall unless the context otherwise indicates have the following respective meaning

(1) "Department" shall mean the Department of Labor and Industry of this Commonwealth

(2) "Emergency engagement" means and includes any engagement that is to be performed within forty-eight (48) hours of the time such application was made by an employer

(3) "Employe" as used in this act means any person performing or seeking to perform work or service of any kind or character whatsoever for hire

(4) "Employer" as used in this act means any person employing or seeking to employ any person for hire

(5) "Employment agent" shall mean every person copartnership association or corporation engaged in or maintaining as owner agent manager-contractor subcontractor or in any other capacity an intelligence office domestic and commercial employment agency theatrical or entertainment employment agency general employment bureau shipping agency nurses' registry or any other agency or office for the purpose of procuring or attempting to procure help or employmnet or engagements for persons seeking employment or engagements or for the registration of persons seeking such help employment or engagement or of giving information as to where and of whom such help employment or engagement may be procured where a fee or other valuable consideration is charged for such services whether such business is conducted in a building or on the street or elsewhere The term shall include any person copartnership association or corporation which by advertisement or otherwise offers as one of the main objects or purposes to secure employment for any person who will pay for its services or that collects dues membership or registration fees of any sort where the main object of the person paying the same is to secure employment

(6) "Fee" means and includes any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by any person conducting an employment agency of any kind under the provisions of this act Such term includes any excess of money received by any such person over what has been paid out by him for the transportation transfer of baggage or board and lodging for any applicant for employment Such term also includes the difference between the amount of money received by any such person who furnishes employes performers or entertainers for circus fair vaudeville theatrical and other entertainments exhibitions or performances and the amount paid by him to the said employes performers or entertainers whom he hires or provides for such entertainments exhibitions or performances

(7) "Nurses' registry" means and includes the business of conducting any agency bureau office or any other place for the purpose of procuring offering promising or attempting to provide employment or engagements for nurses of any kind

(8) "Persons" shall include an individual copartnership association corporation society and his or its manager agents and employes

(9) "Private employment agent" shall mean every person copartnership association or corporation who for hire or with a view of profit shall undertake to secure employment or help or through the medium of a card circular pamphlet or any otther medium whatsoever or through the display of a sign or a bulletin offers to secure employment or help or give information as to where employment or help may be secured Charitable institutions making no charge for such services are not included

(10) "Privilege" as used in this act means and includes the furnishing of food supplies tools or shelter to contract laborers commonly known as commissary privileges

(11) Representative" as used in this act means any employe who interviews counsels or advises applicants or employers clients or both and solicits business and arranges contracts between employers and employe clients

(12) "Secretary" shall mean the Secretary of Labor and Industry of the Department of Labor and Industry of this Commonwealth

(13) "Theatrical employment agency" means and includes the business of conducting an agency bureau office or any other place for the purpose of procuring or offering promising or attempting to provide engagements for persons who want employment in the following occupations Circus fair vaudeville musical theatrical and other entertainment or exhibitions or performances or of giving information as to where such engagements may be procured or provided whether such business is conducted in a building on the street or elsewhere

(14) "Theatrical engagement" means and includes any engagement or employment of a person as an actor performer musician or entertainer in a circus fair vaudeville theatrical or any other entertainment exhibition or performances

Section 3 The term "employment agent" as used in this act shall not apply to

(1) Departments associations or bureaus which are maintained solely for persons in this Commonwealth for the purpose of obtaining employes for themselves or their members and which charge no fee or other consideration to applicants for employment or registration

(2) Theatrical or entertainment producers and managers assembling managing and directing their own performances at their own expense and who charge no commissions or fees directly or indirectly

(3) Bureaus or agencies procuring employment for school teachers without charge

(4) Bureaus or agencies conducted by registered medical institutions duly incorporated hospitals or registries conducted by duly incorporated alumnae associations of nurses procuring employment of nurses without charge

(5) Employment bureaus maintained by this Commonwealth

(6) Employment bureaus maintained by the United States of America within this Commonwealth

(7) Employment bureaus or agencies maintained by any association of manufacturers within the Commonwealth for the purpose of obtaining employes for their members and which charge no fee to applicants for registration or employment Provided however That persons excluded from licensure under this section shall not open operate or maintain such agencies until they register with the department as hereinafter provided

Section 4 It shall be unlawful for any employment agent to operate as such in this Commonwealth unless such employment agent is the holder of a license as in this act provided

Section 5 Every person desiring to operate as an employment agent shall file an application for a license with the department The application shall be on a form furnished by the department and together with such other information as the department shall require shall state

(1) The name and street address of the applicant

(2) The address of the place where the business is to be conducted

(3) Whether or not the applicant proposes to conduct a lodging house for the unemployed separate from the business proposed to be conducted

(4) The business or occupation engaged in by the applicant for at least two years immediately preceding the date of the application

(5) Whether or not the applicant is pecuniarily interested in any other business of like nature and if so where

(6) Whether the applicant is the only person pecuniarily interested in the business to be carried on under the license

(7) If the applicant is a corporation the names and addresses of the officers of said corporation

(8) If the applicant is a partnership the names of all partners therein

Such application shall be accompanied by the affidavit of three persons of business or professional integrity residing within the city borough town or township wherein such applicant intends to operate Such affiants shall state that the affiants have known the applicant for a period of two years that the applicant is a person of good moral character and is a citizen of the United States

No licensed employment agent shall permit any person not mentioned in the original application for a license to become a partner if such agency is a partnership or an officer of the corporation if such agency is a corporation unless the written consent of the department shall first be obtained Such consent may be withheld for any reason for which an original application might have been rejected if the person in question had been mentioned therein

Section 6 Upon receipt of such application the department shall post in a conspicuous place on the premises at which the business is or is intended to be conducted the name and address of the applicant the place where the business is to be conducted and the fact that such application has been filed

The department shall thereupon investigate the character and responsibility of the applicant and the location and premises at which the business is intended to be conducted

Any person may file within one week after the posting by the department of the facts pertaining to the application as heretofore provided a protest with the department against the issuance of such license Such protest shall be in writing and shall be signed by the person filing the same or his authorized agent or attorney and shall state the reasons why the license should not be granted

If the investigation by the department is unsatisfactory or in the event of a protest the department shall not less than fifteen days after the posting of the facts of application hold a public hearing at a place designated by the department in the city borough town or township where the business is to be established At least five days' notice of the time and place of such hearing shall be given by the department to the applicant and the protestants if any

The department shall have the power to issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearings which may be held under this act and to administer oaths to and examine such witnesses and to examine such books and papers

Any witness who refuses to obey a subpoena issued hereunder or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court and for this purpose an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed for which purpose such court is hereby given jurisdiction

Section 7 The department may refuse to issue licenses whenever after due investigation it finds that the character of the applicant makes him unfit to be an employment agent or that the proposed plan of business is unjust or unfair or that the applicant has been guilty of unethical business practice or that the applicant being heretofore an employment agent has failed to comply with the existing laws relating thereto or that the place where the business is to be conducted is not a suitable place therefor and such places as well as for other proper reasons shall be deemed unsuitable if it is to be conducted in rooms used for living purposes or where boarders or lodgers are kept or where meals are served or where persons sleep or in connection with a building or premises where intoxicating liquors are sold or reputed to be sold (excepting cafes or restaurants in office buildings and hotels which maintain regular office suites) or in a house of ill repute or in a neighborhood deemed unsatisfactory by the department No theatrical employment agency shall be conducted in a private home

Section 8 In all other cases the department upon the compliance by the applicant with the provisions of this act shall grant such applicant a license for a period of one year In all cases whether the license shall be granted or refused the department shall make such final decision and take such action within thirty (30) days after the filing of the application

Licenses may be renewed from year to year upon application payment of license fees and filing of bonds as in the case of original applications

Section 9 No such license shall be granted until the applicant has filed with the secretary a bond of a duly authorized surety company to be approved by the department in the penal sum of one thousand ($1,000) dollars payable to the Commonwealth of Pennsylvania conditioned that the applicant will comply with the provisions of this act and shall pay all damages occasioned to any person by reason of any misstatement misrepresentation fraud or deceit or any unlawful act or omission of any such person his agent or employes while acting within the scope of their employment made committed or omitted in the business conducted under such license or caused by any other violation of this act in carrying on such business

All actions upon bonds given under this act shall be in the same manner as actions upon official bonds

Section 10 No person shall open keep or carry on any employment agency in the Commonwealth of Pennsylvania unless every such person shall have paid to the department a license fee as follows

(1) For licenses to be known as class "A" licenses and which shall be required by all employment agents who confine their operations to persons listed as metal and metal products workers mine and quarry workers clay glass and stone products workers iron workers clothing workers textile workers food and kindred products workers leather rubber and composition goods workers lumber woodwork and furniture workers paper and printing workers unskilled and common laborers hotel and restaurant help domestic and industrial help of all kinds the sum of one hundred ($100) dollars

(2) For licenses to be known as class "B" licenses and which shall be required by all employment agents known as professional or technical and who confine their operations to nurses teachers advertising managers bookkeepers and accountants cashiers chemists draftsmen surveyors and transit men engineers salesmen and solicitors superintendents and foremen traffic managers agricultural experts chemical workers explosive workers auto mechanics and garage workers chauffeurs and truck drivers aircraft workers inspectors telegraph operators telephone operators station employes shipping and stock clerks store managers beauticians stenographers and typists linotype operators printers and compositors proofreaders office clerks timekeepers tobacco workers and traders and all other similar occupations not listed under clause (1) of this section the sum of one hundred ($100) dollars

(3) For licenses to be known as class "C" licenses and which shall be required by all employment agencies known as theatrical employment agencies and who confine their operations to actors actresses musicians and performers of all kinds the sum of one hundred ($100) dollars

Section 11 Each applicant for a license shall file with the application a schedule of fees charges and commissions which he intends to charge and collect for his services together with a copy of all forms and contracts to be used in the operation of the agency Such schedule of fees charges and commissions may thereafter be changed by filing with the department an amended or supplemental schedule showing such changes at least fifteen (15) days before the change is to become effective Any change in forms or contracts must be filed with the department at least fifteen (15) days before such change is to become effective Such schedule of fees to be charged shall be posted in a conspicuous place in such agency

It shall be unlawful for any employment agency to charge collect or receive a greater compensation for any service performed by it than is specified in the schedule filed with the department

Section 12 Any license granted by the department may be suspended or revoked by it for cause after hearing upon due notice to the holder of such license Failure to comply with the duties terms rules conditions or provisions required by any law of this Commonwealth governing employment agencies or with any lawful order of the department shall be deemed cause for suspension or revocation of license at discretion of the department

Whenever a license shall be finally revoked the department shall not within one year of such revocation issue another license to such person or his representative or to any person with whom he is to be associated in such business Nor shall such person be employed during such period by any other employment agent

Section 13 Persons operating under the exempted classes

as set forth in section three hereof of whom registration is required shall apply for registration annually with the department upon such forms and giving such information as the department shall require the department may thereupon register such persons to operate within such classification upon payment of a fee of one ($1.00) dollar

Section 14 No person shall enter this Commonwealth and attempt to hire induce supply solicit or take from this Commonwealth any labor singly or in groups for any purpose without first filing in the office of the department a statement as to where the labor is to be taken for what purpose for what length of time and whether transportation is to be paid to and from destination if temporary also a statement of the financial standing of the company desiring the labor and an affidavit of authority to represent such company in this Commonwealth and such other information as the department may require

The department shall thereupon determine whether the person desiring such labor from this Commonwealth is an employment agent and if so whether such person is qualified to be licensed under this act After such investigation the department may refuse to license or may grant a license upon compliance with the provisions of this act Such person shall be in the event of unafvorable action by the department have the right of appeal as in other cases under this act If such person shall be exempted from license he shall pay for registration a fee of five ($5.00) dollars and receive therefor from the department a certificate recognizing his right to do business in this Commonwealth

Section 15 It shall be unlawful for any person to act or assume to act as the representative or agent of any employment agency without first obtaining a license as such representative from the department It shall be unlawful for any person to engage in operate or carry on the business of an employment agency unless each representative of such agency is a licensed employment representative

Every person who desires to obtain a license as employment representative shall apply therefor to the department in writing upon application blanks prepared and furnished by the department Each application shall set forth such information as the department may require and shall be accompanied by the affidavits of two persons of business or professional integrity residing in the city borough town or township wherein the applicant resides Such affiants shall state that they have known the applicant for a period of two years and that the applicant is a person of good moral character

The department may require such other proof as to the honesty truthfulness and integrity of the applicant as it deems necessary If the applicant is shown to be honest truthful and of known integrity the department shall issue a license which license shall set out the true name and address of the applicant the name of the employment agent by which he is employed and such additional information as the department may prescribe The license issued shall authorize the person named therein to act as a representative

The department shall charge an annual fee of five ($5.00) dollars for issuing each such license which fee shall be paid at the time application is made

Section 16 The department upon its own motion or upon the filing with it by any person of a verified complaint accompanied by such evidence documentary or otherwise as makes out a prima facie case that any licensed representative is unworthy to hold a license shall notify the representative in writing that the question of his honesty truthfulness and integrity is to be reopened and determined de novo Such notice shall be served by delivering a copy to the licensed person or by mailing a copy to him by registered mail at his last known business address Thereupon the department shall require further proof of the licensee's honesty truthfulness and integrity and if the proof is not satisfactory the department shall revoke his license

If any employment representative is discharged or terminates his employment with the agency by which he is employed such agency shall immediately deliver or forward by registered mail the employment representative's license to the department together with the reasons for his discharge if he was discharged

Thereafter it shall be unlawful for the employment representative to exercise any rights or privileges under such license

Any person who violates any provisions of this section or who testifies falsely as to any matter required by the provisions of this section or of this act shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars or upon nonpayment thereof to undergo imprisonment in the county jail for a period of not more than thirty days

Section 17 It shall be the duty of every employment agent to keep a register in which shall be entered in the English language the date of every accepted application for employment name and address of the applicant to whom employment is offered or promised name and address of the person to whom the applicant is sent for employment the amount of the fee received and the number of the receipt The employment agent shall also enter in the English language in a separate register the name and address of every accepted application for help the date of such application the kind of help requested the name of the person sent with the designation of the one employed the amount of fee received and the rate of wages agreed upon Each application for help shall be numbered which number shall be entered in said register Such registers of applicants for employment and help shall be open during office hours to inspection by the department and its duly qualified agents No employment agent or his employes shall knowingly make any false entry in such registers

In the case of applicants for employment who are under twenty-one (21) years of age the register shall contain the names and addresses of parents or guardians

Section 18 It shall be the duty of the employment agent whenever possible to communicate orally or in writing with at least one of the persons mentioned as reference by any applicant for work in private families or to be employed in a fiduciary capacity and the result of such investigation shall be kept on file in such agency Provided That if the applicant for help voluntarily waives in writing such investigation of references the employment agent shall not be required so to do

Section 19 No such employment agent shall send out any applicant for employment without having obtained a bona fide order therefor and if it shall appear that no position of the kind applied for was open at the place where said applicant was directed or no other employment is accepted in lieu thereof with the person to whom the applicant was directed then the employment agent shall refund to such applicant on demand any sum paid or expended by said applicant for transportation in going to and returning from said place and all fees paid by said applicant Provided however that in the event a substitute position is taken the fee to be charged shall be computed on the salary agreed upon for such position

Section 20 Every employment agent shall give to each applicant for employment a card or paper containing in printed typewritten or written form

(1) The name of the applicant

(2) The name and address of such employment agency

(3) The name and address of the person to whom the applicant is sent for employment

(4) The kind of service to be performed

(5) The rate of wages compensation or fees

(6) The time of such services if definite and if indefinite to be so stated

(7) The name and address of the person authorizing the hiring of such applicant

(8) The cost of transportation if the services are required outside of the city borough town or township where the employment agent conducts his business

Section 21 No such employment agent shall charge a registration fee without having first obtained a permit to charge such registration fee from the department Any such employment agent desiring to charge said registration fee shall make application in writing to the department and shall set out in the application the type of applicants

from whom they intend to accept a registration fee the amount of the fee to be charged and shall furnish any other information on the subject that the department deems necessary to enable it to determine whether the applicant's business methods and past record with reference to the charging of registration fees entitle the applicant to a permit

It shall be the duty of the department upon receipt of the application 'o make an investigation as to the truthfulness of said application and the necesity for the charge of a registration fee If it is shown that the aplicant's method of doing business is of such a nature that a permit to charge a registration fee is necessary and that the record of the applicant's past method of charging a registration fee has been reasonable and fair then the department shall grant a permit to such applicant Such permit shall remain in force until revoked for cause No permit shall be granted until after ten (10) days from the date of filing of the application

When a permit is granted such employment agent may charge a registration fee not to exceed five ($5.00) dollars except nurses' registries which may be permitted to charge an annual registration fee of not more than ten ($10.00) dolars In all such cases a complete record of all such registration fees and references of applicants shall be kept on file which record shall during all business hours be open for the inspection of the department It shall be the duty of such employment agent to communicate in writing with at least two of the persons mentioned as references by every applicant from whom a registration fee is accepted Failure on the part of an employment agent to make such investigation shall be deemed cause to revoke his permit to charge a registration fee For such registration fee a receipt shall be given to each applicant for help or employment which receipt shall state therein the name of the applicant date and amount of payment the character of position or help applied for and the name and address of the employment agent If no position has been furnished by an employment agent to the applicant then the registration fee shall be returned to the applicant on demand after thirty (30) days and within six (6) months from the date of receipt thereof less the amount that has been actually expended by the employment agent in checking the references of said applicant An itemized account of such expenditures shall be presented to the applicant on request at the time of returning the unused portion of the registration fee

Any such permit granted by the department may be revoked by it upon due notice to the holder thereof after hearing at which due cause is shown

Every employment agent shall give to every applicant from whom he receives a fee a card or printed paper containing the name of the applicant the name and address of the employer to whom the applicant is sent for employment the name and address of the agency and the probable duration of the work whether temporary or permanent A duplicate of all such cards or printed paper shall be kept on file in the agency

Section 22 Every employment agent shall post in a conspicious place in his agency such sections of this act as may be required by the department copies of which shall be supplied by the department He shall also post his license in the main room of the agency

Every employment agent shall under rules to be prescribed by the department furnish the department monthly statements showing the number and character of placements made

Section 23 Whenever an employment agent or anyone acting for him agrees to send one or more persons to work as contract or railroad laborers outside the city borough town or township in which his agency is located he shall give to each of such laborers in a language with which such laborer is familiar a statement containing the name and nature of the work to be performed the wages offered the destination of the person employed the terms of transportation and the probable duration of employment A duplicate of such statement shall be kept on file in the office of the employment agent sending out such laborers

No employment agent or his representative shall send any applicant to any place where a strike a lock-out or other labor trouble exists without first notifying the applicant of such conditions and shall in addition thereto enter a complete statement of such facts upon the receipt given to such applicant

Section 24 Every employment agent conducting a theatrical employment agency before making a theatrical engagement except an emergency engagement shall have a bona fide contract in writing for an employe with any employer for services in any such engagement and shall prepare and file in such agency a written statement signed and verified by the employment agent setting forth how long such employer has been engaged in the theatrical business Every such statement shall be kept for the period of one (1) year and shall set forth whether or not such employer while financially interested in a theatrical business has failed to pay salaries or has "left stranded" any company group or employe during the two (2) years preceding the date of application and further shall set forth the names of at least two persons as references If such employer is a corporation such statement shall set forth the names of the officers and directors thereof the length of time such corporation or any of its officers have been engaged in the theatrical business and the amount of the paid up capital stock If the employer conducts a cabaret or night-club the agent shal include in such statement the name and address of the owner or owners and whether they have failed to pay salaries to employes within the past two years If any allegation in such written verified statement is made upon information and belief the person verifying this statement shall set forth the sources of his information and the reasons for his belief Such statement shall be kept on file for the benfit of any employes whose services are sought by any such employers

Every employment agent conducting a theatrical employment agency who shall procure for or offer to an applicant a theatrical engagement or any kind of employment as an entertainer shall have executed in triplicate a numbered contract containing the name and address of the applicant the name and address and signature of the employer and that of the employment agency acting for such employer in employing or furnishing such applicant for employment the character of the entertainment to be given or services to be renderd the number and time of performances to be given per day or per week time of rehearsal by whom the transportation if any is to be paid and if it is to be paid by the applicant either the cost of the transportation between the places where said entertainment or services are to be given or renderd or the average cost of such transportation The contract shall state from whom said applicant is to receive his or her salary board and lodging the amount of salary promised and the gross commissions or fees to be paid by the applicant and to whom such gross commissions or fees are to be paid The original contract shall be given to the applicant for employment the duplicate contract shall be given to the employer and the triplicate contract shall be kept on file in the office of the agency for a period of one year.

Such numbered contracts shall contain no other conditions and provisions except such as are equitable between the parties thereto and do not constitute an unreasonable restriction of business.

Section 25 Every employment agent conducting a nurses' registry shall cause every applicant for employment to fill out an application form giving the following information The name and address and qualifications of such applicant the names and places of the hospitals wherein the applicant has studied or has been employed the length of time of service therein or other experiences in nursing if not in a hospital and whether such applicant is a graduate trained certified registered under-graduate or practical nurse or trained attendant There shall be stated on such application the number and date of the certificate issued to such nurse or trained attendant by the Department of Public Instruction Such application form shall be kept on file in the office of the registry and shall be open to the inspection of the Department of Labor and Industry and the Department of Public Instruction

Every employment agent conducting a nurses' registry shall give to every applicant to whom a position is offered a card or printed paper in which shall be stated the amount of the fee or commissions to be charged by such licensed person for services in obtaining the position for said applicant for employment

Section 26 (a) No employment agent shall induce or attempt to induce any employe to leave his employment with a view to obtaining other employment through such employment agent

(b) No employment agent or his representative shall demand divide or offer to divide or share directly or indirectly any fees charge or compensation received or to be received from any employe with any employer or person in any way connected with the business thereof

(c) No employment agent shall publish or cause to be published any false or fraudulent or misleading information representation notice or advertisement All advertisements of such employment agent by means of cards circulars or signs and in newspapers or other publications and all letterheads receipts and blanks shall be printed and contain the name and address of such employment agent and the words "employment agency" No employment agent shall give any false information or make any false promise or false representation concerning an engagement or employment to any employer or to any applicant who shall register or apply for an engagement or employment or help

(d) No employment agent shall accept any application for employment made by or on behalf of any child or assist in placing any such child in any employment whatever in violation of the child labor laws of this Commonwealth

(e) No employment agent or his representatives shall induce or control any person to enter any agency for any purpose by the use of force or by taking forcible possession of said person's property

(f) No employment agent shall send or cause to be sent any female as a servant employe inmate entertainer or performer or any male as employe or entertainer to any place of bad repute house of ill fame or assignation house or to any house or place of amusement kept for immoral purposes or place resorted to for the purpose of prostitution or gambling house the character of which the employment agent could have ascertained upon reasonable inquiry

(g)No employment agent shall send out any female applicant for employment without making a reasonable effort to investigate the character of the employer

(h) No employment agent shall send any female as an entertainer or performer to any place where any such female will be required or permitted to sell offer for sale or solicit the sale of intoxicating liquors to those present or assembled as an audience or otherwise in such place or in any rooms or building adjacent thereto in violation of the Pennsylvania Liquor Control Act

(i) No employment agent shall knowingly permit any persons of bad character prostitutes gamblers intoxicated persons or procurers to frequent his place of business

(j) Violation of any of the foregoing provisions of this section as well as any other of the provisions of this act shall be grounds for the refusal to grant refusal to renew revocation or suspension of the license of any employment agent The effect of any revocation or suspension of any license shall be the same as if the licensee had never been licensed.

(k) Whoever violates any of the provisions of subsections (a) (b) (c) (d) or (e) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than fifty ($50.00) dollars nor more than two hundred ($200.00) dollars or in the case of individuals or the responsible officers or agents of associations and corporations to undergo imprisonment for not more than one year or both and in addition thereto the license of such employment agent or representation shall be revoked

(l) Whoever violates any of the provisions of subsections (f) (g) (h) or (i) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred ($100.00) dollars nor more than one thousand ($1000.00) dollars or in the case of individuals and the responsible officers and agents of associations and corporations to undergo imprisonment for a period of not more than one year or both and in addition thereto the license of such employment agent or representative shall be revoked

Section 27 The department shall be charged with the enforcement of the provisions of this act and shall have power to make and enforce such reasonable rules and regulations for the conduct of the business of employment agents as may be necessary to carry out the laws relating thereto The secretary shall apoint inspectors who shall make as nearly as possible three visits each month to every employment agent holding a license in this Commonwealth Such inspectors shall have suitable badges which they shall exhibit on demand of any person interested They shall enforce compliance with the provisions of this act Every inspector of the department shall have power to execute and serve all warrants and processes of law issued by any justice of the peace alderman or magistrate or by any court of competent jurisdiction in the same manner as sheriffs constables or police officers may serve and execute such processes Such inspectors may also arrest on view and without warrant any unlicensed person detected by them actually violating any of the provisions of this act and may take such person so offending before any justice of the peace alderman or magistrate and make complaint

Section 28 All registers books records and other papers required by this act to be kept by any employment agent shall be open at all reasonable hours to the inspection of the department and its inspectors An auditor may be sent to the office of any employment agent by the department at least once a year or oftener if necessary to obtain information for the use of the department Every employment agent shall file with the deportment the schedule of fees which he charges for any services rendered to employers seeking employes or persons seeking employment

Section 29 No person shall operate as an employment agent in this Commonwealth without holding a license so to do as herein provided No person shall operate in this Commonwealth under one or more of the exempted classifiications set forth in section three of this act or under section fourteen hereof without holding a license so to do or being registered as herein provided Any person so doing or any person violating any provision of this act or knowningly aiding and abetting in its violation for which no other specific penalty is provided shall upon summary conviction thereof be sentenced for the first offense to pay a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars or to undergo imprisonment for a period of not more than thirty (30) days and for a second offense shall be sentenced to pay a fine of not less than twenty-five ($25.00) dollars nor more than two hundred and fifty ($250.00) dollars or to undergo imprisonment for a period of not more than one (1) year or both

Section 30 All moneys or fees required to be paid under this act shall be collected by the Department and by it paid into the State Treasury through the Department of Revenue

Section 31 The act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1260) entitled "An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licensing registration bonding and regulation of certain individuals and entities engaged in such business conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties" and its amendments are hereby repealed but such repeal shall not operate to relieve any person from any liability civil or criminal under any of the acts so repealed and for such purpose the provisions of such acts are hereby saved

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 32 This act shall become effective thirty (30) days after its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Lovett,	Rose, W. E.,
Allmond,	Flynn,	Lyons,	Rosenfeld,
Baker,	Foor,	Malloy,	Royer,
Balthaser,	French,	Marks,	Rush,
Baugher,	Gallagher,	Maxwell,	Sarge,
Bentley,	Gates,	McClanaghan,	Sarraf,
Bentzel,	Gillan,	McClester,	Scanlon,
Boies,	Greenwood,	McDermott,	Schwab,
Boney,	Gross,	McDowell,	Serrill,
Boorse,	Gryskewicz,	McFall,	Shaffer,
Bradley,	Gyger,	McGrath,	Shepard,
Breth,	Habbyshaw,	McIntosh,	Simons,
Bretherick,	Haberlen,	McKinney,	Skale,
Brown,	Haines,	McLanahan,	Snyder,
Brunner, C. H.,	Hamilton,	McMillen,	Sollenberger,
Brunner, P. A.,	Hare,	McSurdy,	Sorg,
Burns,	Harkins,	Melchiorre,	Stambaugh,
Burris,	Harmuth,	Mihm,	Stank,
Cadwalader,	Harris,	Modell,	Stine,
Chervenak,	Heatherington,	Mooney,	Stockham,
Chudoff,	Helm,	Moran,	Tarr,
Cochran,	Hering,	Muir,	Tate,
Cohen, M. M.,	Herman,	Munley,	Taylor,
Cohen, R. E.,	Hersch,	Nagel,	Thompson, E. F.,
Cooper,	Hewitt,	Nunemacher,	Thompson, R. L.,
Cordier,	Hirsch,	O'Brien,	Turner,
Cook,	Holland,	O'Connor,	Van Allsburg,
Corrigan,	Huntley,	O'Dare,	Verona,
Croop,	Imbrie,	O'Mullen,	Vincent,
Cullen,	James,	O'Neill,	Vogt,
Dalrymple,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Wagner,
Dix,	Keenan,	Polaski,	Watkins,
Dolon,	Kenehan,	Polen,	Weingartner,
D'Ortona,	Kline,	Powers,	Weiss,
Duffy,	Knoble,	Prosen,	Welsh, E. B.,
Early,	Kolankiewicz,	Rank,	Welsh, M. J.,
Eckels,	Komorofski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winner,
Elliott,	Lee, E. A.,	Reagan,	Wolf,
Ely,	Lee, T. H.,	Reese, D. P.,	Woodring,
Finestone,	Leisey,	Reese, R. E.,	Woodside,
Finnerty,	Leonard,	Regan,	Wright,
Fisher	Lesko,	Reynolds,	Yeakel,
Fiss,	Levy,	Rhea,	Yester,
Fleming,	Leydic,	Riley,	Young,
	Longo,	Rooney,	Kilroy,
		Rose, S.,	Speaker.

NAYS—6

Auker,	Lichtenwalter,	Wood, L. H.,	Wood, N.,
Hall,	Trout,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 645. as follows:

An Act to further amend article four section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) as amended by the act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 143) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring all contracts of county commissioners in counties of the second class over five hundred dollars to be made with the lowest and best bidder after due notice published

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L . 1278) as amended by the act approved the seventh day of May one thousand nine hundred and thirty-five (P. L . 143) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby further amended to read as follows

Section 348 Contracts—All contracts made by the commissioners of any county involving an expenditure exceeding one hundred dollars except contracts for building rebuilding or repair of bridges or for painting or tightening the bolts of iron bridges as hereinafter provided for shall be in writing and shall immediately after their execution be filed with the controller No contract shall be made nor the payment thereof certified by the controller for over three hundred dollars except in counties of the second class in which counties of the second class the amount of said contract shall not exceed ($500.00) five hundred dollars unless made with the lowest and best bidder after due notice to be published by the controller when directed by the commissioners if he approves the purpose of the proposals invited All bids shall be received by the controller under seal and shall be opened in his presence by the commissioners and the contracts awarded thereon The controller shall keep a record of all such awards and shall certify no warrants for contracts not made agreeably thereto Provided however That on an appeal heretofore or hereafter taken from a controller's report the court shall not be required to enter or to sustain a surcharge for failure to comply with the provisions of this section where it appears that the county commissioners acted honestly and in good faith for the best interests of the county and where no loss or damage resulted to the county from such non-compliance

Section 2 This act shall take effect immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flynn,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gillan,	McClester,	Schwab,
Bentley,	Greenwood,	McDermott,	Serrill,
Bentzel,	Gross,	McDowell,	Shaffer,
Boies,	Gryskewicz,	McFall,	Shepard,
Boney,	Gyger,	McGrath,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hare,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stine,
Burns,	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley,	Thompson, E. F.,
Cochran,	Herman,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Nunemacher,	Trout,
Cohen, R. E.	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor,	Van Allsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier	Huntley	O'Mullen,	Vincent,
Corrigan	Imbrie,	O'Neill,	Vogt,
Croop,	James	Owens,	Voldow,
	Jefferson,	Petrosky,	Voorhees,

Cullen,	Jones, G. E.,	Pettit,	Wagner,
Dalrymple,	Jones, P. N.,	Polaski,	Watkins,
Dennison,	Keenan,	Polen,	Weingartner
DiGenova,	Kenehan,	Powers,	Weiss,
Dix,	Kline,	Prosen,	Welsh, E. B.,
Dolon,	Knoble,	Rank,	Welsh, M. J.,
D'Ortona,	Kolankiewicz,	Rausch,	Williams,
Duffy,	Komorofski,	Readinger,	Winner,
Early,	Krise,	Reagan,	Wolf,
Eckels,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elder,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Elliott,	Leisey,	Regan,	Woodring,
Ely,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy,
Fletcher,	Lovett,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1198, as follows:

An Act to add subdivision (e) to article two and to amend section eight hundred five of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more by referendum and prescribing the procedure therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article two of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended by adding thereto after subdivision (d) a new subdivision to read as follows

(e) Creation of Boroughs from First Class Townships

Section 251 Boroughs Formed from Townships First Class by Referendum Any township of the first class having a population of eight thousand or more may be incorporated into a borough retaining the same boundaries it maintained as a township whenever a majority of the electors of such township shall vote at any general or municipal election in favor of the same

Section 252 Resolution to Submit Question to Electors The township commissioners may on their own motion or upon petition of one hundred or more qualified electors of the township shall by resolution duly passed and recorded among the minutes submit the question of whether such township shall become a borough to the qualified electors thereof to be known as the "Borough of .....?

Section 253 Notice of Election The said township commissioners shall give notice by the publication of said resolution during at least four weeks immediately prior to the next general or municipal election in all of the newspapers published in said township if any otherwise in one newspaper published in the county and having a general circulation throughout the township

Section 254 Resolution Certified to County Commissioners Form of Question The said township commissioners shall certify said resolution to the county commissioners of the proper county who shall thereupon cause a proper question to be printed on a separate ballot to be used at the said general or municipal election in the township in the manner required by the general election laws The electors shall designate with a cross mark (x) in one of said squares their desire to vote for or against such borough charter

Section 255 Duties of Election Officers Returns of Election The election officers within the township so voting shall count the votes so cast for and against such borough charter and make return thereof on blanks to be furnished by the county commissioners of the proper county to the clerk of the court of quarter sessions of the proper county who shall compute the same and certify the result thereof to the township commissioners aforesaid and also make returns thereof to the Secretary of the Commonwealth and to the Secretary of Internal Affairs each duly certified in the manner required by law In receiving counting and making return of the votes cast the inspectors judges and clerks of the said election shall be governed by the laws of the Commonwealth regulating general elections All the electors inspectors judges and clerks voting at and in attendance upon the election shall be subject to the penalties imposed by the election laws of this Commonwealth

Section 256 Effect of Vote Against Borough Charter Whenever by the returns of the election in any township it shall appear that there is a majority against the borough charter no further proceeding shall be had and it shall not be lawful to hold another election upon the question insuch township for three years thereafter

Section 257 Governor to Issue Charter Where Vote is for Borough Charter If it shall appear by the said returns that there is a majority in such township aforesaid in favor of the borough charter the township cimmissioners thereof shall within sixty days after such election furnish to the Secretary of the Commonwealth the necessary information with respect to the boundaries of said borough and the Governor shall issue letters patent under the Great Seal of the Commonwealth reciting the facts defining the boundaries of said borough and constituting the same a body corporate and politic by the name of the Borough of .....

Section 258 Costs of Proceedings All costs and expenses incurred in any such proceedings to change a township of the first class into a borough except such costs and expenses to which by existing law the county is liable whether the vote is in favor of or against such change shall be paid out of the general funds of the township instituting such proceedings

Section 259 Property of Entities Vested in Borough All of the property and estates whatsoever real and personal of the township which shall thus become a borough are hereby vested in corporation or body politic of said borough by the name style and title given thereto as aforesaid and for the use and benefit of the citizens thereof forever

Section 260 Existing Governments Preserved Temporarily Organization of Borough The Charter or powers of government of the said township shall continue in full force and operation and all officers under the same shall hold their respective offices until the first Monday of January following the municipal election next succeeding the issuing of the letters patent to the said borough chosen at the preceding municipal election shall enter upon their respective terms of service and the borough government shall be duly organized under this act

Whenever in the organization of the borough government of any newly incorporated borough any person is elected by council to any office for which this act provides a definite term and fixes a definite time for the election of persons thereto the persons so elected shall serve only for such time as intervenes between his election and the next ensuing day fixed by this act for the election of such officer

Section 261 Existing Liabilities Debts and Claims Transferred to New Borough All suits prosecutions debts and claims whatsoever shall thereupon become transferred to the said borough which in all suits pending shall be substituted as a party and be under the management and control thereof as fully and completely as if no alteration had been made in said charter All claims and demands of whatsoever nature whether payable presently or in the future existing against the said township when the said charter shall go into operation shall by force thereof be recovered from or against the said borough

Section 2 Section eight hundred five of said act is hereby amended to read as follows

Section 805 Elections Where Boroughs Created Whenever [in boroughs hereafter incorporated from a township or] in boroughs hereafter formed by the division of a borough or in boroughs hereafter created by the detachment of territory a special election is ordered by the court for the election of borough officers the officers so elected shall hold their office until the first Monday of January next succeeding the municipal election at which such officers are elected as provided in sections eight hundred and ten to eight hundred and fifty inclusive of this article and whenever a borough is incorporated from a township the borough officers shall be elected at the municipal election next succeeding the final decree incorporating such borough and shall enter upon their respective terms of service in the first Monday of January following such election In each of the aforesaid cases the officers elected at the first municipal election following the creation of such borough and thereafter [such officers] shall be so elected that the time of their election and in the case of councilmen and auditors the number to be elected at any municipal election shall coincide with the time and number elected at such municipal elections by boroughs incorporated prior to the passage of this act

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flynn,	Malloy,	Royer,
Allmond,	Foor,	Marks,	Rush,
Auker,	French,	Maxwell,	Sarge,
Baker,	Gallagher,	McClanaghan,	Sarraf,
Balthaser,	Gates,	McClester,	Scanlon,
Baugher,	Gillan,	McDermott,	Schwab,
Bentley,	Greenwood,	McDowell,	Serrill,
Bentzel,	Gross,	McFall,	Shaffer,
Boles,	Gryskewicz,	McGrath,	Shepard,
Boney,	Gyger,	McIntosh,	Simons,
Boorse,	Habbyshaw,	McKinney,	Skale,
Bradley,	Haberlen,	McLanahan,	Snyder,
Breth,	Haines,	McLane,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner C H.,	Hare,	Melchiorre,	Stank
Brunner P A	Harkins,	Mihm,	Stine,
Burns,	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley,	Thompson, E. F.,
Cochran,	Herman,	Nagel,	Thompson, R. L.,
Cohen M M.,	Hersch,	Nunemacher,	Trout,
Cohen, R E.,	Hewitt,	O'Brien,	Turner
Cook,	Hirsch,	O'Connor,	Van Allsburg,
Cooper,	Holland,	O'Dare	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan,	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,
Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G E.,	Pettit,	Wagner,
Dennison,	Jones, P N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh E B.,
D'Ortona,	Knoble,	Rank,	Welsh, M J.,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E A.,	Reese D P.,	Wood L H.,
Elliott,	Lee, T H.,	Reese, R E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose W E.,	Kilroy,
Fletcher,	Lovett,	Rosenfeld,	Speaker.
	Lyons,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 727, as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain townsip roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Northumberland

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the township roads adopted as State highways in the County of Northumberland by the act to which this is a supplement the following section of township road in said county is hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and condtions provided in the act to which this is a supplement

From a point on Legislative Route No 475 at the eastern end of the West Milton and Milton Bridge thence in an easterly direction to a point on United States Traffic Route No 15 in the Borough of Milton Northumberland County a distance of approximately one-half mile

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Auker,	French,	Malloy,	Rush,
Baker,	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	Maxwell,	Sarraf,
Baugher,	Gillan,	McClanaghan,	Scanlon,
Bentley,	Gillette,	McClester	Schwab,
Bentzel,	Greenwood,	McDermott,	Serrill,
Boles,	Gross,	McDowell,	Shaffer,
Boney,	Gryskewicz,	McFall,	Shepard,
Boorse,	Gyger,	McGrath,	Simons,
Bradley,	Habbyshaw,	McIntosh,	Skale,
Breth,	Haberlen,	McKinney,	Snyder,
Bretherick,	Haines,	McLanahan,	Sollenberger,
Brown,	Hall,	McMillen,	Sorg,
Brunner C H.,	Hamilton,	McSurdy,	Stambaugh,
Brunner, P A.,	Hare,	Melchiorre,	Stank,
Burns,	Harkins,	Mihm,	Stine,
Burris,	Harmuth,	Modell,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Muir,	Taylor,
Cochran,	Hering,	Munley,	Thompson, E. F.,
Cohen, M M.,	Herman,	Nagel,	Thompson, R. L.,
Cohen R E.	Hersch,	Nunemacher,	Trout,
Cook,	Hewitt,	O'Brien,	Turner,
Cooper,	Hirsch,	O'Connor,	Van Allsburg,
Cordier,	Holland,	O'Dare,	Verona,
Corrigan,	Huntley,	O'Mullen,	Vincent,
Croop,	Imbrie,	O'Neill,	Vogt,
	James,	Owens,	Voldow,

Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
Dennison,	Jones, P. N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E. B.,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, David P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Finnerty,	Lesko,	Rhea,	Wright,
Fisher,	Levy,	Riley,	Yeakel,
Fiss,	Leydic,	Rooney,	Yester,
Fleming,	Lichtenwalter,	Rose, S.,	Young,
Fletcher,	Longo,	Rose, W. E.,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 728, as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Union

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the township roads adopted as State highways in the County of Union by the act to which this is a supplement the following section of township road in said county is hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement

From a point in the village of West Milton in Kelly Township Union County where Rural Route 59038 turns north along the Susquehanna River thence in an easterly direction to the Northumberland County line a distance of approximately fifty feet said strip of road is paved with macadam and connects with what is known as the West Milton and Milton Bridge

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as folows, viz:

YEAS—199

Achterman,	Flynn,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Auker,	French,	Malloy,	Rush,
Baker,	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	Maxwell,	Sarraf,
Baugher,	Gillan,	McClanaghan,	Scanlon,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Greenwood,	McDermott,	Serrill,
Boles,	Gross,	McDowell,	Shaffer,
Boney,	Gryskewicz,	McFall,	Shepard,
Boorse,	Gyger,	McGrath,	Simons,
Bradley,	Habbyshaw,	McIntosh,	Skale,
Breth,	Haberlen,	McKinney,	Snyder,
Bretherick,	Haines,	McLanahan,	Sollenberger,
Brown,	Hall,	McMillen,	Sorg,
Brunner, C. H.,	Hamilton,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hare,	Melchiorre,	Stank,
Burns,	Harkins,	Milm,	Stine,
Burris,	Harmuth,	Modell,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Muir,	Taylor,
Cochran,	Hering,	Munley	Thompson, E. F.,
Cohen, M. M.,	Herman,	Nagel	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nunemacher	Trout,
Cook,	Hewitt,	O'Brien,	Turner,
Cooper,	Hirsch,	O'Connor,	VanAllsburg,
Cordier,	Holland,	O'Dare,	Verona,
Corrigan,	Huntley,	O'Mullen,	Vincent,
Croop,	Imbrie,	O'Neill,	Vogt,
Cullen,	James,	Owens	Voldow,
Dalrymple,	Jefferson,	Petrosky,	Voorhees,
Dennison,	Jones, G. E.,	Pettit,	Wagner,
DiGenova,	Jones, P. N.,	Polaski,	Watkins,
Dix,	Keenan,	Polen,	Weingartner,
Dolon,	Kenehan,	Powers,	Weiss,
D'Ortona,	Kline,	Prosen,	Welsh, E. B.,
Duffy,	Knoble,	Rank,	Welsh, M. J.,
Early,	Kolankiewicz,	Rausch,	Williams,
Eckels,	Komorofski,	Readinger,	Winner,
Elder,	Krise,	Reagan,	Wolf,
Elliott,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Finestone,	Leisey,	Regan,	Woodring,
Finnerty,	Leonard,	Reynolds,	Woodside,
Fisher,	Lesko,	Rhea,	Wright,
Fiss,	Levy,	Riley,	Yeakel,
Fleming,	Leydic,	Rooney,	Yester,
Fletcher,	Lichtenwalter,	Rose, S.,	Young,
	Longo,	Rose, W. E.,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 507, as follows:

An Act to amend article twenty-five of the act approved the ninth day of June one thousand nine hundred eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" requiring the employment of an assistant to every motorman operating a locomotive in or about any mine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article twenty-five of the act approved the ninth day of June one thousand nine hundred eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" is hereby amended by adding there to immediately after Rule Five a new rule to read as follows

Rule Five-A No locomotive used for hauling in or about any mine shall be operated by a motorman alone but in every case a competent assistant shall be employed to aid the motorman in the performance of the various duties incident to the operation of such locomotive and to the hauling of cars in or about such mine

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flynn,	Malloy,	Sarge,
Allmond,	Foor,	Marks,	Sarraf,
Auker,	French,	Maxwell,	Scanlon,
Baker,	Gallagher,	McClanaghan,	Schwab,
Balthaser,	Gates,	McClester,	Serrill,
Baugher,	Gillan,	McDermott,	Shaffer,
Bentzel,	Gillette,	McDowell,	Shepard,
Boles,	Greenwood,	McFall,	Simons,
Boney,	Gross,	McGrath,	Skale,
Boorse,	Gryskewicz,	McIntosh,	Snyder,
Bradley,	Gyger,	McKinney,	Sollenberger,
Breth,	Habbyshaw,	McLanahan,	Sorg,
Bretherick,	Haberlen,	McMillen,	Stambaugh
Brown,	Haines,	McSurdy,	Stank,
Brunner, C. H.,	Hall,	Melchiorre,	Stine,
Brunner, P. A.,	Hamilton,	Mihm,	Stockham,
Burns,	Hare,	Modell,	Tarr,
Burris,	Harkins,	Mooney,	Tate,
Cadwalader,	Harmuth,	Moran,	Taylor,
Chervenak,	Harris,	Muir,	Thompson, E. F.,
Chudoff,	Heatherington,	Munley	Thompson, R. L.,
Cochran,	Helm,	Nagel	Trout,
Cohen, M. M.,	Hering,	Nunemacher	Turner,
Cohen, R. E.,	Herman,	O'Brien,	VanAllsburg,
Cook,	Hersch,	O'Connor,	Verona,
Cooper,	Hirsch,	O'Dare,	Vincent,
Cordier,	Holland,	O'Mullen,	Vogt,
Corrigan,	Huntley,	O'Neill,	Voldow,
Croop,	Imbrie,	Owens,	Voorhees,
Cullen,	James,	Petrosky,	Wagner,
Dalrymple,	Jefferson,	Pettit,	Watkins,
Dennison,	Jones, G. E.,	Polaski,	Weingartner,
DiGenova,	Jones, P. N.,	Polen,	Weiss,
Dix,	Kenehan,	Powers,	Welsh, E. B.,
Dolon,	Kline,	Prosen,	Welsh, M. J.,
D'Ortona,	Knoble,	Rank,	Wilkinson,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Rooney,	Yeakel,
Fisher,	Leydic,	Rose, S.,	Yester,
Fiss,	Lichtenwalter,	Rose, W. E.,	Young,
Fleming,	Longo,	Rosenfeld,	Kilroy,
Fletcher,	Lovett,	Royer,	Speaker.
	Lyons,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1095, as follows:

An Act to further amend section six of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the county of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the county of Allegheny and prescribing the powers and duties regulating the procedure therein and providing for the expenses thereof" is hereby further amended by adding thereto a new clause to read as follows

Section 6 The court hereby created shall have jurisdiction

* * * *

(f) In all civil actions transferred to it by order of the Court of Common Pleas of Allegheny County where the sum demanded or the value of the property replevied does not exceed the sum of twenty-five hundred dollars except in cases where the title to lands or tenements may come in question

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gillan,	McClanaghan,	Scanlon,
Baugher,	Gillette,	McClester,	Schwab,
Bentley,	Greenwood,	McDermott,	Serrill,
Bentzel,	Gross,	McDowell,	Shaffer,
Boles,	Gryskewicz,	McFall,	Shepard,
Boney,	Gyger,	McGrath,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hare,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stine,
Burns,	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley	Thompson, E. F.,
Cochran,	Herman,	Nagel	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Nunemacher	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor,	VanAllsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan,	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,
Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
Dennison,	Jones, P. N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E. B.,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Finnerty,	Lesko,	Rhea,	Wright,
Fisher,	Levy,	Riley,	Yeakel,
Fiss,	Leydic,	Rooney,	Yester,
Fleming,	Lichtenwalter,	Rose, S.,	Young,
Fletcher,	Longo,	Rose, W. E.,	Kilroy,
Flynn,	Lovett,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1240, as follows:

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh one thousand nine hundred fifteen (P. L. 900) and for searches of the files and records when no certified copy is made

Section 1 The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whenever the local authorities in any city of the first class shall on request furnish any applicant a certified copy of the record of any birth death or marriage which birth death or marriage shall have been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh one thousand nine hundred fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An Act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" the fee to be charged for the furnishing of such certified copy shall be One (1) Dollar and for any search of the files and records when no certified copy is requested the fee to be charged by such local authorities shall be fifty (50) cents for each hour or fractional hour of time of search to be paid by the applicant All such fees shall be paid into the treasury of such city

Section 2 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 3 This shall take effect immediately upon its final enactment

And the bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Lyons,	Rank,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gillan,	McClanaghan,	Scanlon,
Baugher,	Gillette,	McClester,	Schwab,
Bentley,	Greenwood,	McDermott,	Serrill,
Bentzel,	Gross,	McDowell,	Shaffer,
Boies,	Gryskewicz,	McFall,	Shepard,
Boney,	Gyger,	McGrath,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hare,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stine,
Burns,	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley	Thompson, E. F.,
Cochran,	Herman,	Nagel	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Nunemacher	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor,	VanAllsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan,	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,
Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
Dennison,	Jones, P. N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E. B.,
D'Ortona,	Knoble,	Rausch,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Readinger,	Williams,
Early,	Komorofski,	Reagan,	Winner,
Eckels,	Krise,	Reese, D. P.,	Wolf,
Elder,	Lee, E. A.,	Reese, R. E.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Regan,	Wood, N.,
Ely,	Leisey,	Reynolds,	Woodring,
Finestone,	Leonard,	Rhea,	Woodside,
Finnerty,	Lesko,	Riley,	Wright,
Fisher,	Levy,	Rooney,	Yeakel,
Fiss,	Leydic,	Rose, S.,	Yester,
Fleming,	Lichtenwalter,	Rose, W. E.,	Young,
Fletcher	Longo,	Rosenfeld,	Kilroy,
Flynn,	Lovett,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 194, as follows:

An Act to amend section two of article five of the act approved the ninth day of June one thousand nine hundred eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" by requiring fire bosses to report any dangerous conditions in bituminous mines to the mine inspector

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of article five of the act approved the ninth day of June one thousand nine hundred eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" is hereby amended to read as follows

Section 2 A suitable record book shall be kept at the mine office on the surface of every mine wherein fire bosses are employed and immediately after the examination of such mine or any portion thereof by a fire boss whose duty it is to make such examination he shall enter in said book with ink a record of such examination and sign same This record shall show the time taken in making the exmination and also clearly state the nature and location of any danger that may have been discovered in any room or entry or other place in the mine and if any danger or dangers have been discovered the fire bosses shall immediately report the location thereof to the mine foreman In addition the fire boss shall immediately report the nature and location of any danger or dangers to the mine inspector No person shall enter the mine until the fire bosses return to the mine office on the surface or to a station located in the intake entry of the mine (where a record book as provided for in this section shall be kept and signed by the person making the examination) and report to the mine foreman or the assistant mine foreman by telephone or otherwise that the mine is in safe condition for the men to enter When a station is located in any mine it shall be the duty of the fire bosses to sign also the report entered in the record book in the mine

office on the surface The record books of the fire bosses shall at all times during working hours be accessible to the inspector and the employes of the mine

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Foor,	Lyons,	Rosenfeld,
Allmond,	French,	Malloy,	Royer,
Auker,	Gallagher,	Marks,	Rush,
Baker,	Gates,	Maxwell,	Sarge,
Balthaser,	Gillan,	McClanaghan,	Sarraf,
Baugher,	Gillette,	McClester,	Scanlon,
Bentley,	Greenwood,	McDermott,	Schwab,
Bentzel,	Gross,	McDowell,	Serrill,
Boies,	Gryskewicz,	McFall,	Shaffer,
Boney,	Gyger,	McGrath,	Shepard,
Boorse,	Habbyshaw,	McIntosh,	Simons,
Bradley,	Haberlen,	McKinney,	Skale,
Breth,	Haines,	McLanahan,	Snyder,
Bretherick,	Hall,	McMillen,	Sollenberger,
Brown,	Hamilton,	McSurdy,	Sorg,
Brunner, C. H.,	Hare,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Harkins,	Mihm,	Stank,
Burns,	Harmuth,	Modell,	Stine,
Burris,	Harris,	Mooney,	Stockham,
Cadwalader,	Heatherington,	Moran,	Tarr,
Chervenak,	Helm,	Muir,	Tate,
Chudoff,	Hering,	Munley	Taylor,
Cochran,	Herman,	Nagel	Thompson, E. F.
Cohen, M. M.,	Hersch,	Nunemacher	Thompson, R. L.,
Cohen, R. E.,	Hirsch,	O'Brien,	Trout,
Cook,	Holland,	O'Connor,	Turner,
Cooper,	Huntley,	O'Dare,	VanAllsburg,
Cordier,	Imbrie,	O'Mullen,	Verona,
Corrigan,	James,	O'Neill,	Vincent,
Croop,	Jefferson,	Owens,	Vogt,
Cullen,	Jones, G. E.,	Petrosky,	Voldow,
Dalrymple,	Jones, P. N.,	Pettit,	Voorhees,
Dennison,	Keenan,	Polaski,	Wagner,
DiGenova,	Kenehan,	Polen,	Watkins,
Dolon,	Kline,	Powers,	Weingartner,
D'Ortona,	Knoble,	Prosen,	Weiss,
Duffy,	Kolankiewicz,	Rank,	Welsh, E. B.,
Early,	Komorofski,	Rausch,	Welsh, M. J.,
Eckels,	Krise,	Readinger,	Williams,
Elder,	Lee, E. A.,	Reagan,	Winner,
Elliott,	Lee, T. H.,	Reese, D. P.,	Wolf,
Ely,	Leisey,	Reese, R. E.,	Wood, L. H.,
Finestone,	Leonard,	Regan,	Wood, N.,
Finnerty,	Lesko,	Reynolds,	Woodring,
Fisher,	Levy,	Rhea,	Woodside,
Fiss,	Leydic,	Riley,	Wright,
Fleming,	Lichtenwalter,	Rooney,	Yeakel,
Fletcher,	Longo,	Rose, S.,	Yester,
Flynn,	Lovett,	Rose, W. E.,	Young,
			Kilroy, Speaker.

NAYS—1

Hewitt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1253, as follows:

An Act providing a method of annexation of parts of townships to cities of the first class and regulating the proceedings pertaining thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That any part of a township may be annexed to any adjacent city of the first class in the following manner viz

Two-thirds of the taxpayers in number and amount in that part of the township shall present a petition to the Council of said City asking for such annexation which said petition shall be accompanied by a plot of the township and of the portion thereof proposed to be annexed to the said City

Section 2 Upon the presentation to the Council of such City of such petition and plot said Council may by ordinance annex such part of the township whereupon the said part thereof shall become a part of the said City and if such City be in a different county it shall become a part of the county in which such City is situated

Section 3 That the action of said City Council shall be final and conclusive unless an appeal therefrom be taken within ten (10) days to the Court of Quarter Sessions of the county in which such City is situated upon such appeal the Clerk of said City Council shall certify to said Court all the papers and proceedings in the case whereupon said Court shall examine and inquire and if the proceedings appear to have been in conformity with law shall approve the same

Section 4 Unless and until changed in the manner provided by law the part of such township so annexed if not divided into wards shall constitute a separate new ward of the enlarged City and if the part of the township so annexed at the time of annexation be divided into awards then each war of such part of the township shall constitute a separate new ward of the enlarged city and shall be numbered by the Council of the City consecutively beginning with the next highest number after the existing highest numbered ward of the City Unless and until changed in the manner provided by law all election districts in such annexed part of the township shall remain as constituted at the time of the annexation and upon annexation shall become election districts of the enlarged city All election and other officers of such election districts in office at the time of the taking effect of the annexation shall continue in office until the expiration of their respective terms unless sooner removed as provided by law

Section 5 All the public property owned by such township and situated within the portion thereof which shall be so annexed shall become the public property of the City to which it is annexed All taxes thereafter levied by said City shall be uniform throughout the territorial limits of the enlarged city

Section 6 The township officers and the City Council shall make a just and proper adjustment and apportionment of all public property owned by the township at the time of annexation both real and personal including township funds as well as an adjustment and apportionment of the township indebtedness if any between the township and the City In making such adjustment and apportionment of the property and indebtedness the township and the City shall be entitled respectively to share in a division of the property and indebtedness in the proportion that the assessed valuation of the land remaining in the township bears to the assessed valuation of the land annexed The adjustment and apportionment as so made shall be reduced to writing in proper form and duly executed and acknowledged by the proper officials and filed in the office of the Clerk of the Court of Quarter Sessions of the county in which such City is located

Section 7 In case the Council of the City and the township authorities cannot make such amicable apportionment and adjustment of such public property and indebtedness in compliance with this Act within six months after any such annexation then the Council or any officer of the township may present a petition to the Court of Quarter Sessions of the County in which the City is located whereupon the Court shall appoint three commissioners one of whom shall be a resident and taxpayer of the said City one of whom shall be a resident and taxpayer of the township and one of whom shall not reside or be taxpayer in the county or counties in which either the City or the township is situated Said commissioners after hearing notice of which shall be given to the City and township interested and in cases where the City and township are in different counties

to the County Commissioners of the county of which the township is a part as the Court shall direct shall make report to the Court making an apportionment and adjustment of all the public property as well as the indebtedness if any between the City and the township which said report shall state the amount if any that shall be due and payable from the City to the township or from the township to the City as well as the amount of indebtedness if any that shall be assumed by the City

Section 8 The Commissioners shall give the City and the township at least five (5) days' notice of the filing of their report and unless exceptions are filed thereto by the City or by the township within thirty (30) days after the filing thereof the same shall be confirmed by the Court absolutely and any sum awarded by the said Court to the City or the township shall be a legal and valid claim in its favor against the City or township charged therewith and the amount of debt if any apportioned to the City or township shall be a legal and valid debt of such City or township and any property real or personal given and adjudged to the City or township shall become and be the property of the City or the township to whichever one the same is given and adjudged and upon such report being confirmd such claim or indebtedness charged against any City or township may be collected in the same manner as judgments are collected against cities or townships in accordance with law The commissioners shall be allowed compensation to be fixed by the Court appointing them together with their actual necessary expenses Such compensation and all costs and expenses of such proceeding shall be apportioned by the Court between the City and the township as it shall deem proper In case exceptions are filed to the report of the commissioners the Court shall dispose of the same taking testimony therein if deemed advisable and the decision of the Court thereon shall be final and binding upon such City and township unless an appeal is taken within thirty (30) days to the Superior or Supreme Court as in other cases

Section 9 In cases in which such cities and townships are situated in different counties the Court of Quarter Sessions of the county in which the City is located shall have exclusive jurisdiction in all matters which are the subject of this Act but the same shall be heard by a judge not a resident of either of the judicial districts affected who shall be called to preside specially in the matter.

Section 10 The Act approved the second day of July A D One thousand nine hundred and thirty-seven (P. L. 2803) entitled "An act providing a method of annexation of townships of the first class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto" and all other Acts or parts of Acts insofar as they are inconsistent herewith or supplied hereby be and the same are hereby repealed

Section 11 This Act shall become effective immediatly upon its final nactment

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

Mr. JAMES. Mr. Speaker, as so often happens, the general provisions of a bill brought before us for consideration give very little opportunity for the Members to know about the primary purposes for which the bill is designed and the specific case that has inspired its designing. This bill now before us, and we might just as well get down to cases and talk about the real purposes of the bill, is planned to permit the city of Philadelphia to take over with very little difficulty and scarcely any effort a part of Delaware County located in the Township of Tinicum, and a part of the township of Tinicum is now wholly owned, it is true, by the city of Philadelphia. The part of Tinicum Township desired by the city of Philadelphia comprises something between nine hundred and one thousand acres of land, and the Township of Tinicum and the county of Delaware collect in taxes each year on that parcel of land something between seventeen and eighteen thousand dollars. The city of Philadelphia, of course, has in mind if it makes that part of Tinicum township a part of Philadelphia, it will be relieved of paying just and legal taxes to the political subdivision which now has a proper title and legal possession of that plot of ground.

At this point, Mr. Speaker, I desire to interrogate one of the sponsors of this bill, the gentleman from Philadelphia, Mr. McClanaghan.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. McLANAGHAN. I shall, Mr. Speaker.

Mr. JAMES. Mr. Speaker, I should like to ask the gentleman from Philadelphia, Mr. McLanaghan, if what I have said up to this point is not substantially true.

Mr. McLANAGHAN. That is correct, Mr. Speaker.

Mr. JAMES. I thank the gentleman from Philadelphia, Mr. McLanaghan.

Mr. Speaker, prior to the advent of a man named Hitler the governing principles in the relationships between nations and states and counties and townships, and even between man and man, were honesty and morality. But since the advent of Hitler there has come over the world a new idea of acquisitiveness and a new method of acquisition. This bill, Members of the House, is a blitzkreig bill! It is true that the city of Philadelphia does own the land with which this bill deals, but it is equally true that that land has been a part of Tinicum Township through thick and thin, and the County of Delaware and Tinicum Township have taken care of and nurtured it since the days when this land was but a waste and a swamp. They saw it survive and live. They policed it, cared for it and gave it the attention they were obliged by law to give it, until it grew prosperous and became desirable to somebody else. In the first instance that desire was on the part of the United States Government, and later because the United States Government had no further interest in the land it became the desire of the city of Philadelphia to take it over. Even when this land was nothing at all it still was a potential property and even a strategical prospect of land, something that Tinicum Township counted on for the future and something that it hoped, as all communities do, might develop later on into a prosperous section of that political subdivision, something which would bear its full share of the cost of government of that township. Now, Mr. Speaker, that portion of land in Tinicum Township has come to the point where it does indeed bear its part and share in the cost of administering the affairs of the township. It is true that it has come to that position by reason of the fact that the City of Philadelphia has expended money there. The city of Philadelphia has made improvements in this property but that is true also of any other land held by a private individual that might have started an ordinary farm land or even swamp land, and if money is spent upon it then it becomes valuable to its owner, and at the same time it becomes valuable as a tax revenue bearing unit of the political subdivision in which it is located. Today this little plot of land is yielding to Tinicum Township between seventeen and eighteen thousand dollars a year in taxes. Tini-

cum Township has counted on that tax revenue in making up its budget, in improving conditions for the people of the entire township and in developing a community which would be desirable to those who live there. Tinicum Township no doubt based its borrowing capacity on a sum of money which included the assessed value of this piece of ground, it has made commitments in its budget, and otherwise has taken into account revenue that is to come from this piece of ground amounting to the sum of seventeen or eighteen thousand dollars a year. Tinicum township is a rather poor township and the loss of this tax would be a serious matter, not only to the township commissioners but also to the school board.

There is one other thing which this bill has failed to provide. It is admitted that there are provisions in the bill for adjustment of capital accounts and interest and so forth, but this bill has failed to provide for the interest of the county in this piece of land.

It must be remembered too that the county of Delaware receives revenue from this plot of ground. All of these things that I have mentioned would create a very serious problem for the people of Tinicum Township and also a serious problem for the County Commissioners of Delaware County.

But that is not all. This movement is the beginning of a sort of pincer movement—an effort to curtail the freedom of activity of many human beings—that also is a term that has come into public knowledge recently through the operations of Mr. Hitler. It would not be at all surprising to me and to many others if this bill were to go through, that Fifth Columnists might be set down there to prepare the people for another pincer movement in Upper Darby. I want to call the attention of the Members of the House, particularly all those members who may have a similar situation in some portion of their political subdivision the fact that if this legislation goes through it would be only necessary for some city located on the edge of your subdivision to buy up and get title to the land that they in their judgment and you in your knowledge believe to be strategic land, land that some day might be developed and come into a position where it could bear its fair share in the improvement and development of your whole community.

Mr. Speaker, in the interest of honesty in government and morality among men, I ask you to vote against this bill.

Mr. VOORHEES. Mr. Speaker, this is a very simple bill. It was on the statute books under the act of 1873, but due to the foresight of the political leader of Delaware County, the then Senator McClure, it was repealed and taken from the statute books in 1931, at that time Philadelphia took title to this land. There is no one living on the property that Philadelphia is interested in. Philadelphia airport is now located at Hog Island. Title was acquired by the city of Philadelphia in 1931 by purchase from the Federal Government. There are no residents there, it contains over nine hundred acres, and every time the city of Philadelphia puts a new hanger on the property or a new improvement the assessed valuation of the property goes up, and the amount of tax to be paid to Tinicum Township is greater, and Philadelphia must pay for improvements on land which they own.

This airport at Hog Island is one of the best airports in the country. This airport is not only an airport for the city of Philadelphia alone but it is valuable to the state of Pennsylvania. It is a place that we as Philadelphians should be proud of, it is a place that Philadelphia is trying to build up and put in all the resources they have at their command to build it up. I think it is a proper bill and I ask for the support of the membership of the House to vote "Aye" on the bill.

Mr. McCLANAGHAN. Mr. Speaker, I am afraid the gentleman from Delaware, Mr. James, has taken this war a little bit too seriously. He has said this is a blitzkrieg bill. It is just the reverse. The reason Philadelphia is seeking to annex this part of Tinicum township, which is known as Hog Island, is for the purpose of extending the facilities and services of the airport, and it is going to afford those facilities and services for the benefit of the people of that district and also the people of the state at large.

The fact is that this plot consists of nine hundred and sixty acres, ten acres of which are located in Philadelphia County, and the remaining nine hundred and fifty acres are located in Delaware County, in Tinicum Township. The Administration building which has been erected by the city of Philadelphia at a large cost is located on the ten acre plot in Philadelphia County. It is true that the taxes on this piece of property in the course of a year amount to approximately eighteen thousand dollars, but that is not the only item with which we are faced. If Philadelphia comes along and constructs a hangar, Philadelphia is not required under its lease to pay the increased taxes. As a matter of fact, Philadelphia will not construct hangars under the lease which the city of Philadelphia has entered into with the major air companies. Those companies are required to pay the increase in taxes on any buildings constructed on this ground. The city would still pay the taxes on the real estate but the taxes on the improvements must be paid by the air companies, with the result that these companies will not construct hangars and they will not incur any increased financial burden. At the present time there are approximately fifty to sixty planes a day coming into the Hog Island Airport. The LaGuardia Airport in New York, which does not have the benefit of a location like Hog Island in Philadelphia, has between two hundred and fifty and three hundred planes a day, and we are convinced with the necessary hangars the Philadelphia Airport will become the equal of the LaGuardia Airport in New York. It is only a matter of common sense that the development of the airport for the benefit of the section in general will increase the amount of tax collection and will bring prosperity to the surrounding section.

I would like to review briefly the position of Philadelphia. This property was purchased by Philadelphia from the Federal Government at a cost of three million dollars. The City paid down four hundred and fifty thousand dollars, and the Federal government has a mortgage for the balance of the two and a half million dollars. The government collects interest for ten years at the rate of three percent and at the expiration of that ten year period the city of Philadelphia is required to commence to pay interest at the rate of six percent. The ctiy is presently obliged to pay one hundred fifty-three thousand dollars a year to the Federal government just in interest upon the mortgage.

I further wish to call to the attention of the Members of the House the fact that under the terms of the agreement by which Philadelphia purchased Hog Island from the

Federal government, the city is restricted in its use of that property. The city cannot use it for development purposes. The city is limited to using it as an air, rail and marine terminal. Therefore in effect Philadelphia is seeking to annex this part of Tinicum township for the development of a major airport in Pennsylvania, an airport that will redound to the benefit of all the citizens of Pennsylvania, not merely of Philadelphia, and I therefore ask the members of this House to vote favorably on this bill.

Mr. JAMES. Mr. Speaker, the gentleman from Philadelphia, Mr. McClanaghan, has unwittingly furthered my reference to Hitlerism. I understand now that he wants to take this piece of land into protective custody.

One of the things that I cannot understand in the remarks of the gentleman from Philadelphia is his statement that the companies who operate the airport cannot build hangars on this plot of ground unless it comes into the geographical limits of the city of Philadelphia. I am not going to argue that point but it is a little bit hard to understand why a business concern would not very much prefer to build its hangars in a county where over a long period of time the tax situation has been very favorable and above all entirely stable.

This bill, if it were enacted into law, would do another very serious thing. It would be the first bill, as far as I am able to find, that would provide for a vote on annexation by amount, that is by the record of the amount owned. Let me call to the attention of those Members of the House who live in districts where great coal companies operate, just what kind of a situation that puts on their communities and their political subdivisions, if a similar situation to the one we have here were to arise. This bill calls for a vote of sixty-six percent of the population or amount. In this particular case that is a dead cinch because the amount is entirely a matter of one vote, the vote of the city of Philadelphia. Again, Members of the House, I ask you to vote "No" on this bill.

Mr. RUSH. Mr. Speaker, I too arise in opposition to this bill because I do not believe the annexation of this particular portion of land in Delaware County, which has been mentioned here, is the only portion of land the city of Philadelphia is interested in taking. If I were assured that that were so, I would not object so much to this bill. However, it does so happen that Philadelphia owns other pieces of land in Delaware County, that is, near to the city of Philadelphia, and if this bill goes through, they will be able to come out into Delaware County and take those pieces of ground too. Therefore, this is bad legislation all the way through. We have been told here if the city of Philadelphia wants an airport, it must construct the hangars and airport facilities for those airlines which use the airport. I was just wondering if the city of Philadelphia would not construct railroad stations for that kind of transportation system. I think if the city of Philadelphia wants this piece of ground in Delaware County they should pay for the land and not just indiscriminantly come out and take it away from Delaware County. That land has been paid for by taxes from the citizens of Delaware County. As I said before, this is not the only piece of land that the city of Philadelphia is interested in. There are pieces of ground in Delaware County, such as golf courses, that are owned by the city of Philadelphia, and the effect of this bill would be that they could just as well go out and take away those pieces of ground from the County of Delaware.

Therefore, I ask the members of the House to vote against this particular bill.

Mr. McCLANAGHAN. Mr. Speaker, first of all I would like to call the attention of this House to a part of the provisions in the lease which the city of Philadelphia has entered into with the major air companies. This lease is a composite lease, based on the form or lease used in the major cities throughout the country. It contains the best features of all the leases now in use. I will now quote from the lease between the city of Philadelphia and the various air companies. Article VIII contains this language:

> "The Lessee shall have the right and option at any time and from time to time during the term hereof to lease any additional space at the Airport not necessary to the operation of the Airport and at the time not leased to others, for the exclusive use by Lessee for construction of a hangar or related purpose at a rental of one (1) cent per square foot per annum. If the Lessee does so lease additional space at said Airport for its exclusive use and builds a hangar or other building thereon, from plans approved by the City, the Lessee shall have the right to connect such space with all proper lines, pipes, conduits or other conductors for the transmission of electricity (for both power and light) and water and also to connect with telephone and telegraph service, and sewerage disposal system. In addition to the rental hereinbefore specified for such space Lessee agrees to pay all real estate taxes assessed against any building thereon erected as distinguished from taxes assessed upon the ground only."

The reason the airport companies will not build hangars is because the moment they are erected there will be an assessment made upon those improvements and they will be obliged to pay additional taxes. If the city of Philadelphia takes over this part of Tinicum Township these improvements will not be assessed and there will not be any additional cost imposed upon the airport companies.

I would like to say just a word in rebuttal to the remarks made by the previous speaker. He said he was wondering, and I think he was wandering all over the lot. He spoke of additional property owned by the city of Philadelphia located in Delaware County. If he were to consult the public records he would find that when Philadelphia purchased the land which is now Cobbs Creek Park, there was contained in the deed a restriction that the property cannot be used for development purposes, that it can be used only for park purposes.

I wish the Members of the House to bear in mind that all of the facilities at Hog Island are furnished by the city of Philadelphia. There is not a single one of those facilities furnished by the township of Tinicum. Philadelphia has had to purchase the land, it has had to improve it, and I think we should afford the city of Philadelphia the privilege and right to extend the facilities that it has purchased.

Mr. JAMES. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. McClanaghan.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. McCLANAGHAN. I shall, Mr. Speaker.

Mr. JAMES. Mr. Speaker, do I understand the gentle-

man from Philadelphia, Mr. McClanaghan, to say there is a provision in the agreement or the lease, that part of it which he has just read, to the effect that the city of Philadelphia is willing that business concerns to come into Philadelphia and erect buildings or other properties and be relieved entirely of taxes on those structures?

Mr. McCLANAGHAN. No, Mr. Speaker. Under the terms of the lease the airport companies pay a rental for the use of the airport. Philadelphia owns the airport and the air companies construct the hangars, and there would be no increase on either the property or the buildings.

Mr. JAMES. Mr. Speaker, I am very glad to know that. I hold a little property in Philadelphia upon which I would like to erect something profitable, and I think I should like to enter into some such arrangement with the city of Philadelphia.

Mr. McCLANAGHAN. Mr. Speaker, that is for the public benefit?

Mr. JAMES. Is it being operated for profit concerned or as a public benefit?

Mr. McCLANAGHAN. Mr. Speaker, it is being operated for a profit, but is it furnishing a public service?

Mr. JAMES. Mr. Speaker, I think every tax payer in Philadelphia would be very glad to know about the terms of this lease.

I do not intend to talk any longer on this subject after this one remark, but this bill provides that sixty-six and two-thirds per cent by population and amount, shall vote for this annexation plan. If this bill is enacted into law I submit that provision is proof of the rather dubious purpose of this bill. If this bill had been drawn to provide that sixty-six and two-thirds per cent of the population of the whole township were to vote on this question then there might be some reason for favoring this bill, but that is not the case.

I again ask the Members of the House to vote "no" on this bill.

Mr. BRETHERICK. Mr. Speaker, there seems to be one pont that has been overlooked in this debate, and that is that the loss of seventeen or eighteen thousand dollars a year to the Township of Tinicum will necessarily result in a curtailment of its services. It will mean it will have to eliminate some of its teachers; it will mean it will have to cut down its police force, or the alterative will be that there will have to be a general increase in taxes in the Township of Tinicum to make up the deficit caused by this loss in revenue, amounting to the sum of seventeen or eighteen thousand dollars a year. I do not think the city of Philadelphia has a right to legislate that additional burden on the taxpayers of another community. As my colleague from Delaware County has so clearly expressed it, this is a blitzkreig bill. It is a forerunner of bills of this nature, and I, therefore, ask the Members of this House to vote "no" on this type of legislation, and I with my colleagues from Delaware County are going to ask you to vote against this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. JAMES, ECKELS and IMBRIE asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—108

Achterman,	Gallagher,	McFall,	Rose, S.,
Allmond,	Gryskewicz,	McGrath,	Rose, W. E.,
Baker,	Haberlen,	McIntosh,	Rosenfeld,
Balthaser,	Hamilton,	McLanahan,	Sarraf,
Baugher,	Harkins,	Melchiorre,	Schwab,
Bentzel,	Harmuth,	Mihm,	Shaffer,
Boles,	Heatherington,	Modell,	Shepard,
Boney,	Hering,	Monks,	Skale,
Bradley,	Herman,	Mooney,	Stank,
Brown,	Hersch,	Moran,	Stine,
Brunner, P. A.,	Hirsch,	Munley	Tarr,
Chervenak,	Jefferson,	O'Brien,	Tate,
Chudoff,	Jones, P. N.,	O'Dare,	Thompson, E. F.,
Cochran,	Kenehan,	O'Mullen,	Vincent,
Cohen, M. M.,	Kolankiewicz,	O'Neill,	Vogt,
Cohen, R. E.,	Komorofski,	Owens,	Voldow,
Corrigan,	Lee, E. A.,	Petrosky,	Voorhees,
Croop,	Lee, T. H.,	Pettit,	Weiss,
Cullen,	Leonard,	Polaski,	Welsh, E. E.,
Dolon,	Lesko,	Polen,	Welsh, M. J.,
Early,	Levy,	Powers,	Williams,
Elliott,	Longo,	Prosen,	Wolf,
Falkenstein,	Lovett,	Readinger,	Woodring,
Finestone,	Marks,	Reese, R. E.,	Wright,
Finnerty,	Maxwell,	Regan,	Yester,
Fletcher	McClanaghan,	Reynolds,	Young,
Flynn,	McDermott,	Rooney,	Kilroy, Speaker.

NAYS—65

Auker,	Foor,	Knoble,	Simons,
Boorse,	Gates,	Krise,	Snyder,
Bower,	Gillette,	Leydic,	Sorg,
Bretherick,	Gross,	Lyons,	Stambaugh,
Brunner, C. H.,	Cyger,	McKinney,	Stockham,
Cadwalader,	Haines,	McMillen,	Taylor,
Cordier,	Hall,	McSurdy,	Thompson, R. L.,
Dalrymple,	Hare,	Muir,	Trout,
Dennison,	Harris,	Nunemacher	Turner,
Dix,	Helm,	O'Connor,	VanAllsburg,
Eckels,	Hewitt,	Rausch,	Wagner,
Ender,	Huntley,	Reagan,	Watkins,
Ely,	Imbrie,	Rhea,	Weingartner,
Fisher,	James,	Royer,	Winner,
Fiss,	Jones, G. E.,	Rush,	Wood, N.,
Fleming,	Kline,	Serrill,	Woodside,
			Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PARLIAMENTARY INQUIRY

Mr. SHEPARD. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. SHEPARD. I would like to know, Mr. Speaker, what is the rule on calling the roll and answering to your name? If a person comes into the House after his name has been passed on the roll alphabetically, what happens?

The SPEAKER. A Member is entitled to vote at any time during the calling of the "ayes" and "nays", even though his name has been passed.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 101, as follows:

An Act to add rule ten A to article eleven section one of the act approved the ninth day of June one thousand nine hundred and eleven (P. L. 756) entitled "An act

to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" requiring that cars or wagons used for transporting persons in or about mines and hauled by electric locomotives operated from trolley wires shall have bodies constructed of wood or other non-conducting material

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article eleven section one of the act approved the ninth day of June one thousand nine hundred and eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" is hereby amended by adding thereto immediately after rule ten rule ten A to read as follows

The following rules shall be observed as far as is reasonably practicable in the mines

10-A Whenever persons are transported into out of or about any mine upon cars or wagons hauled my electric locomotives operated from trolley wires the bodies of such cars or wagons shall be constructed of wood or other suitable non-conducting material

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HEWITT. Mr. Speaker, you will notice in looking this bill over that I reported it out of Committee. I understand that reporting a bill out of Committee does not necessarily mean you are for the bill. Mr. O'Neill. Chairman of the Committee on Mines and Mining very courteously gave me the bill to report out. I have the highest regard for Mr. O'Neill, having been with him since the 1933 session, and I was not inclined to refuse to report the bill out.

However, I rise to oppose the bill because of the hardships it will work upon various coal mines in my county. and of course many other counties in the state. I believe that Mr. Williams, the sponsor of the bill, is trying to do something which this bill does not do. It is the custom at the mines, the large mines to have what is know as man trips. In the morning at a certain hour this long string of cars is hauled into the mines in which the men ride. They ride these cars into the mines. Some of these mines are in five or six miles, and the men ride in these steel cars, which of course are conductors of electricity.

Mr. William's idea in substituting the wooden car is to do away with the possibility of the men being electrocuted through the conducting of electricity through those steel cars.

If you will let me explain this to the House, a sort of word picture of the whole situation, I believe the Members will understand more fully what this means. The wooden cars are constructed partly of wood and partly of steel. The ribs are steel and the draw bars going through the center of the cars, starting at the motor an drunning clear through the man trip cars, constituting the backbone of the string of cars, are steel. Also there is a steel bar bolted on to the plates, and the ribs are steel, and for that reason they will conduct electricity as well as the steel cars.

This will work a hardship on my people back home because some of them have steel cars and some have wooden cars. They will have to buy a large number of wooden cars to haul the men into the mines in the morning then haul them out empty and place them on the side-track of the mine. That would be an expensive operation pertaining only to the wooden cars. These man trips are often wrecked, and if they are wrecked in the wood car they are much more likely to be seriously hurt than in the steel car. The same is true on the railroad. There they substituted the steel cars, and we all feel safer in steel cars than in wood cars.

Another danger which has occurred to me in my thirty-three years in the mining business, when you have a wreck in a mine entry maybe fifteen or eighteen feet wide with a four to six foot ceiling, with a number of men riding those cars, the cars may catch fire from short circuiting and a number of men injured by electricity. I believe the men are safer in the iron cars from the standpoint that the wooden cars are not all wood as I said to you before. I do not expect to change one vote in the whole House, but from my long experience in the mining business I think this is a bad bill.

Mr. WILLIAMS. Mr. Speaker, I did not expect it would be necessary to take the floor on this particular bill. This bill is nothing more nor less than a safety measure which has been complied with to a great extent by practically all the coal operators of Pennsylvania. There are a few who now do not recognize safety insofar as the transportation of the men in the mines is concerned.

I respect the gentleman on the other side, Mr. Hewitt, from Indiana. I know he has been associated somewhat in the coal business, but when he speaks of wrecks in the mine in connection with mantrips, that he indicates might occur to the men in the wooden wagons, it is ridiculous. In the first place he said they would be safer in steel wagons than in wooden. I wonder if the gentleman from Indiana, Mr. Hewitt, knows what rate of speed the mantrips are permitted to travel in a coal mine? I think he should know, and I think the members of this House should know that they are only supposed to travel at the rate of five miles per hour. Therefore it wouldn't be a case where you could connect this particular subject with railroad cars that are traveling at forty or forty-five or fifty miles per hour, which carry a great amount of weight. which in itself would help destroy the vehicle in case of a wreck.

I might say that my reason for putting this bill in is just such as he stated. I think he gave a good point on the bill, that is, in the use of the steel wagons there is a great possibility of men being electrocuted in these steel wagons. I admit, and I say there must be steel drawbars. We know you couldn't pull a loaded trip with just wood, and we know that the ribs must be made of steel too, but the balance of it must be made of wood, therefore the men are sitting on wood and they are putting their feet on wood, and they do not come in contact with the part which would convey electricity unless that particular part should be wet.

I have worked in the mines since 1922, and I know the possibilities of the use of wooden cars in mantrips and the possibility of the use of steel wagons in mantrips. I say that this is a good bill and the United Mine Workers of America throughout Pennsylvania are interested in this bill. I ask the support of the members for this bill.

Mr. HEWITT. Mr. Speaker, of course I am well aware of the fact that where the operator complies with the

law as to the matter of speed with which he carries the men into the mine, certainly the men are not likely to be wrecked and smashed up in the mine trip, but I am not speaking particularly of the speed of the car or train carrying the men but there is a possibility and a danger that they might meet a load coming out at a greater rate of speed, and there might be quite a serious wreck.

While Mr. Williams is right in that the men are sitting on wood with their feet resting on wood, their elbows nevertheless, are in contact with the ribs, and the steel draw bar comes through all the cars. Being in the mining business many years, some people thought I was rather favorable to the operators. I was in the mining game from every angle, mining superintendent, mining engineer, and so forth for a period thirty years, and one of the greatest hobbies of my life was the protection of the men. I have had this particular record for many years and I have never had a serious accident in any of my operations. I have a record in the mines of being one of the safest operators in the field, and I believe that the steel car is safer than the wooden car.

Mr. TARR. Mr. Speaker, I rise in support of the passage of this bill for the same reason that my friend from Washington County, Mr. Williams, gave. There are a number of bills which have been introduced at this session, some of which are on the calendar today, which provide for more safety in the mining industry, this being the first of them.

It is rather foolish—perhaps I shouldn't say foolish, but it falls upon deaf ears of one who came from the soft-coal mining industry when one hears the statements that the steel car is safer to ride in on a mantrip than the wooden car.

It is true they do have iron in them, but if any man in this House has ever sat in a cold, wet, damp, steel car and has been hauled five miles an hour for five or six miles, when their clothes were wringing wet, they will know the difference between riding in a wooden car and a steel car.

This bill has the backing of the United Mine Workers of America, and the United Mine Workers of America have a right to be interested in this bill since it is a fact that eighty-five thousand of these industrial heroes have been brought out of the mines to die on the cold linoleum of the company house without the protection of the laws of this great Commonwealth to which they are entitled.

We are making a step forward in providing safety measures for the coal miners. We are making a step forward for all workers in Pennsylvania. I can see no better start in safety laws, which we do not now have on our books, than providing a safe way for men to get to and from their work.

I was very glad to hear the gentleman from Indiana say that coal mining was a hobby to him. To my people coal mining is not a hobby; our men do not do it as a pleasure; they have to go down there and they have to dig their very existence out of the earth, and there is nothing this Legislature could do that would do more good for these men, and there is no legislation which is more badly needed by the coal miners of the Commonwealth.

Mr. WILLIAMS. Just one point I desire to raise, Mr. Speaker, and that is when Mr. Hewitt stated these wagons would be hauled back out of the mine and they would not be used, he left the impression that these wagons would be especially built for man trips, with no other use for them. These wooden wagons are used for the transportation of coal as well as the steel wagon. In eighty per cent of the mines today these wooden wagons are available, and with the law that is now on the statute books they could use them for the man trips. I would say in eighty per cent of the mines there wouldn't be one cent of additional cost created by the passage of this particular bill.

Mr. HEWITT. Mr. Speaker, I believe I can correct the gentleman from Fayette when he quoted me as having said that mining was my hobby. I said the safety of the men around the mines was my hobby and has been a hobby with me all the years of my life in the mining industry.

As to Mr. Williams of Washington, in his reference to this bill working no hardship on the operator, the steel wagons in some of the large operations in my county are used entirely for the transportation of coal. They could not use wooden wagons. They have loading machines and different equipment that handles the loading into these cars, and as I said before, if they used wooden cars they would have to bring them out and stand them on the side track.

I want to call the attention of the House to one fact, if this hitching or coupling is connected to the truck, the law requires it to be an insulated connection, and that is true of wooden or steel cars. I still believe the steel cars are the safest to ride in.

Mr. WILLIAMS. Mr. Speaker, I would like to ask Mr. Hewitt whether he is now a coal operator. Is that true?

The SPEAKER. Will the gentleman from Indiana permit himself to be interrogated?

Mr. HEWITT. I will, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, I would like to ask Mr. Hewitt how many employes he has in the mines?

Mr. HEWITT. At the present time, Mr. Speaker, I am not in the mining business. I have had as many as 5,000 men working for me.

Mr. WILLIAMS. And how many years ago was that, Mr. Speaker.

Mr. HEWITT. I quit the mining business in 1934, Mr. Speaker.

Mr. WILLIAMS. Did the gentleman have wooden equipment in the mines?

Mr. HEWITT. Yes, Mr. Speaker.

Mr. WILLIAMS. That is what I thought, Mr. Speaker.

Mr. HEWITT. Mr. Speaker, may I tell the members of the House that at the time I left the mining business I was running a very small operation, and small operators can not afford to buy equipment like the large operators. We had wooden cars and we were not able to buy the steel cars or the loading machines, and mine were not finely mechanized as the larger operations are. When I was in the business on a large scale during the World War, steel cars were a new thing. They were practically all wooden cars a few years ago.

Mr. WILLIAMS. Mr. Speaker, just the point I desired to hear raised here. In practically all the mines where we have hand loading, we do have wooden cars. In the new mechanized mines they have steel wagons, and I say they can make available wooden cars for the trans-

portation of the men because of the fact that the mechanized mines are in competition with the hand mines and they have such an advantage economically that they can easily afford to have the wooden cars for the mantrips. I know in a few instances they are not able to use wooden cars, but I notice that in the great majority of operations there are about ten per cent that absolutely refuse to furnish the wooden cars for the mantrips, but that ten per cent are going to be compelled to get in line by the passage of this particular act.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	French,	Malloy,	Royer,
Allmond,	Gallagher,	Marks,	Rush,
Auker,	Gates,	Maxwell,	Sarge,
Baker,	Gillan,	McClanaghan,	Sarraf,
Balthaser,	Gillette,	McDermott,	Scanlon,
Baugher,	Greenwood,	McDowell,	Schwab,
Bentzel,	Gross,	McFall,	Serrill,
Boles,	Gryskewicz,	McIntosh,	Shaffer,
Boney,	Gyger,	McKinney,	Shepard,
Boorse,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Skale,
Breth,	Haines,	McMillen,	Snyder,
Bretherick,	Hall,	McSurdy,	Sollenberger,
Brown,	Hamilton,	Melchiorre,	Sorg,
Brunner, C. H.,	Hare,	Mihm,	Stambaugh,
Brunner, P. A.,	Harkins,	Modell,	Stank,
Burns,	Harmuth,	Mooney,	Stine,
Burris,	Harris,	Moran,	Stockham,
Chervenak,	Heatherington,	Moul,	Tarr,
Chudoff,	Helm,	Muir,	Tate,
Cochran,	Hering,	Munley,	Taylor,
Cohen, M. M.,	Herman,	Nagel,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Nunemacher,	Thompson, R. L.,
Cook,	Hewitt,	O'Brien,	Trout,
Cooper,	Hirsch,	O'Connor	Turner,
Cordier,	Huntley,	O'Dare,	VanAllsburg,
Corrigan,	Imbrie,	O'Mullen,	Vincent,
Croop,	James,	O'Neill,	Vogt,
Cullen,	Jefferson,	Owens,	Voldow,
Dennison,	Jones, G. E.,	Petrosky,	Voorhees,
DiGenova,	Jones, P. N.,	Pettit,	Wagner,
Dix,	Keenan,	Polaski,	Watkins,
Dolon,	Kenehan,	Polen,	Weingartner,
D'Ortona,	Kline,	Powers,	Weiss,
Duffy,	Knoble,	Prosen,	Welsh, E. B.,
Early,	Kolankiewicz,	Rank,	Welsh, M. J.,
Eckels,	Komorofski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winner,
Elliott,	Lee, E. A.,	Reagan,	Wolf,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leisey,	Reese, R. E.,	Wood, N.,
Finestone,	Leonard,	Regan,	Woodring,
Finnerty,	Lesko,	Reynolds,	Woodside,
Fisher,	Levy,	Rhea,	Wright,
Fiss,	Leydic,	Rooney,	Yeakel,
Fleming,	Lichtenwalter,	Rose, S.,	Yester,
Fletcher,	Longo,	Rose, W. E.,	Young,
Flynn,	Lovett,	Rosenfeld,	Kilroy,
Foor,	Lyons,		Speaker.

NAYS—2

Dalrymple, McClester,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1050, as follows:

An Act requiring cities of the first class to furnish all police officers employed by such cities all firearms cartridges and all other firearm accessories free of charge

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All cities of the first class of this Commonwealth are hereby required to furnish all police officers employed by such cities firearms cartridges and all other firearm accessories free of charge and shall make no deduction from the compensation of such police officers because of the provisions of this act

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Foor,	Malloy,	Royer,
Allmond,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarraf,
Baugher,	Gillan,	McClester,	Scanlon,
Bentley,	Gillette,	McDermott,	Schwab,
Bentzel,	Greenwood,	McDowell,	Serrill,
Boles,	Gross,	McFall,	Shaffer,
Boney,	Gryskewicz,	McGrath,	Shepard,
Boorse,	Gyger,	McIntosh,	Simons,
Bradley,	Habbyshaw,	McKinney,	Skale,
Breth,	Haberlen,	McLanahan,	Snyder,
Bretherick,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chervenak,	Heatherington,	Muir,	Tate,
Chudoff,	Helm,	Munley,	Taylor,
Cochran,	Hering,	Nagel,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Nunemacher,	Thompson, R. L.,
Cohen, R. E.,	Hewitt,	O'Brien,	Trout,
Cook,	Hirsch,	O'Connor	Turner,
Cooper,	Holland,	O'Dare,	VanAllsburg,
Cordier,	Huntley,	O'Mullen,	Verona,
Corrigan,	Imbrie,	O'Neill,	Vincent,
Croop,	James,	Owens,	Vogt,
Cullen,	Jefferson,	Petrosky,	Voldow,
Dalrymple,	Jones, G. E.,	Pettit,	Voorhees,
Dennison,	Jones, P. N.,	Polaski,	Wagner,
DiGenova,	Keenan,	Polen,	Watkins,
Dix,	Kenehan,	Powers,	Weingartner,
Dolon,	Knoble,	Prosen,	Weiss,
D'Ortona,	Kolankiewicz,	Rank,	Welsh, E. B.,
Duffy,	Komorofski,	Rausch,	Welsh, M. J.,
Early,	Krise,	Readinger,	Williams,
Eckels,	Lee, E. A.,	Reagan,	Winner,
Elder,	Lee, T. H.,	Reese, D. P.,	Wolf,
Elliott,	Leisey,	Reese, R. E.,	Wood, L. H.,
Ely,	Leonard,	Regan,	Wood, N.,
Finestone,	Lesko,	Reynolds,	Woodring,
Finnerty,	Levy,	Rhea,	Woodside,
Fisher,	Leydic,	Riley,	Wright,
Fiss,	Lichtenwalter,	Rooney,	Yeakel,
Fleming,	Longo,	Rose, S.,	Yester,
Fletcher,	Lovett,	Rose, W. E.,	Young,
Flynn,	Lyons,	Rosenfeld,	Kilroy, Speaker

NAYS—1

Auker,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeaby to order,

The House proceeded to the third reading and consideration of House Bill No. 1071, as follows:

An Act to further amend section sixteen of the act approved the thirty-first day of May one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" providing for the payment of costs by the Commonwealth in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section sixteen of the act approved the thirty-first day of May one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and township desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (P. L. 1951) is hereby further amended to read as follows

Section 16 Before the Secretary of Highways shall undertake the construction reconstruction or improvement of any State highway on the plan of the State highways wherein a change of width or of existing lines and location is necessary and damage is likely to result to abutting property he shall notify the county commissioners of the proper county in writing of the contemplated change in such existing width lines and location After the county commissioners have agreed to such changes or refused to agree thereto as hereinafter provided the Secretary of Highways may proceed with the work of construction reconstruction and improvement After the receipt of the notice as above provided the county commissioners if they approve such change of width or of existing lines and location and agree thereto in writing shall when possible enter into an agreement with the owner or owners of said property as to amount of damages to be paid to the said owner or owners Whenever the amount so agreed upon shall exceed the sum of three hundred dollars ($300.00) the same shall not be paid by the county until the proposed agreement shall have been filed by the county commissioners in the office of the prothonotary of the county in which the property damaged is situated If no exceptions are filed thereto within ten days after notice given by publication as hereinafter provided the county commissioners may pay the amount so agreed upon If exceptions thereto are filed within ten days after such notice the proceedings shall be presented to the court of quarter sessions for its approval The court shall fix a time for hearing the matter at which time the parties to such agreement and any taxpayer interested therein and their witnesses shall be heard and the court shall either approve or disapprove the agreement as it deems proper If the court disapproves the agreement it shall indicate a sum which it would approve for such case if the county commissioners and the property owner could agree thereon In such cases if the property owner and the county commissioners should agree on the amount of

damages indicated by the court as acceptable to it such agreement may be entered into and shall be final and binding on the said parties without any further approval by the court Notice of the filing of such agreement in the office of the prothonotary and of the time and place of hearing in all such cases shall be given by one publication in one or more newspapers of general circulation throughout the county which shall state that any taxpayer may file exceptions to the agreement or may appear at such hearing and be heard together with his witnesses as the case may be Only such payments as to which no exceptions have been filed or as have been approved by the court as above provided shall be paid by the county or in case an agreement satisfactory to the county commissioners and said owner or owners cannot be made and the approval of the court thereto secured the owner or owners of said property damaged thereby or the commissioners of the proper county may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages as well as any benefits The proceedings upon said petition and by the viewers shall be governed by existing laws relating to the ascertainment and assessment of damages as well as any benefits for opening public highways The county commissioners or any other party to such proceedings may appeal from the award of the viewers to the court of common pleas and shall be entitled to a trial by jury From the judgment of the court of common pleas an appeal may be had to the Supreme or Superior Court as in other cases Such damages when ascertained shall be paid by the county in which the State highway is located Whenever the county commissioners do not consent to or approve any such change of width or of existing lines and location and the Secretary of Highways determines such change to be necessary he shall when possible enter into an agreement with the owner or owners of said property as to the amount of damages to be paid therefor and if agreed upon such damages shall be paid by the Commonwealth out of moneys in the Motor License Fund or if such agreement cannot be made the owner or owners of said property damaged thereby or the Commonwealth may present their or its petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damage as well as any benefits in the same manner and with the same right of appeal to the owner or owners and to the Commonwealth as is hereinbefore provided in cases where the county agreed to such change but the damages when ascertained shall be paid by the Commonwealth out of moneys in the Motor License Fund The county shall also be liable for any damages sustained by abutting property owners for a change of the width or lines of roads intersecting State highways where such damages are made necessary as a result of the changing with their consent and approval of the width lines or location for the construction of a State highway such damages to be ascertained in the same manner as herein provided for damages occasioned as a result of the change with their consent and approval of width or of existing lines and location of State highways and in case the commissioners shall not have consented to and approved such change of width or of existing lines or location then such damage shall be paid by the Commonwealth and shall be ascertained in the same manner as herein provided for damages for land taken as a result of the change of width or of existing lines and location of State highways without the consent and approval of the county commissioners and such damages and the costs of such proceedings shall also be paid from the Motor License Fund The [county] Commonwealth shall also provide for the removal of all structures within the lines of the highway as thus established unless otherwise provided by agreement between said county and the Secretary of Highways and in case the same is to be done by the Commonwealth the cost thereof shall also be paid out of the Motor License Fund Any moneys in the Motor License Fund necessary to make the payments required by this section are hereby specifically appropriated to the Department of Highways.

If the county refuses to assume all damages in connection with the relocation or widening of any highway as hereinbefore provided the county commissioners and the Secretary of Highways may thereafter agree that the county shall pay a portion thereof to either the owners or to the Department of Highways or shall perform specified work for the benefit of the owner in lieu thereof or shall participate in the total damage expense in such other manner as may be agreed upon

Nothing contained in this act shall be construed as placing on the Commonwealth the payment of any damages or costs incident to the change of width lines or location of any State highway where such highway was widened or the lines or location changed prior to the date this act takes effect but all such damages and costs shall be paid by the county in the manner provided by this act as if the county had agreed thereto as herein provided

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gillan,	McClanaghan,	Scanlon,
Baugher,	Gillette,	McClester,	Schwab,
Bentley,	Greenwood,	McDermott,	Serrill,
Bentzel,	Gross,	McDowell,	Shaffer,
Boles,	Gryskewicz,	McFall,	Shepard,
Boney,	Gyger,	McGrath,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner, C. H.	Hare,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stine,
Burns,	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley	Thompson, E. F.,
Cochran,	Herman,	Nagel	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Nunemacher	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor,	VanAllsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan,	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,
Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
Dennison,	Jones, P. N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E. B.,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Finnerty,	Lesko,	Rhe,	Wright,
Fisher,	Levy,	Riley,	Yeakel,
Fiss,	Leydic,	Rooney,	Yester,
Fleming,	Lichtenwalter,	Rose, S.,	Young,
Fletcher,	Longo,	Rose, W. E.,	Kilroy,
Flynn	Lovett,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 739, as follows:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining State employe

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph six of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 683) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

* * * * *

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Commission and of the Delaware River Joint Toll Bridge Commission paid on a yearly or monthly basis if the Delaware River Joint Commission and the Delaware River Joint Toll Bridge Commission shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent public corporation created by act of Assembly (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation were employes of the Commonwealth so long as they remain officers or employes of such public corporation if such public corporation shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (P. L. 254) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gillan,	McClanaghan,	Scanlon,
Baugher,	Gillette,	McClester,	Schwab,
Bentley,	Greenwood,	McDermott,	Serrill,
Bentzel,	Gross,	McDowell,	Shaffer,
Boies,	Gryskewicz,	McFall,	Shepard,
Boney,	Gyger,	McGrath,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hare,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stine,
Burns,	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley	Thompson, E. P.,
Cochran,	Herman,	Nagel	Thompson, R. L.,
Cohen, M. M	Hersch,	Nunemacher	Trout,
Cohen R E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor,	VanAllsburg
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,

Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
Dennison,	Jones, P. N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E. E.,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Finnerty,	Lesko,	Rhea,	Wright,
Fisher,	Levy,	Riley,	Yeakel,
Fiss,	Leydic,	Rooney,	Yester,
Fleming,	Lichtenwalter,	Rose, S.,	Young,
Fletcher,	Longo,	Rose, W. E.,	Kilroy,
Flynn,	Lovett,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1352, as follows:

An Act to further amend the first paragraph of section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the property liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" limiting the interest rate imposed on municipal liens so that the same shall not exceed the rate of interest paid by the municipality in financing the improvement

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The first paragraph of section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure of tax and municipal claims filed under other and prior acts of Assembly" as last amended by the act approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1212) and the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2609) is hereby further amended to read as follows

Section 9 Claims for taxes water rents or rates lighting rates power rates and sewer rates must be filed in the court of common pleas of the county in which the property is situated on or before the last day of the third calendar year after that in which the taxes or rates are first payable and other municipal claims must be filed in said court within six months from the time the work was done in front of the particular property where the charge against the property is assessed or made at the time the work is authorized within six months after the completion of the improvement where the assessment is made by the municipality upon all the properties after the completion of the improvement and within six months after confirmation by the court wher confirmation is required the certificate of the surveyor engineer or other officer supervising the improvement filed in the proper office being conclusive of the time of completion thereof but he being personally liable to anyone injured by any false statement therein Where a borough lies in more than one county any such claim filed by such borough may be filed in each of such counties In case the real estate benefited by the improvement is sold before the municipal claim is filed the date of completion in said certificate shall determine the liability for the payment of the claim as between buyer and seller unless otherwise agreed upon or as above set forth [The legal rate of interest] Interest at the rate equal to but not in excess of the interest paid by the municipality for the funds needed to finance the improvement shall be collectible on all municipal claims from the date of the completion of the work after it is filed as a lien

Claims for taxes may be in the form of written or typewritten lists showing the names of the taxable and descriptions of the properties against which said claims are filed together with the amount of the taxes due such municipality Such lists may be filed on behalf of a single municipality or they may cover the unpaid taxes due any two or more municipalities whose taxes are collected by the same tax collector provided the amounts due each municipality are separately shown All tax claims heretofore filed in such form are hereby ratified confirmed and made valid subsisting liens as of the date of their original filing.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Allegheny, Mr. Harkins, permit himself to be interrogated?

Mr. HARKINS. Mr. Speaker, I shall.

Mr. TURNER. Will the gentleman from Allegheny explain this bill.

Mr. HARKINS. Mr. Speaker, I think this bill is very simple and requires very little explanation. If the gentleman will turn to page three of the bill, Printer's No. 403, he will see that the only change is the insertion of the words "interest at the rate equal to but not in excess of the interest paid by the municipality for the funds needed to finance the improvement shall be collectible on all municipal claims from the date of the completion of the work after it is filed as a lien."

The reason for the introduction of this bill, Mr. Speaker, is that in some municipalities where large improvements have been made, especially during the time of the period of the depression, municipalities were able to borrow large sums of money at low rates of interest, and they were not able to charge less than six per cent interest against the people against whom assessments were made for these municipal improvements.

This bill will require in the future, in any instance where municipal improvements are made and where the municipality is able to finance the improvements at less

than six percent, it will simply require that that sum be charged to the person who in the end must pay the bill. I think that is a simple explanation of the bill. Is there any further question on the part of the gentleman from Delaware?

Mr. TURNER. Mr. Speaker, suppose the municipality has to finance or refinance after liens are laid, what are you going to do in that case?

Mr. HARKINS. I would suggest, Mr. Speaker, that the wording of the bill is general enough to include all the costs for the funds which were needed. I would think if the liens were not paid for a number of years, and if refinancing had to be accomplished at a higher rate of interest, the municipality could charge the total cost, but not anything in excess of the total cost at that particular time.

Mr. TURNER. Mr. Speaker, I think the purpose of the gentleman is all right from the standpoint that if you are able to borrow money at two per cent, it is rather hard on the property owner to charge him six per cent on the lien, but on the other hand my experience has been as a solicitor for municipalities that financing changes from time to time. Sometimes a bond issue might start out and include several projects, or it might be financed by the issue of one bond issue and later be financed by another, and I do not see as a practical matter how you could segregate them from time to time. I believe this bill would create a great amount of confusion in the municipality in the collection of liens. It would tend to permit many times people against whom the liens are laid, to come in and institute some proceeding in court and tie you up in your collections. I believe, therefore, that the broad language of the bill is defective and the bill should be defeated.

Mr. HARKINS. Mr. Speaker, it seems to me the broad language of the bill is not a mistake and the broad language of the bill enables the purpose of the bill to be accomplished just as it is expressed. I am quite sure that the able gentleman from Delaware, who is solicitor for many municipalities and who has had extensive experience as a municipal lawyer, knows that the various funds for improvements are usually segregated and kept separate, and that it would take but little effort on the part of any municipality maintaining accurate records and scientific records to determine the amount of interest that is paid or has been paid on the particular project

I will say in one particular instance I know that a large number of improvements were carried on at the time of the depression—at the top of the depression and the borough secretary told me the other afternoon that the interest rate would be less than four per cent. For some period of time money that has been used to finance these improvements has been obtained on fairly long term loans and lesser rates of interest. The rate on the bonds ran under four per cent, yet by law we presently require the municipalities to charge excessive amounts of interest.

Particular municipal improvements are paid for entirely by abutting property owners, and they serve the entire municipality and not only the particular section which was improved. If the gentleman from Delaware had any particular amendment which he thought would clarify the bill and would add to the bill, had he desired to add such an amendment, I would have been very responsive to anything that would help accomplish the purpose of the bill, but I feel that inasmuch as he has not so done, since the bill is very brief and very clear, and the purpose is to relieve the tax payers from excessive rates of interest, we ought to pass the bill at the present time.

Mr. TURNER. Mr. Speaker, the difficulty with the gentleman from Allegheny is that he is thinking of the present period only when the interest rates are low and when the municipalities can borrow money at very low interest rates, but what is going to happen later? I borrow money at three per cent, I file my lien and in that lien I say interest shall be paid at the rate of three per cent. Some time later I must borrow money at four per cent, or at five per cent. The difficulty with what the gentleman from Allegheny says is that he thinks when you make this improvement on which you eventually file your lien, you also borrow your money on long term bond issues at the same time. That is not always true; sometime municipalities will borrow money on a short term loan. I have seen municipalities issue refunding bonds, and then later there is a defect—I know of many cases like that—there is a defect in the bond issue and the municipality has to take it over and pay it off. Now, what are we going to do? I have on the books in the Prothonotary's office a lien which says I am to get three per cent interest, but sometime later the municipality has to refinance at four per cent or five per cent; sometimes the municipality has to make a short time bank loan because of lack of payment of liens. Sometimes, Mr. Speaker, municipalities handle some projects that may not be very large; they handle them by short term borrowing, and then later they determine that the best thing for them to do is to refinance with a bond issue, so that the rate of interest might fluctuate very materially and cause a very serious situation from the standpoint of the solicitor. Also when you issue your bonds the question of the rate of interest may to some degree depend upon the premiums which are paid on the bonds or the amounts for which you are able to sell your bonds, so that might be considered as the rate of interest at which you borrow your money, and might change the rate.

I can see all kinds of complications which will lead the attorneys for the property owner to come in and give them an opportunity to dispute your liens, fight them and leave the municipality always in the danger that they may lose their liens because of some provision such as this. I think this bill therefore is dangerous.

The gentleman from Allegheny has raised the question that if I had some amendment I might present it. I do not think there is any amendment that can be made to the bill because of the situation which I have cited.

Mr. HARKINS. Mr. Speaker, I think the crux of the difficulty of the gentleman from Delaware lies in the fact that he is viewing it only from the standpoint of a solicitor. I view it not only in that light but also in the light of the taxpayer and the home owner who is perfectly willing to pay the amount that is assessed against him and also the interest which should be charged to the municipality for obtaining the money with which to finance the necessary improvements. It seems to me there is no justification for a municipality attempting to make a profit after exercising the right of improving the streets or laying the sewers and making assessments against a person's real estate, and then after having the proper amount allocated to each individual property

owner, saying that because of the short comings of the municipal body, whether it be a borough or a city council, or township commissioners, or perhaps the inability of that particular party or perhaps the inability of the solicitor to choose the proper type of financing, to say that it is all right as long as the taxpayer can continue to stand it. I think rather than look at this matter from the standpoint of a solicitor, who is concerned about the question of the filing of liens, we should know that the bill says that the total cost, in other words the interest rate that is paid for the money obtained to finance the improvement, is the amount that the taxpayer will be required to pay. I think it is just as fair to read into the purpose of the bill that if there is any future refinancing of the particular obligation at higher rates of interest the municipality can charge the total rate of interest, as it is to anticipate a lot of litigation brought by attorneys for home owners and taxpayers. In this case the difference is that I represent the home owner and Mr. Turner represents the municipality

Mr. TURNER. Mr. Speaker, I ask the indulgence of the House to speak again on this measure because I think the gentleman from Allegheny has attempted to becloud the issue by throwing up a lot of smoke in talking about the position of the solicitor as opposed to the gentleman from Allegheny who represents the home owner. The solicitor is an official of the borough and his duty is to represent the borough and to represent all the taxpayers in the borough, who, if the liens fail are saddled with the total expense. It seems to me to adopt a measure of this kind which would endanger liens running sometimes into many hundreds of thousands of dollars, would endanger those on whom it might be saddled, that is, all of the people of the whole community, all of the taxpayers are placed in the position of being in danger of having to stand the entire amount. He says the solicitor is not looking out for the interest of all the people. That is his job and his duty, and I speak therefore, as one who represents all the people, not as one who represents a few people. The average lien may be one hundred or two hundred dollars, and a difference of one-half of one percent in interest might saddle on all the taxpayers a greater amount of burden than might be saddled on the individual taxpayer.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Fisher,	Lovett,	Reynolds,
Allmond,	Fiss,	Malloy,	Rhea,
Auker,	Fleming,	Marks,	Rooney,
Baker,	Fletcher,	Maxwell,	Rose, S.,
Balthaser,	Flynn,	McClanaghan,	Rosenfeld,
Baugher,	Foor,	McDermott,	Royer,
Bentzel,	French	McFall,	Rush,
Boies,	Gallagher,	McGrath,	Sarraf,
Boney,	Gillan,	McIntosh,	Scanlon,
Bradley,	Gillette,	McKinney,	Schwab,
Breth,	Greenwood,	McLanahan,	Serrill,
Brown,	Gross,	McLane,	Shaffer,
Brunner, P. A.,	Gryskewicz,	McMillen,	Shepard,
Burns,	Haberlen,	McSurdy,	Skale,
Burris,	Hall,	Melchiorre,	Snyder,
Chervenak,	Hamilton,	Mihm,	Sollenberger,
Chudoff,	Harkins,	Modell,	Stank,
Cochran,	Harmuth,	Monks,	Stine,
Cohen, M. M.,	Harris,	Mooney,	Tarr,
Cohen, R. E.,	Heatherington,	Moran,	Tate,
Cook,	Helm,	Munley	Thompson, E. F.,
Cooper,	Hering,	Nagel	Verona,
Cordier,	Herman,	Nunemacher	Vincent,
Corrigan,	Hersch,	O'Brien,	Vogt,
Croop,	Hirsch,	O'Connor,	Voldow,
Cullen,	Holland,	O'Dare,	Voorhees,
Dalrymple,	Huntley,	O'Mullen,	Wagner,
Dennison,	Jefferson,	O'Neill,	Watkins,
DiGenova,	Jones, P. N.,	Owens,	Weingartner,
Dix,	Keenan,	Petrosky,	Weiss,
Dolon,	Kenehan,	Pettit,	Welsh, E. E.,
D'Ortona,	Kline,	Polaski,	Welsh, M. J.,
Duffy,	Knoble,	Polen,	Williams,
Early,	Kolankiewicz,	Powers,	Winner,
Eckels,	Komorofski,	Prosen,	Wolf,
Elder,	Leonard,	Rank,	Wood, L. H.,
Elliott,	Lesko,	Rausch,	Woodring,
Ely,	Levy,	Reagan,	Wright,
Falkenstein,	Leydic,	Reese, D. P.,	Yeakel,
Finestone,	Lichtenwalter,	Reese, R. E.,	Yester,
Finnerty,	Longo,	Regan,	Young,
			Kilroy, Speaker

NAYS—33

Boorse,	Hewitt,	Lyons,	Sorg,
Bretherick,	Imbrie,	McClester,	Stambaugh,
Brunner, C. H.,	James,	McDowell,	Stockham,
Cadwalader,	Jones, G. E.,	Muir,	Taylor,
Gates,	Krise,	Readinger,	Thompson, R. L.,
Gyger,	Lee, E. A.,	Rose, W. E.,	Trout,
Habbyshaw,	Lee, T. H.,	Sarge,	Turner,
Haines,	Leisey,	Simons,	VanAllsburg,
Hare,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PARLIAMENTARY INQUIRY

Mr. HEWITT. Mr. Speaker, I arise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. HEWITT. Mr. Speaker, during the afternoon when the roll was called on House Bill No. 507, Printer's No. 366, a messenger boy came and called me out of the House. The bill I believe passed by a vote of 197 to nothing, or something of that kind. Therefore I would be recorded as voting "aye". I wish to be recorded as voting "no" on the bill. Pardon me, as long as I was out of the House I cannot be recorded at all, but, Mr. Speaker, I do not wish to be recorded as voting "aye" on the bill.

The SPEAKER. A Member not present in the House during the calling of the roll cannot be recorded as voting.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1194, as follows:

An Act to amend sections two and three of the act approved the eleventh day of May one thousand nine hundred and eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" as amended by providing for the issuance of certificates of approval for weights and measures of county city and borough sealers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the eleventh

day of May one thousand nine hundred and eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof' as last amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (P. L. 1757) is hereby further amended to read as follows

Section 2 All county and city inspectors so appointed shall be supplied at the expense of their respective counties and cities with standard tests of weights and measures in conformity with those established by the Government of the United States or the Bureau of Standards of the State and the laws of this Commonwealth and to ensure the accuracy of these tests they shall be compared with the standard tests to be purchased by the Secretary of Internal Affairs and when so compared and their correctness established [they shall be so stamped or marked in such manner as may be established by the rules and regulations hereinbefore referred to to be put in force by said Secretary of Internal Affairs and approved by the Governor of the Commonwealth] a certificate of accuracy shall be issued said certificate to bear the date of examination and approval of the said weight or measure for which the certificate is issued the signature of the examiner and the official stamp of the Department

* * * * *

Section 2 Section three of the said act as last amended by the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 992) is hereby further amended to read as follows

* * * * *

Section 3

It shall be unlawful for any inspector to use any tests or standards or to attempt to use the same in ascertaining the correctness or accuracy of weights and measures until such comparisons are made and their accuracy established and [so stamped or marked] a certificate of accuracy issued therefor as provided by this act It shall be unlawful for any inspector to manufacture sell or offer to sell any weighing or measuring device used in the sale of commodities or to repair or offer to repair any weighing or measuring device other than such adjustments as he may find necessary in the performance of his official duties for which no fees shall be collected Any inspector violating the provisions of this act shall be guilty of a misdemeanor and upon conviction therefor shall be fined not exceeding one thousand ($1,000) dollars or undergo imprisonment for a period not exceeding one year or both or either at the discretion of the court

Section 3 This act shall become effective upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Foor,	Lyons,	Rosenfeld,
Allmond,	French,	Malloy,	Royer,
Auker,	Gallagher,	Marks,	Rush,
Baker,	Gates,	Maxwell,	Sarge,
Balthaser,	Gillan,	McClanaghan,	Sarraf,
Baugher,	Gillette,	McClester,	Scanlon,
Bentley,	Greenwood,	McDermott,	Schwab,
Bentzel,	Gross,	McDowell,	Serrill,
Boles,	Gryskewicz,	McFall,	Shaffer,
Boney,	Gyger,	McGrath,	Shepard,
Boorse,	Habbyshaw,	McIntosh,	Simons,
Bradley,	Haberlen,	McKinney,	Skale,
Breth,	Haines,	McLanahan,	Snyder,
Bretherick,	Hall,	McMillen,	Sollenberger,
Brown,	Hamilton,	McSurdy,	Sorg,
Brunner, C. H.,	Hare,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Harkins,	Mihm,	Stank,
Burns,	Harmuth,	Modell,	Stine,
Burris,	Harris,	Mooney,	Stockham,
Cadwalader,	Heatherington,	Moran,	Tarr,
Chervenak,	Helm,	Muir,	Tate,
Chudoff,	Hering,	Munley,	Taylor,
Cochran,	Herman,	Nagel,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Nunemacher,	Thompson, R. L.,
Cohen, R. E.,	Hewitt,	O'Brien,	Trout,
Cook,	Hirsch,	O'Connor	Turner,
Cooper,	Holland,	O'Dare,	VanAllsburg,
Cordier,	Huntley,	O'Mullen,	Verona,
Corrigan,	Imbrie,	O'Neill,	Vincent,
Croop,	James,	Owens,	Vogt,
Cullen,	Jefferson,	Petrosky,	Voldow,
Dalrymple,	Jones, G. E.,	Pettit,	Voorhees,
Dennison,	Jones, P. N.,	Polaski,	Wagner,
DiGenova,	Keenan,	Polen,	Watkins,
Dix,	Kenehan,	Powers,	Weingartner,
Dolon,	Kline,	Prosen,	Weiss,
D'Ortona,	Knoble,	Rank,	Welsh, E. B.,
Duffy,	Kolankiewicz,	Rausch,	Welsh, M. J.,
Early,	Komorofski,	Readinger,	Williams,
Eckels,	Krise,	Reagan,	Winner,
Elder,	Lee, E. A.,	Reese, D. P.,	Wolf,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Ely,	Leisey,	Regan,	Wood, N.,
Finestone,	Leonard,	Reynolds,	Woodring,
Finnerty,	Lesko,	Rhea,	Woodside,
Fisher,	Levy,	Riley,	Wright,
Fiss,	Leydic,	Rooney,	Yeakel,
Fleming,	Lichtenwalter,	Rose, S.,	Yester,
Fletcher,	Longo,	Rose, W. E.,	Young,
Flynn,	Lovett,		Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1282, as follows:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Hereafter all taxes on unseated lands within the Commonwealth of Pennsylvania shall be collected and returned in the same manner and at the same time as now provided by the laws of this Commonwealth for the collection and return of taxes on seated lands

Section 2 Nothing contained in this act shall affect the validity of any lien for taxes on unseated lands

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 The provisions of this act shall become effective for taxes on unseated lands for the year one thousand nine hundred forty-two

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flynn,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Auker,	French,	Malloy,	Rush,
Baker,	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	Maxwell,	Sarraf,
Baugher,	Gillan,	McClanaghan,	Scanlon,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Greenwood,	McDermott,	Serrill,
Boles,	Gross,	McDowell,	Shaffer,
Boney,	Gryskewicz,	McFall,	Shepard,
Boorse,	Gyger,	McGrath,	Simons,

Bradley,	Habbyshaw,	McIntosh,	Skale,
Breth,	Haberlen,	McKinney,	Snyder,
Bretherick,	Haines,	McLanahan,	Sollenberger,
Brown,	Hall,	McMillen,	Sorg,
Brunner, C. H.,	Hamilton,	McSurdy,	Stambaugh,
Brunner, P. A.	Hare,	Melchiorre,	Stank,
Burns,	Harkins,	Mihm,	Stine,
Burris,	Harmuth,	Modell,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Muir,	Taylor,
Cochran,	Hering,	Munley,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Nagel,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nunemacher,	Trout,
Cook,	Hewitt,	O'Brien,	Turner,
Cooper,	Hirsch,	O'Connor,	Van Alisburg,
Cordier,	Holland,	O'Dare,	Verona,
Corrigan,	Huntley,	O'Mullen,	Vincent,
Croop,	Imbrie,	O'Neill,	Vogt,
Cullen,	James,	Owens,	Voldow,
Dalrymple,	Jefferson,	Petrosky,	Voorhees,
Dennison,	Jones, G. E.,	Pettit,	Wagner,
DiGenova,	Jones, P. N.,	Polaski,	Watkins,
Dix,	Keenan,	Polen,	Weingartner,
Dolon,	Kenehan,	Powers,	Weiss,
D'Ortona,	Kline,	Prosen,	Welsh, E. B.,
Duffy,	Knoble,	Rank,	Welsh, M. J.,
Early,	Kolankiewicz,	Rausch,	Williams,
Eckels,	Komorofski,	Readinger,	Winner,
Elder,	Krise,	Reagan,	Wolf,
Elliott,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Ely,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Finestone,	Leisey,	Regan,	Woodring,
Finnerty,	Leonard,	Reynolds,	Woodside,
Fisher,	Lesko,	Rhea,	Wright,
Fiss,	Levy,	Riley,	Yeakel,
Fleming,	Leydic,	Rooney,	Yester,
Fletcher,	Lichtenwalter,	Rose, S.,	Young,
	Longo,	Rose, W. E.,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 652, as follows:

An Act authorizing any county city borough town township poor district school district or institution district to execute a special warranty deed for any real property which it has acquired at any sale for the nonpayment of taxes or municipal claims

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any real property has been heretofore or shall be hereafter purchased by any county city borough incorporated town township school district poor district or institution district to be called hereinafter municipality for nonpayment of taxes or municipal claims under any act of assembly authorizing such sale the municipality or municipalities purchasing said property may after the period for redemption has expired in conveying such real property to a purchaser execute a special warranty deed warranting the regularity and validity of its original claim or claims and the procedure through which such municipality or municipalities acquired title Provided however That such municipality or municipalities shall only be bound by such warranty to the extent of the purchase money it receives for such real property

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gillan,	McClanaghan,	Scanlon,
Baugher,	Gillette,	McClester,	Schwab,
Bentley,	Greenwood,	McDermott,	Serrill,
Bentzel,	Gross,	McDowell,	Shaffer,
Boles,	Gryskewicz,	McFall,	Shepard,
Boney,	Gyger,	McGrath,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hare,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stine,
Burns,	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley,	Thompson, E. F.,
Cochran,	Herman,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Nunemacher,	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor	VanAllsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan,	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,
Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
Dennison,	Jones, P. N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E. B.,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Finnerty,	Lesko,	Rhea,	Wright,
Fisher,	Levy,	Riley,	Yeakel,
Fiss,	Leydic,	Rooney,	Yester,
Fleming,	Lichtenwalter,	Rose, S.,	Young,
Fletcher,	Longo,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1091, as follows:

An Act to amend section sixteen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by providing that the tax on personal property imposed by counties and by cities coextensive with counties shall be a lien after recordation upon the franchises and real property of the person taxed and provided for the extending and continuing of said liens

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section sixteen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" is hereby amended to read as follows

Section 16 (a) [That the] The tax upon personal property imposed by the first section of this act shall be collected by distraint or otherwise as other taxes for county purposes or in cities coextensive with counties for city and county purposes are collected under the laws of this Commonwealth [Provided however That no tax by said first section imposed shall be collectible or collected for the year one thousand nine hundred and thirteen it being intended that the tax upon such personal property for said year shall be collected by and for the State under existing legislation]

(b) It is hereby further provided that personal property taxes imposed under section one of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act and as such shall be lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(c) Claims of taxes imposed under section one of this act shall be filed with the prothonotaries of the respective counties in the same manner as the claims of taxes imposed upon real property are filed and upon this record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed and said taxes shall remain a lien upon the franchises and real property of the resident against whom the same are assessed until fully paid and satisfied Provided that either a suggestion of nonpayment and averment of default be filed or a writ of scire facias be issued to revive the same within each period of five years in the same manner as the liens of taxes imposed upon real property are revived extended and continued

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser	Gillan,	McClanaghan,	Scanlon,
Baugher,	Gillette,	McClester,	Schwab,
Bentley,	Greenwood,	McDermott,	Serrill,
Bentzel,	Gross,	McDowell,	Shaffer,
Boles,	Gryskewicz,	McFall,	Shepard,
Boney,	Gyger,	McGrath,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hare,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stine
Burns,	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley,	Thompson, E. F.,
Cochran,	Herman,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Nunemacher,	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor	VanAllsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan,	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,
Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
Dennison,	Jones, P. N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E. B.,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.
Ely,	Leisey,	Regan,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Finnerty,	Lesko,	Rhea,	Wright,
Fisher,	Levy,	Riley,	Yeakel,
Fiss,	Leydic,	Rooney,	Yester,
Fleming,	Lichtenwalter,	Rose, S.,	Young,
Fletcher,	Longo,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 398, as follows:

An Act authorizing the Department of Highways to take over bridges viaducts and other structures on State highways for the purpose of construction reconstruction maintenance and repair thereof when such highways are designated as essential National Defense Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any Federal agency or department has designated any State highway or section thereof as essential to National Defense the Secretary of Highways shall upon request of the United States military or naval authorities take over for construction reconstruction maintenance or repair any bridge viaduct and other structure upon over or appurtenant to said State highway in any city borough incorporated town or township in the Commonwealth

Section 2 The cost and expense of the construction reconstruction maintenance and repair of said bridges viaducts and appurtenant structures herein described shall be paid in whole out of any moneys appropriated to the Department of Highways or in part with the same moneys and any other funds appropriated to the Commonwealth by the Federal Government for any highway purpose

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gillan,	McClanaghan,	Scanlon,
Baugher,	Gillette,	McClester,	Schwab,
Bentley,	Greenwood,	McDermott,	Serrill,
Bentzel,	Gross,	McDowell,	Shaffer,

Boles,	Gryskewicz,	McFall,	Shepard,
Boney,	Gyger,	McGrath,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Sollenberger.
Bretherick,	Hall,	McMillen,	Sorg
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hare,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stine,
Burns,	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley,	Thompson, E. F.,
Cochran,	Herman,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Nunemacher,	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor	VanAllsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan,	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,
Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
Dennison,	Jones, P. N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E. B.,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Finnerty,	Lesko,	Rhea,	Wright,
Fisher,	Levy,	Riley,	Yeakel,
Fiss,	Leydic,	Rooney,	Yester,
Fleming,	Lichtenwalter,	Rose, S.,	Young,
Fletcher,	Longo,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 211, entitled:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by prescribing certain additional bank holidays

On the question,

Will the House agree to the bill on third reading?

Mr. CHUDOFF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 1), page 4, lines 23 to 26, by striking out the words "by a" in line 23, all of lines 24 and 25, and the words "days before the taking effect thereof" in line 26

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

Mr. WOODSIDE. Mr. Speaker, may I ask the sponsor to explain the amendment.

Mr. CHUDOFF. Mr. Speaker, the reason these amendments are offered is due to the fact that when this bill passed the House and the Senate in 1939 the Governor vetoed the bill because he felt that is was a discretionary bill and was not compulsory.

I offered this bill in the same form it was offered in 1939. I understand in committee it was amended to make it compulsory. In reading the bill it seemed to me that in the form it came out of the committee it was not compulsory. I believe the amendments clarify it, and it is now a compulsory bill without any question.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 319, as follows:

An Act to further amend section one of the act approved the eleventh day of May one thousand nine hundred eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" allowing inspectors their expenses in attending State conventions of sealers of weights and measurers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the eleventh day of May one thousand nine hundred and eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" as last amended by the act approved the nineteenth day of July one thousand nine hundred seventeen (P. L. 1102) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the mayors of cities of the second and third class and the several boards of county commissioners shall respectively appoint one or more competent persons as inspectors of weights and measures in the respective county or city whose salary shall not be less than one thousand dollars per annum to be paid out of the respective revenues of such county or city Provided however That the payment of a minimum salary shall not apply to counties having a population of fifteen thousand or less In addition to the salary provided by law the said county and city inspectors shall be entitled to receive the actual expenses incurred by them personally in performing the duties of their office such as transportation hotel livery telephone telegraph and postal charges and the said county and city inspectors may be entitled to receive the actual expenses incurred by them in attending State conventions of sealers of weights and measures held in this Commonwealth such expenses to be paid by the boards of county commissioners of their respective counties and by the proper officers of their respective cities in such proportion as may be agreed upon by said boards of county commissioners and proper

officers of cities on bills itemized and properly sworn to Provided however That nothing in this act shall be construed to prevent two or more counties or any county and city from combining the whole or any part of their districts as may be agreed upon by the board of county commissioners and mayors of cities with one set of standards and one inspector upon the written consent of the chief of the bureau of standards Provided further In cities of the first class the inspectors shall be appointed by the county commissioners of the county in which the said city may be located Any inspector appointed in pursuance of an agreement for such combination shall subject to the terms of his appointment have the same authority and duties as if he had been appointed by each of the authorities who are parties to the agreement The county and city inspectors of weights and measures as appointed by the respective counties and cities shall hold their office during good behavior and shall not be removed discharged or reduced in pay or position except for inefficiency incapacity conduct unbecoming employes or other just cause and until the said officials shall have been furnished with written statements of the reason for such removal discharge or reduction and shall have been given reasonable time to make written answer thereto Nor shall such removal discharge or reduction be made until the charge or charges shall have been examined into and found true in fact by the appointing power of such county or city at a hearing upon reasonable notice to the person charged at which time he may be represented by counsel and offer testimony or witnesses in his own behalf It shall be unlawful for any sealer or inspector of weights and measures or any of his deputies to perform clerical or other services for the county or city of their respective districts

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. NAGEL. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Montgomery, Mr. Wood, permit himself to be interrogated?

Mr. LLOYD H. WOOD. I will, Mr. Speaker.

Mr. NAGEL. Mr. Speaker, will the gentleman tell the Members of this House if he knows what the remuneration is for sealers of weights and measures in the various counties?

Mr. LLOYD H. WOOD. Well, Mr. Speaker, that would depend, I should say, where he went; in other words I could go to Dauphin County cheaper than I could go to Philadelphia. It depends on where the convention is going to be held.

Mr. NAGEL. Mr. Speaker, I think the gentleman has misunderstood my question.

Mr. LLOYD H. WOOD. I am sorry if I have misunderstood, Mr. Speaker. Will the gentleman please repeat his question.

Mr. NAGEL. My question was this, Mr. Speaker, what is the salary—put it that way—of the sealers of weights and measures.

Mr. LLOYD H. WOOD. I can speak for only one little county, Mr. Speaker. I am not familiar with the entire range of salaries, but I think the chief at the present time draws three thousand dollars per annum; his assistant draws some where around fifteen hundred dollars,—I think his first assistant draws slightly in excess of that.

Mr. NAGEL. Is it not a fact, Mr. Speaker, that this bill which the gentleman is attempting to amend sets a minimum of one thousand dollars?

Mr. LLOYD H. WOOD. I think that is correct, Mr. Speaker.

Mr. NAGEL. That is all from Mr. Wood. I thank the gentleman.

Mr. Speaker, it would seem to make a sort of trivial thing, sort of miserly move on my part to come before the Members of this House in opposition to a bill of this kind. Back in 1931 in Beaver County there was an organization that was known as the Tax Justice League, and I was a member of that organization.

Our object and aim was to reduce the taxes on homes and farms. I well recall that at one of our meetings just such a procedure as is advocated in this bill was most heartily condemned.

If this were the only one, if this were the stopping place in a procedure of this kind, I am sure I would not waste my time or the time of the Members of the House in opposing a bill of this nature, but it is a matter of continuing a precedent established by this Legislature. This body of men in years past has made the mistake of allowing the expenses of our County Commissioners and County Controllers to attend their conventions, not "a" convention, but it says "conventions."

I feel that so long as counties must put up properties for sale, when we must session after session introduce bills and enact legislation to abate interest and penalty on taxes, we should be very careful not to introduce and pass legislation that imposes greater expenses on our counties. As I said, this is a trifling matter, but it is not the stopping place. We do not know how soon another group may come in and want their expenses paid. I call the attention to the Members of the House to the fact that other groups that are not public officials do not demand this. Farmers and laborers go to their conventions at their own expense.

I ask the Members of the House to consider seriously before voting for this bill that will continue the precedent and remain a source of great expenditure of the taxpayers' money in our various counties.

Mr. LLOYD H. WOOD. Mr. Speaker, I shall try to clear up what I fear is an apprehension on the part of Mr. Nagel. An examination of House Bill 319 discloses that this proposed act is an amendment to the Act of 1911, which has already, of course, established the minimum salary for sealers of weights and measures. You will notice at the bottom of page two, lines 28 and 29: "Said county and city inspectors may be entitled to receive the actual expenses incurred by them attending state conventions of sealers of weights and measures held in this Commonwealth—" and so forth.

All we are doing here is merely permitting County Commissioners who wish to allow expenses to sealers of weights and measures who wish to attend these conventions. This is not a new bill as far as setting up a minimum or a maximum salary or anything of that nature is concerned.

Mr. NAGEL. Mr. Speaker, most bills that have the word "may" in them are not dangerous. We consider the "shall" bills dangerous, but here is a bill that has in it the word "may" that I think is just as dangerous as a bill containing the word "shall." These sealers of weights and measurers will go to their county commissioners and say to them, "You are enjoying this privilege. Why not give it to us?"

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—115

Achterman,	Fletcher,	McDermott,	Sorg,
Allmond,	Gallagher,	Melchiorre,	Stambaugh,
Auker,	Gillette,	Mihm,	Stank,
Baker,	Gross,	Modell,	Stine,
Balthaser,	Gryskewicz,	Mooney,	Stockham,
Baugher,	Gyger,	Muir,	Tarr,
Bentley,	Habbyshaw,	Nagel,	Tate,
Bentzel,	Haberlen,	O'Brien,	Taylor,
Boles,	Haines,	O'Connor,	Thompson, E. F.,
Boney,	Hall,	O'Dare,	Thompson, R. L.,
Boorse,	Harkins,	O'Mullen,	Trout,
Breth,	Heatherington,	Pettit,	Turner,
Bretherick,	Hersch,	Polaski,	Vincent,
Brown,	Hirsch,	Polen,	Vogt,
Brunner, C. H.,	Imbrie,	Powers,	Voldow,
Brunner, P. A.,	Jefferson,	Prosen,	Watkins,
Burns,	Kenehan,	Rank,	Weiss,
Burris,	Kline,	Rausch,	Welsh, E. B.,
Cohen, R. E.,	Komorofski,	Readinger,	Welsh, M. J.,
DiGenova,	Krise,	Reese, R. E.,	Williams,
Dolon,	Lee, E. A.,	Regan,	Winner,
D'Ortona,	Lee, T. H.,	Reynolds,	Wolf,
Duffy,	Leonard,	Rooney,	Wood, L. H.,
Elliott,	Lesko,	Rose, S.,	Wood, N.,
Falkenstein,	Levy,	Rush,	Woodside,
Finestone,	Leydic,	Sarraf,	Yeakel,
Finnerty,	Malloy,	Scanlon,	Zilroy,
Fisher,	Marks,	Schwab,	Speaker.
Fiss,	Maxwell,	Skale,	

NAYS—32

Chervenak,	Hare,	McIntosh,	Royer,
Cochran,	Harris,	McKinney,	Shaffer,
Cullen,	Hewitt,	McMillen,	Simons,
Dennison,	Jones, G. E.,	Moran,	Voorhees,
Early,	Jones, P. N.,	Nunemacher,	Wagner,
Foor,	Kolankiewicz,	Owens,	Weingartner,
French,	Lovett,	Reagan,	Woodring,
Hamilton,	McFall,	Rhea,	Yester,
		Rose, W. E.,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1320, (Senate Bill No. 326), as follows:

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense to be used for training or retraining workers and prospective workers for industries essential to national defense waiving all statutory requirements as to advertising for said bids

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to expedite the vocational program for national defense every school district and vocational school district in this Commonwealth is authorized to award contracts at a regular or special meeting of the board of school directors or board of directors of vocational schools for the purchase of material supplies and equipment to be used for training or retraining workers and prospective workers for industries essential to national defense after soliciting sealed quotations from two or more firms manufacturers or dealers in such supplies material or equipment

Section 2 Notwithstanding any law to the contrary it shall not be necessary for any school district or vocational school district to advertise any proposal to award any contract for the purchase of material supplies and equipment to be used for training or retraining workers or prospective workers for industries essential to national defense

Section 3 Every contract heretofore entered into by any school district or vocational school district for the purposes set forth in Section one of this Act is hereby ratified confirmed and validated whether or not the statutory provisions governing the awarding of such contract was adhered to if the school district or vocational school district has actually received such material supplies and equipment and the same are being used by the school district or vocational school district and if the school district or vocational school district has not suffered any pecuniary loss as the result of such contract

Section 4 The authority vested in school districts and in vocational school districts by this Act to purchase material supplies and equipment after soliciting two or more sealed quotations and without advertising shall apply only to contracts which have been paid or which shall be paid entirely from Federal funds appropriated or to be appropriated to vocational education for national defense

Section 5 The provisions of this Act shall become effective immediately upon its final enactment and remain in effect until July first one thousand nine hundred and forty-three

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gillan,	McClanaghan,	Scanlon,
Baugher,	Gillette,	McClester,	Schwab,
Bentzel,	Greenwood,	McDermott,	Serrill,
Bentley,	Gross,	McDowell,	Shaffer,
Boles,	Gryskewicz,	McFall,	Shepard,
Boney,	Gyger,	McGrath,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hare,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stine
Burns	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley,	Thompson, E F.,
Cochran,	Herman,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Nunemacher,	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook	Hirsch,	O'Connor	VanAllsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan,	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,
Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
Dennison,	Jones, P. N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E B.,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Finnerty,	Lesko,	Rhea,	Wright,
Fisher,	Levy,	Riley,	Yeakel,
Fiss,	Leydic,	Rooney,	Yester,

Fleming,	Lichtenwalter,	Rose, S.,	Young,
Fletcher,	Longo,	Rose, W. E.,	Kilroy, Speaker
Flynn,	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 698, as follows:

An Act allowing costs and counsel fees to stakeholder in interpleader proceedings out of fund paid into court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever hereafter any person partnership or corporation having in possession money which is claimed by two or more persons or corporations shall come into any court of record in this Commonwealth either at law or in equity and disclaim all interest in the funds procure an interpleader between the rival claimants to determine the true ownership of the funds and pay the said fund into court or as the court may direct the court shall allow to the stakeholder out of the fund paid into court its costs and such reasonable counsel fee as the court may determine to be proper but in no case less than ten dollars ($10) to be taxed as costs of the proceedings

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gillan,	McClanaghan,	Scanlon,
Baugher,	Gillette,	McClester,	Schwab,
Bentley,	Greenwood,	McDermott,	Serrill,
Bentzel,	Gross,	McDowell,	Shaffer,
Boles,	Gryskewicz,	McFall,	Shepard,
Boney,	Gyger,	McGrath,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hare,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stine,
Burns,	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley,	Thompson, E. F.,
Cochran,	Herman,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Nunemacher,	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor,	Van Allsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan,	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,
Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
	Jones, P. N.,	Polaski,	Watkins,
Dennison,	Keenan,	Polen,	Weingartner,
DiGenova,	Kenehan,	Powers,	Weiss,
Dix,	Kline,	Prosen,	Welsh, E. B.,
Dolon,	Knoble,	Rank,	Welsh, M. J.,
D'Ortona,	Kolankiewicz,	Rausch,	Williams,
Duffy,	Komorofski,	Readinger,	Winner,
Early,	Krise,	Reagan,	Wolf,
Eckels,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elder,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Elliott,	Leisey,	Regan,	Woodring,
Ely,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy,
Fletcher,	Lovett,	Rosenfeld,	Speaker.
Flynn,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 540, entitled:

An Act to further amend clause A of section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463) entitled as amended "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by providing for the termination and dissolution of inactive municipal authorities

On the question,

Will the House agree to the bill on third reading?

Mr. MORAN. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec. 1, (sec. 4) page 4, line 10, by inserting after the word "act" the following: "for the purpose of acquiring, holding, constructing, improving, maintaining and operating waterworks, water supply works or water distribution systems."

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1255, as follows:

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue and sell new bonds therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases where any city of the first class has by virtue of any general or special Act of Assembly issued or may hereafter issue bonds with or without interest coupons attached to secure any indebtedness of any such city which bonds may have matured but remain unpaid and uncancelled or are about to mature and become payable or whenever any such city shall have the option to redeem or pay any such bonds or whenever holders of any such bonds of any such city which may not have matured or become redeemable are willing to surrender the whole or any part of any issue thereof it shall be lawful for any such city for the purpose of redeeming or paying off any or all such bonds payable redeemable or offered for redemption as aforesaid to issue and sell either registered or coupon bonds bearing interest at a rate not exceeding the rate specified in the bonds to be redeemed and paid and payable at any time not exceeding forty (40) years after the date of issuance thereof and not exceeding in the aggregate the amount of the bonds so redeemed or paid and the said bonds so issued and sold in accordance with the provisions of this act shall be exempt from taxation except for State purposes Provided However that such new bonds shall not mature later than fifty (50) years from the date of issuance of the original bonds and Provided Further that all assets in the Sinking Fund if any for the redemption of the issue of bonds proposed to be refunded shall first be applied to the payment as far as applicable of the principal of such bonds and the balance of such issue only shall be redeemed by the issue of new bonds

Section 2 When any such City shall borrow money and shall issue and sell new bonds for the purpose of redeeming or paying off bonds theretofore issued and proposed to be refunded the authorities of such City shall sell the same to the highest responsible bidder after public notice by advertisement once a week for three (3) successive weeks in at least one newspaper of general circulation published in the County in which such City shall be situated Provided That no bid for such bonds at less than their par value shall be accepted and Provided Further That where bonds shall be advertised for sale as provided in this act and no bids have been received then it shall be lawful for such City to sell the same at private sale at not less than par and accrued interest and Provided Further That it shall be lawful for such Cities to sell such bonds to the Sinking Fund Commissioners thereof without advertisement at not less than par whenever in the opinion of the Mayor the City Controller and the City Solicitor or a majority of them such sale without advertisement may seem proper or advisable and the Sinking Fund Commission shall thereupon be duly authorized to purchase the said bonds as aforesaid

Section 3 All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed except the provisions of the act approved the fifth day of January one thousand nine hundred thirty-four (P. L. 218 1933-34) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therfor" as amended by the act approved the nineteenth day of June one thousand nine hundred thirty-nine (P. L. 428) which shall remain in full force and effect

Section 4 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gilan,	McClanaghan,	Scanlon,
Baugher,	Gillette	McClester,	Schwab,
Bentley,	Greenwood,	McDermott,	Serrill,
Bentzel,	Gross,	McDowell,	Shaffer
Boles,	Gryskewicz,	McFall,	Shepard,
Boney,	Gyger,	McGrath,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Stallenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brown,	Hamilton,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hare,	Melchiorre,	Stank,
Brunner, P. A.	Harkins,	Mihm,	Stine,
Burns,	Harmuth,	Modell,	Stockham,
Burris,	Harris,	Mooney	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley,	Thompson, E. F.,
Cochran	Herman,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Nunemacher,	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor,	VanAllsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vincent,
Corrigan,	Imbrie,	O'Neill,	Vogt,
Croop,	James,	Owens,	Voldow,
Cullen,	Jefferson,	Petrosky,	Voorhees,
Dalrymple,	Jones, G. E.,	Pettit,	Wagner,
Dennison,	Jones, P. N.,	Polaski,	Watkins,
DiGenova,	Keenan,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E. B.,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Williams,
Early,	Komorofski,	Readinger,	Winner,
Eckels,	Krise,	Reagan,	Wolf,
Elder,	Lee, E. A.,	Reese, D. P.,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Finnerty,	Lesko,	Rhea,	Wright,
Fisher,	Levy,	Riley,	Yeakel,
Fiss,	Leydic,	Rooney,	Yester,
Fleming,	Lichtenwalter,	Rose, S.,	Young,
Fletcher,	Longo,	Rose, W. E.,	Kilroy
Flynn,	Lovett,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 277, Printer's No. 415, was passed over at the request of the SPEAKER.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. ACHTERMAN. Mr. Speaker, I want to call to the Chair's attention a Printer's error in House Bill 277. It is not only crude but it seems to me possibly the Printer was trying to do a little legislating on his own, and it is my theory and belief that in checking with the Printer an effort should be made to determine whether or not it was an intentional error on the part of the Printer. In all my years here I have never seen an error that

looked so much like an intentional one, Mr. Speaker, and I feel it deserves the attention of this House.

The SPEAKER. The Chair will have the copy of the bill sent to the Printer returned for examination, and so directs the Clerk.

Mr. WOODSIDE. Mr. Speaker, as a matter of information, when this bill is reprinted will it be reprinted with the same Printer's number or with a new Printer's number?

The SPEAKER. When this bill is reprinted it will be reprinted with a new Printer's number.

Mr. WALTER E. ROSE. Mr. Speaker, the gentleman from Monroe said he wanted to call attention to what the error was. I would like to know.

Mr. ACHTERMAN. I will be very glad to tell the gentleman, Mr. Speaker. In House Bill No. 277 the increase of salaries of teachers of the fourth class school districts and the increments is placed upon the Commonwealth, and apparently the Printer felt the Commonwealth could not bear the expense and therefore he took it out.

The SPEAKER. The Chair will submit a copy of the original bill to the Rules Committee for examination.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 685, entitled:

An Act to protect the public against the advertising or offering for sale at fixed prices eyeglasses spectacles putting restrain upon layman selling eyeglasses spectacles and filling prescriptions for the same similar to the restrain upon professions licensed by the State to prescribe eye glasses and spectacles fixing a penalty for violations of this act and investing the courts with jurisdiction to prevent and restrain violations of this act

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HIRSCH.

The House resumed the consideration on third reading of House Bill No. 964, as follows:

An Act relating to the business of selling or leasing chattels on the installment or deferred payment plan and prohibiting the joining in one agreement of sale or lease of chattels purchased or leased at different times

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No person copartnership association or corporation engaged in the business of selling or leasing chattels on the installment or deferred payment plan shall upon sale or lease of any such chattel to any person who has previously purchased or leased upon an agreement of sale or lease any other chattel include the said chattel so last purchased or leased or any part thereof in a new agreement of sale or lease with the chattel or chattels previously purchased or leased or any part thereof and all such agreements of sale or lease shall include only such chattels as are actually purchased or leased at the time of the execution of such agreement of sale or lease and any agreement of sale or lease executed in violation of the provisions of this section shall be null and void

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Foor,	Malloy,	Rush,
Allmond,	French,	Marks,	Sarge,
Auker,	Gallagher,	Maxwell,	Sarraf,
Baker,	Gates,	McClanaghan,	Scanlon,
Balthaser,	Gillan,	McClester,	Schwab,
Baugher,	Gillette,	McDermott,	Serrill,
Bentzel,	Greenwood,	McDowell,	Shaffer,
Boies,	Gross,	McFall,	Shepard,
Boney,	Gryskewicz,	McGrath,	Simons,
Boorse,	Gyger,	McIntosh,	Skale,
Bradley,	Habbyshaw,	McKinney,	Snyder,
Breth,	Haberlen,	McLanahan,	Sollenberger,
Bretherick,	Haines,	McMillen,	Sorg,
Brown,	Hall,	McSurdy,	Stambaugh,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stank,
Brunner, P. A.,	Hare,	Mihm,	Stine,
Burns,	Harkins,	Modell,	Stockham,
Burris,	Harmuth,	Mooney,	Tarr,
Cadwalader,	Harris,	Moran,	Tate,
Chervenak,	Heatherington,	Muir,	Taylor,
Chudoff,	Helm,	Munley,	Thompson, E. F.,
Cochran,	Hering,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Nunemacher,	Trout,
Cohen, R. E.,	Hersch,	O'Brien,	Turner,
Cook,	Hewitt,	O'Connor,	Van Allsburg,
Cooper,	Hirsch,	O'Dare,	Verona,
Cordier,	Holland,	O'Mullen,	Vincent,
Corrigan,	Huntley,	O'Neill,	Vogt,
Croop,	Imbrie,	Owens,	Voldow,
Cullen,	James,	Petrosky,	Voorhees,
Dalrymple,	Jefferson,	Pettit,	Wagner,
Dennison,	Jones, G. E.,	Polaski,	Watkins,
DiGenova,	Jones, P. N.,	Polen,	Weingartner,
Dix,	Kenehan,	Powers,	Weiss,
Dolon,	Kline,	Prosen,	Welsh, E. B.,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Wilkinson,
Early,	Komorofski,	Readinger,	Williams,
Eckels,	Krise,	Reagan,	Winner,
Elder,	Lee, E. A.,	Reese, D. P.,	Wolf,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Ely,	Leisey,	Regan,	Wood, N.,
Falkenstein,	Leonard,	Reynolds,	Woodring,
Finestone,	Lesko,	Rhea,	Woodside,
Finnerty,	Levy,	Rooney,	Wright,
Fisher,	Leydic	Rose, S.,	Yeakel,
Fiss,	Lichtenwalter,	Rose, W. E.,	Yester,
Fleming,	Longo,	Rosenfeld,	Young,
Fletcher,	Lovett,	Royer,	Kilroy,
Flynn,	Lyons,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. LEONARD asked and obtained unnaimous consent to address the House.

There are some fifty-four million people in America who are required to labor for a livelihood. Through organizations a great number have been able to improve their working conditions and raise their remuneration for labor performance. Some of the workers have not been as successful. Among these are the employes of the West Penn Hospital, of Pittsburgh, such as laundry, kitchen and housekeeping departments. These unfortunates have as yet been unable to enjoy the privileges that a great percent of the workers of America are enjoying.

Would anyone argue that under the circumstances the strikers have no right to use their organized strength to improve their conditions? It may be said that they should exercise all possible means before resorting to a strike. I agree with that viewpoint. Any reasonable man would have to agree with it. Did the employes of the West Penn Hospital resort to the strike in haste and without consideration for the public welfare? The facts as placed on the records in the court room during the hearing on the injunction in my opinion prove beyond any reasonable doubt that the Union of West Penn Hospital workers made every effort in the course of fourteen months to settle their grievances without resorting to strike action.

I present briefly just a few of the means that were used by the Union:

1. The Union first sought to secure a reasonable settlement through negotiations in January, 1940. The management at West Penn Hospital refused to recognize the Union and flatly rejected proposals to better wages and working conditions.

2. The Union then sought an election under the State Labor Relations Act whereby the service employes at West Penn Hospital could determine for themselves through the orderly procedure of State Labor Relations Act whether or not they wished to be represented by the Union. The management promptly secured an injunction against the State Labor Relations Board thus preventing the carrying out of this orderly procedure.

3. After that the Union sought to change the attitude of the West Penn Hospital through publicity and disseminating of information against the general public concerning the conditions existing in the Hospital.

4. Later, even after the membership finally authorized the strike in February, 1941, the Union officials secured the intervention of the State Department of Mediation. Despite the efforts of the Mediator the hospital management refused to make any concessions whatsoever in order to avert the strike.

5. After the failure of the Mediation, the Union refrained from any action for several weeks while distributing leaflets to relatives of patients and to the general public, informing them that a strike at West Penn Hospital was imminent and asking for their support. When the srtike was finally called on Friday morning, April 18th, the engineers needed to supply power, heat, and light, and other employes were left on duty. The strike included only service employes, mainly those working in the laundry, kitchen, and housekeeping departments. Nurses, doctors, dieticians, etc., were not interfered with. Thus, while the hospital was greatly inconvenienced the patients were not in danger. Hospital physicians testifying in court were merely able to state that in their opinion a certain amount of "nervousness and apprehension" in the patients was caused by the strike. Judge Patterson, in handing down his decision, underlined the fact that even this statement of the physicians was merely a statement of opinion and not a statement of fact.

I believe that in the light of all the above facts the employes of West Penn Hospital exercised great caution, restrained themselves admirably, and suffered long the injustices under which they work before resorting to strike action. Who can condemn their action without being able to point out some other method which they might have used to improve their conditions. I am not aware of any such method. Will anyone therefore seriously contend that they must suffer in silence and accept whatever the management of the hospital deigns to give them? Such a stand would be contrary to the recognized principles of American Life. What are the striking employes asking? Are they making unreasonable demands? Well, here's what they're asking and you can judge for yourselves:

1. Minimum Wage of $45.00 per month; 10 per cent increase for those earning more than $45.00.

2. Recognition of their Union.

3. No discrimination against strikers.

Finally, gentlemen, I think all of us realize that the whole question of Hospitals and the free care which some of them furnish are a general community responsibility. The care of free patients is not primarily the responsibility of employes who happen to be working in a hospital and they're not the ones who should be expected to shoulder the burden through accepting starvation wages.

West Penn Hospital is reputed to be in better financial condition that most other hospitals. I understand that West Penn Hospital has not had a deficit for the past two years. It has been admitted by the hospital management that the question of finances is not the only reason why they refuse to deal with the Union. They simply take the high-handed and reactionary attitude that they will not deal with an organization of their employes and through this action they have forced a suspension of services in the hospital.

To show further the just cause of the strikes I wish to read the statement made by Reverend Charles Owen Rice:

> "The stoppage of work at West Penn Hospital," he said, "forcibly calls our attention to an unpleasant and intolerable condition that we all have known of vaguely for a considerable time.
>
> "Hospital workers in virtually all our hospitals are tragically underpaid. Their wages may truly be called 'coolie wages.' When men with families can do hard work during long hours for as low as $35 a month, something is wrong. This is true and I have often thanked God for the fine chraitable spirit of our Pittsburgh hospitals. However, we cannot build charity on top of injustice.
>
> "The union's call for a stoppage of work is justified in my mind because every other method of bettering the workers' conditions has ben tried and has failed. The hospital association simply refused to make concessions to the workers. Because of this, I would say that the responsible leaders of the hospital association are more to blame for the strike than the underpaid workers.
>
> "I doubt, if upon sober thought, it is the will of the people of Pittsburgh that workers should be free to seek justice everywhere except in the citadels of medicine, religion and charity."

Mr. Speaker, personally I am absolutely against any interference with the care of the sick whether it be by the employes or the management. Believing that, I do not see why just because one happens to be employed by a hospital he must work for starvation wages. I am happy

to say at this time that House Bill 1097 which has been introduced in this House will go a long way to straighten the matter out and bring justice to these employes. In accordance with the principles of our government it is the duty of the employers of this country to give justice to all those who work for a living, whether they are working for a hospital or a steel plant.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The opening baseball game in the Inter-State League will take place at Island Park, Wednesday, April 30, at 2:30 p. m. Eastern Daylight Time, between Harrisburg and the Hagerstown team. I hear Les Bell has a pretty fair ball club this year. The Republicans and Democrats, if they become chummy tomorrow afternoon might have a chance to attend this grand opening.

The Chair hopes the House can meet tomorrow at 12 o'clock Standard Time, in order to complete its work as early as possible so that those Members who wish to attend may do so.

PERMISSION TO ADDRESS HOUSE

Mr. TARR asked and obtained unanimous consent to address the House.

Mr. Speaker, I want to call the attention of the Members of the House to the fact that the Americanism program tomorrow will be held in the hall of the House.

The Members who are members of the War Veterans Association are requested to wear their caps. For the benefit of those who have forgotten to bring caps Mr. Taylor of Dauphin County has informed me that he will be able to borrow a cap for anyone that contacts him. Do not contact him if you are not a War Veteran.

PERMISSION TO ADDRESS HOUSE

Mr. TAYLOR asked and obtained unanimous consent to address the House.

Mr. Speaker, it is requested that the Members of the House be in their seats to take part in this program. Two outstanding speakers have been secured, and we certainly do not want to see half the seats empty. We would like all the members of the House to be in their seats for this Americanism program.

REPORTS FROM COMMITTEES

Mr. TAYLOR, from the Committe on Municipal Corporations, reported as amended, House Bill No. 215, entitled:

An Act to further amend sections one and four of the act, approved the sixteenth day of May, one thousand nine hundred and nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," extending the provisions of said act to include land acquired at city treasurer's sales for unpaid taxes and providing that in certain cases notice of the proceedings by advertisement shall be deemed a good and sufficient service.

Mr. POWERS, from the Committee on Cities—Second Class, reported as committed, House Bill No. 1405, (Senate Bill No. 286), entitled:

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March, one thousand nine hundred and one, (P. L. 20), entitled "An act for the government of cities of the second class," prescribing the manner in which money shall be drawn from the city treasury.

Mr. McCLANAGHAN, from the Committee on Military Affairs, re-reported as amended, House Bill No. 90, entitled:

An Act providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as United Spanish War Veterans, Inc.

BILL RE-REFERRED

Mr. LEVY returned from the Committee on Workmen's Compensation with the recommendation that it be re-referred to the Committee on Public Utilities, House Bill No. 1079, entitled:

An Act to further amend section four, nine, and eleven of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled, as amended "An act providing for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," including electric light plants as projects; and authorizing the transfer to, and acquisition by purchase or eminent domain by Authorities.

The SPEAKER. The bill is re-referred to the Committee on Public Utilities.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 1151 and 1152

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1151, Printer's No. 289, entitled, "An act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money."

House Bill No. 1152, Printer's No. 294, entitled, "An act making a deficiency appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one."

ARTHUR H. JAMES.

HOUSE RESOLUTION No. 18

Mr. WEISS. Mr. Speaker, I desire to call up House Resolution No. 18, Printer's No. 387.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 10, 1941.

Whereas, The Governor of the Commonwealth has repeatedly expressed the desire of his administration to provided work for the unemployed; and

Whereas, There are at the present time many unemployed miners in the Herminie Coal District in Westmoreland County; and

Whereas, Such unemployment is due to the fact that the mines in and about the Herminie Coal District are unable to operate, due to the flooded condition of said mines; and

Whereas, In addition thereto, this condition creates a hazard to the miners working in adjacent mines; and

Whereas, The Commonwealth has in the past aided similarly distressed coal districts by pumping water out of the flooded mines in such districts; and

Whereas, The mining of coal constitutes almost the entire industry of the Herminie Coal District, and the operators of such mines are anxious to reopen them when the water has been pumped from said mines; therefore be it

Resolved, That it is the sense of the House of Representatives that the proper authorities of this Commonwealth take immediate steps to pump, or to arrange for the pumping of, water from the distressed coal mines in the Herminie Mine District, and to pay for the cost of such work, for the express purpose of providing employment for the coal miners of said district; and be it further

Resolved, That a copy of this resolution be transmitted to the Department of Health and the Department of Mines of this Commonwealth by the Chief Clerk of this House.

On the question,

Will the House adopt the resolution?

Mr. WEISS. Mr. Speaker, representatives Maxwell and myself received a petition signed by practically every resident of Herminie, Westmoreland County, in which petition they state that they respectfully request the Governor, the Secretary of Mines, and every Member of the General Assembly to give whatever aid is possible in rehabilitating the Herminie Coal Basin. This community has suffered immensely since the suspension of work in Herminie No. 1 and No. 2 plants. Many residents are on relief. I might say practically all of them are on relief, and their only hope is the reopening of the mines.

I have also a letter before me from Mr. White, cashier of the bank in Herminie, in which he states that in behalf of every individual in the community as well as the bank he signs the petition. He states that the mines constitute almost the entire industry in his district and due to the flooded condition of the mines they are unable to be operated.

This is a menace to the adjacent mines and to the miners working therein. This condition restrains the operation of a large block of coal in and around Herminie by mines now in position to operate excepting for this water, thereby keeping hundreds of men out of gainful employment.

I have a letter also from attorney John S. VanKirk, in which he states that he has two parties at present who are desirous and able to operate these two mines immediately, provided the water can be removed. The two mines in Herminie for which he speaks have produced and can continue to produce over a million tons of coal per year provided the mines are drained. In addition to the above two mines, the drainage of the same will remove the hazard and permit the operation of mines belonging to the Westmoreland Coal Company at Lowber, the Hillman Coal Company mines at Edna, and the Keystone Coal Company coal in the immediate vicinity. All of these mines are directly affected by this water and the drainage of the Herminie mines will mean the draining of the entire district, which includes all of the mines above listed.

Mr. Speaker, during the 1939 session I presented a resolution in the House of Representatives to investigate the condition of various ghost towns in which either the mines had been wiped out or they were impossible of being worked, and although the House of Representatives did not see fit to take any action, I think that the problem of rehabilitation of the ghost town is a great problem, because every person in that particular community is dependent for their livelihood on the mines, and if they cannot get that livelihood by getting the mines working, they are going to be on the relief rolls of the Commonwealth.

Not so long ago, in the particular vicinity of these mines which we are asking to be drained, we had an unfortunate accident in which four children of one family fell through ice in the mine and died. This happened March 4th, right at Herminie, in the very same district which we are asking that this draining be done. If these particular mines had been drained, this unfortunate accident would not have happened and these children would have been living today. So, aside from any safety measure for the residents of the district it would also work very greatly in behalf of the people who are unemployed. Therefore, this request to the Department of Mines and the Governor and to all concerned to help this district is a meritorious request, and I ask unanimous agreement to the resolution.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

HOUSE RESOLUTION NO. 70

Mr. MATTHEW J. WELSH. Mr. Speaker, I desire to call up House Resolution No. 70, Printer's No. 414.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 7, 1941.

Whereas, In the administration of old age assistance by the Department of Public Assistance many needy citizens are discriminated against or deprived of assistance for various technical reasons such as necessity to depend on contributions from relatives who may have difficulty in supporting themselves on an American standard of living or because of the ownership of small amounts of property or insurance or the like; and

Whereas, The purpose and object of old age assistance was humanitarian to provide funds for the needy aged to live their own lives separately without being a burden on relatives or become public charges in a county home an institution now being maintained only for those who need institutional care; and

Whereas, It is believed generally by the public that investigators employed at comfortable salaries are unduly technical in trying to ferret out reasons for the rejection of applications for old age assistance, and for the discontinuance of aid to those who may have been receiving the same, and that as the result thereof many worthy aged are placed in dire distress; and

Whereas, It is believed the rules and regulations of the Department of Public Assistance are more stringent than required by law and more stringent than required by the Social Security Board in order to receive Federal grants-in-aid for old age assistance; therefore be it

Resolved, That the House of Representatives hereby requests the Department of Public Assistance to administer the Old Age Assistance Law in a spirit of equity and justice, and to grant assistance to all the needy aged in order that they may enjoy such comforts as it is the governmental duty of the state assisted by the Federal Government to provide for those who are unable to help themselves economically, and to so modify its rules and regulations as to be no more stringent than required by the Social Security Board in order to receive Federal grants-in-aid.

On the question,

Will the House adopt the resolution?

Mr. WOODSIDE. Mr. Speaker, I have no objection to the general purpose of the resolve set forth in this resolution. I do wish to call the attention of the Members of the House to the fact that there are at least two instances in which old age assistance is administered in Pennsylvania more liberally than provided for by the Social Security Board, and where expenditures are made in old age assistance entirely out of state funds which are not reimbursed out of Federal funds. Those instances are those of medical services and burial expense.

I might call the attention of the House to the situation with reference to the blind at this time. I think it has a lot of bearing on the resolution, and I think the attention of the House should be called to the situation concerning old age assistance.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, about a month ago I presented a resolution to this House asking for an investigation of certain state hospitals. I approached the subject fairly and with the thought in mind that the investigation would be a bipartisan one, that is it would not be claimed the committee that was doing the investigating was political in nature, because the representation would be equally divided between the two major parties in Pennsylvania.

The reason for the presentation of the resolution was quite obvious, from the fact that individuals living in the area served by the hospitals were complaining about conditions in the hospitals. The newspapers arrived at the point where they found it essential and necessary to call the public's attention to the conditions existing in these hospitals. Added to that finally the governor was forced to cancel and withdraw the name of one of his appointees because it was discovered that particular person had a criminal record. After the resolution was passed by this House, the Governor O.K'd such an investigation, asserting that there was nothing to hide, that there was nothing he was not willing to disclose to the public and to a committee of investigation. Following that O.K. from the Governor came word from Mr. Sweeney's office that there was nothing to hide. Added to that we had another O.K. coming from the other side of the House, the Members on the other side joining with us in passing the resolution. All of a sudden, Mr. Speaker, the resolution ran into a dead silence in the Senate. The Senate apparently is not desirous of investigating or else perhaps the Senate may be sleeping. I don't know. But at least they do not want an investigation or if they do, they certainly do not want it for some years to come. Why the Senate should take that attitude after the Governor and Mr. Sweeney said they welcomed an investigation, is rather difficult to understand. Then again, Mr. Speaker, is it difficult to understand? Perhaps, after all they decided that they will not have an investigation. They will not have an investigation, why? Because there is something there to hide; something they do not wish to be brought out in the light of day, or if so, then it would redound to the disadvantage of the Republican party.

Mr. Speaker, I may say that the Republican party has no right, having their Governor frankly stating to the Press "I am glad to be investigated," then having their department head saying, "Yes, we are willing to be investigated," and then have the Republican Senate say, "No." The Senate has kept the resolution for an entire month. As a matter of fact at one time in the proceedings I have been advised they apparently decided they would kill it. The Senate is fearful of public reaction. They sent it back to committee to play ball with, but they should at least show to the public how their Governor or how their party is operating those hospitals.

I regret, Mr. Speaker, that they have not been fair. I regret that their party in the Senate is not willing to disclose to the people of Pennsylvania the condition that exists in these state hospitals.

Therefore, I have decided, Mr. Speaker, if the Senate is reluctant, if the Republican party is afraid, if they do not wish or desire the people to know, then I say this House has a duty to perform which is perhaps even more serious than I at first thought when I presented my resolution.

With that thought in mind, Mr. Speaker, I shall present a resolution to this House seeking the appointment of a committee by this House to investigate the conditions in those hospitals.

Mr. Speaker, I ask consent of the House at this time to introduce the resolution.

The SPEAKER. This is not a privileged resolution. It will be filed with the Clerk under the rules.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I will be just as brief as I possibly can in my remarks. I want to say first with reference to the resolution it is my understanding that the resolution is under consideration in the Senate at the present time. The resolution has not been pickled, it has not been indefinitely postponed and it has not been laid aside with the idea of no action being taken on it. I think it comes with very poor grace from the gentleman on the other side who is Chairman of the Appropriations Committee and who has had appropriation bills in that committee for some time, which have not made their appearance in the House. It also comes with very poor grace from the gentlemen on the other side who have the tax bills in committee all this time without any consideration given them by this House. The fact that the Senate has had the reso-

lution in committee for no more time than the gentleman has had bills in his Appropriations Committee is no indication that the Senate is going to definitely postpone the matter which will mean the death of the resolution.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I wish to thank the gentleman from Dauphin for advising me that the Senate is still considering the resolution. I realize that the resolution is very weighty, and I can appreciate the great difficulty the Senate must be laboring under in consideration of the resolution, because if the conditions exist that we have been advised do exist in the hospitals, then perhaps it would take more than a month to cover up. I realize also that perhaps if they have the resolution long enough the House might adjourn before some preliminary report could be made by the investigating committee. May I assure the gentleman from Dauphin that after all the subject contained in that resolution certainly does not carry with it either the amount of study or the work that is necessary with reference to tax bills and the budget—especially the budget, Mr. Speaker. There is nothing to conjure up there.

The Governor has estimated his deficit running anywhere from twenty-three to seventy-seven million dollars. Every time I read it I can see ninety million dollars just as easy as can be. This is a subject that takes time, Mr. Speaker, the investigation of the hospitals, where vice is rampant or alleged to be rampant, where inefficiency exists, and many other things that are wrong certainly exist. Therefore, I can understand the Senate Committee deciding that it will take time, more than a month, to decide whether we ought to investigate these conditions.

Mr. WOODSIDE. Mr. Speaker I would like to address the House in the form of an interrogation of the majority floor leader.

The SPEAKER. Will the gentleman from Monroe, Mr. Achterman, permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the gentleman has used many times on the floor of this House the sum of ninety million dollars as the deficit, as he calls it, which is likely to exist at the end of this biennium. I think the gentleman has evidently followed the theory of Adolph Hitler to the effect that if a fellow lies often enough and big enough they will eventually believe him. I would like to ask the gentleman to itemize that ninety million dollars deficit.

Mr. ACHTERMAN. That is not so difficult. The gentleman will find repayments due to special funds under present acts of $59,500,000. The gentleman will also discover that we appropriated out of special funds $14,500,000. The gentleman will discover deficits postponed to June 1, 1941, in the sum of $4,950,000. The gentleman will also find we appropriated out of other special funds $6,300,000. The gentleman will find that there are other existing deficiency appropriations totaling somewhere in the neighborhood of $4,700,000.

Mr. WOODSIDE. Mr. Speaker, the gentleman has used somewhat the same type of arithmetic he used in his first attack on the budget, in which he had a ten million dollar item and an eleven million dollar item. The first item should have been subtracted from the second item leaving one million dollars, but the gentleman added the two together which made a total of twenty-one million dollars. The gentleman has $6,300,000 appropriation in both the amount that was borrowed and as an appropriation. If you start figuring by doubling that way maybe you can get up to ninety million dollars, and if you start to multiply instead of adding, you can get it up to three hundred million dollars. I think the gentleman will find that the $6,300,000 item is a duplication. I think he will find also that he is a little bit high on his $4,950,000 which he referred to as a delayed payment. Even at that, if my arithmetic is correct, the way he has it figured up and the way I have figured it up, he has too much in the amount that was borrowed from the special funds. He used two figures in that instead of one which showed about three million dollars too much. Even at that it is still less than ninety million dollars, although there is one item I did not quite get in the hasty way he gave it, but certainly the gentleman has used the $6,300,000 item on two different occasions so therefore he is that much too high on that alone.

Mr. ACHTERMAN. Mr. Speaker, I want to assure the gentleman from Dauphin that I am clear about the figure of $6,300,000. It is distinctly borrowed and I am correct on the amount. This money will have to be repaid back in the coming biennium. May I assure the gentleman from Dauphin that I am not in error on the $59,500,000 because I took that out of the budget. Speaking of the $4,950,000 I took that out of the budget. The $14,500,000 item I did not take out of the budget because we know that was borrowed since the budget was given to us. The gentleman will find, if he checks the budget and will go over the figures that it just cannot be explained away.

Mr. WOODSIDE. Mr. Speaker, I am sorry to take up the time of the House at this particular time but the gentleman raises the question which he has raised so often and on so many occasions, when I thought it not proper to answer him, but I think he ought to be answered now.

May I ask the gentleman from Monroe what he says the total amount borrowed from the various special funds is at this time.

Mr. ACHTERMAN. Mr. Speaker, I do not understand the question.

Mr. WOODSIDE. Mr. Speaker, what is the total amount that would be borrowed from all the special funds at the end of the biennium, according to present borrowings

Mr. ACHTERMAN. Mr. Speaker, if I am to believe the budget you have $59,500,000. Added to that you have $14,500,000 and then you have this $6,300,000. May I state Mr. Speaker, that some of it may represent deferred payments that are due in this biennium.

Mr. WOODSIDE. That is correct Mr. Speaker, because what the gentleman has done is to add appropriations to borrowings. You cannot add appropriations to borrowings. He gets a borrowing there of something over eighty million dollars, whereas the borrowing up to date has been $70,100,000. There is ten million dollars of a mistake right there.

Mr. ACHTERMAN. Mr. Speaker, I assure the gentleman if you have certain obligations, if you postpone those particular obligations, you still have those obligations and they still must be paid.

Mr. WOODSIDE. Mr. Speaker, how much does the gentleman say has been postponed?

Mr. ACHTERMAN. Unfortunately I cannot answer that question because I do not have the break-down here of the $59,500.00.

Mr. WOODSIDE. Mr. Speaker, I would like to give the gentleman an opportunity to produce his ninety million dollar figures. I realize the fact that very often we cannot keep all these figures in our minds and we do not always carry them around in our pockets, but I would like the gentleman tomorrow, if he will, to produce the figures that will show the ninety million dollar deficit, that he has been talking so much about.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomed to the House a former Member from Philadelphia, Mr. Joseph Ominsky.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 349.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved the signed House Bill No. 349, Printer's No. 237, entitled, "An Act To authorize cities boroughs incorporated towns townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments."

ARTHUR H. JAMES.

PUBLIC HEARINGS

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 765 on Tuesday, May 6, 1941 at 7:00 p. m., E.S.T. in the Ald House Caucus Room—3rd Floor.

There will be a Public Hearing before the Committee on Professional Licensure on House Bills Nos. 335 and 678 on Wednesday, May 7, 1941 at 10:30 a. m., E.S.T. in the New House Caucus Room.

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, May 6, 1941 at 6:00 p. m., E.S.T. in the New House Caucus Room.

Reminder—Americanism Program—Hall of the House—April 30.

Speakers—Hon. Francis Myers—Philadelphia; Hon James VanZandt—Altoona. Plan to be present early.

COMMITTEE MEETINGS

Cities, Third Class, Wed., April 30 at 9:30 a. m., in Room 325.

Cong. & Judicial Apportionment, Wednesday, April 30 at 10 a. m. in Room 323.

Counties, Wednesday, April 30 at 11 a. m. in Room 521.

Education, Wednesday, April 30 at 10 a. m. in Room 326.

Labor, Wednesday, April 30 at 10 a. m. in Room 522.

Liquor Control, Wednesday, April 30 at 11:30 a. m. in Room 325.

Motor Vehicles, Wednesday, April 30 at 11 a. m. in Room 324.

Professional Licensure, Wednesday, April 30 at 11 a. m. in Room 246.

Public Utilities, Wednesday, April 30 at 9 a. m. in Room 331.

State Government, Wednesday, April 30 at 10:30 a. m. in Room 325.

Welfare, Wednesday, April 30 at 11:30 a. m. in Room 246.

Democratic Caucus, House Caucus Room this evening at 8 p. m. Daylight Saving Time, 7 p. m. Eastern Standard Time.

There will be a meeting of the Philadelphia Democratic members of the House in the New House Caucus Room immediately after this session.

ANNOUNCEMENT

All Members of the House who are members of organized labor are cordially invited to attend the afternoon session of the C.I.O. State Convention being held in the Chestnut Street Auditorium, upon adjournment this afternoon.

Americanism Program, all of the House, April 30, immediately after adjournment of the session. Speakers Honorable Francis Myers, Philadelphia, and Honorable James VanZandt, Altoona. All members are urged to stay for this program.

ADJOURNMENT

Mr. ELDER. Mr. Speaker I move that this House do now adjourn until Wednesday, April 30, 1941, at 12 m.

The motion was agreed to, and (at 4:45 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., WEDNESDAY, APRIL 30, 1941. No. 45.

SENATE

WEDNESDAY, April 30, 1941.

The Senate met at 12:00 o'clock, noon, E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain prayer was offered by the Senator from Berks, Rev. Dr. RUTH.

Almighty God, our Heavenly Father, on this beautiful morning we have gathered here to do what Thou hast appointed us to do. We feel that within ourselves we are weak; we think we understand but we are not sure, but we know that if Thy spirit will guide us we can do in our small way the things that will help to make this state the great state it has been all through the history of our nation, to keep it a great state, to keep it the keystone of this great nation. We pray for guidance that we may do and say those things that shall keep friendliness and peace uppermost in our hearts, not only for ourselves but for the whole world, and in the time that is appointed that is just ahead and we may be called upon to play a large part in rebuilding this present world, we pray that then too Thy spirit may guide us and all those who have anything to do with building this world, so that Thy name may have all the praise and the honor and the glory. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. KEPHART and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. EALY. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 30, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 30, 1941.

To the Honorable, the Senate, of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Gladys M. Sacco, Ingram.

CUMBERLAND COUNTY

Mrs. Geraldine Romberger, Carlisle.

HUNTINGDON COUNTY

Ivan Park, Three Springs.

LEBANON COUNTY

Clarence B. Spangler, Palmyra.

PHILADELPHIA COUNTY

William J. Benham, Phila., 3200 Midvale Avenue.
Louis J. DeOlden, Phila., 2525 Dickinson Street.
Joseph P. Parker, Phila., 642 South 52d Street.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. EALY and Mr. EDMONDS

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40.

Bartlett,	Ealy,	Letzler,	Snowden,
Becker,	Edmonds,	Mallery,	Stevenson,
Carr,	Frey,	McCreesh,	Tallman,
Chapman,	Geltz,	McGinnis,	Taylor,
Coleman,	Haluska,	McQuiddy,	Thomas,
Cox,	Heyburn,	Miller,	Tyler,
Crider,	Homsher,	Reed,	Wade,
Crowe,	Jaspan,	Ruth,	Watkins,
Deitrick,	Kephart,	Scarlett,	Wilson, H. I.,
DiSilvestro,	Lanius,	Shapiro,	Wilson, T. B.,

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS JUSTICE OF PEACE IN LUZERNE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 30, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John B. Chesnovitch, 158 East Grove Street, Edwardsville, (Kingston P. O.) Luzerne County, for appointment as Justice of the Peace in and for the Borough of Edwardsville, Luzerne County, until the first Monday in January, 1942, vice George Chesnovitch, resigned.

ARTHUR H. JAMES.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 32, (Senate Bill No. 745), entitled:

An Act to amend paragraph one of subsection (e) of section twelve of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "Fiduciaries Act of 1917," by further defining exemption granted minor child or children.

Which was committed to the Committee on Judiciary General.

House Bill No. 101, (Senate Bill No. 746), entitled:

An Act to add rule ten A to article eleven, section one of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "Bituminous Coal Mining Law," requiring that cars or wagons used for transporting persons in or about mines and hauled by electric locomotives operated from trolley wires shall have bodies constructed of wood or other non-conducting material.

Which was committed to the Committee on Mines and Mining.

House Bill No. 194, (Senate Bill No. 747), entitled:

An Act to amend section two of article five of the act approved the ninth day of June, one thousand nine hundred eleven (P. L. 756), entitled "Bituminous Coal Mining Law," by requiring fire bosses to report any dangerous conditions in bituminous mines to the mine inspector.

Which was committed to the Committee on Mines and Mining.

House Bill No. 218, (Senate Bill No. 748), entitled:

An Act to further amend section three, and to amend section eight of the act, approved the seventh day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "Insecticides and Fungicides Law," by imposing additional duties on the Secretary of Agriculture, and further regulating the sale, manufacture and transportation of insecticides and fungicides.

Which was committed to the Committee on Agriculture.

House Bill No. 319, (Senate Bill No. 749), entitled:

An Act to further amend section one of the act, approved the eleventh day of May, one thousand nine hundred eleven (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" allowing inspectors their expenses in attending State conventions of sealers of weights and measures.

Which was committed to the Committee on County Government.

House Bill No. 398, (Senate Bill No. 750), entitled:

An Act authorizing the Department of Highways to take over bridges, viaducts and other structures on State highways for the purpose of construction, reconstruction, maintenance and repair thereof when such highways are designated as essential National Defense Highways.

Which was committed to the Committee on Highways.

House Bill No. 507, (Senate Bill No. 751), entitled:

An Act to amend article twenty-five of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756), entitled "Bituminous Coal Mining Law," requiring the employment of an assistant to every motorman operating a locomotive in or about any mine.

Which was committed to the Committee on Mines and Mining.

House Bill No. 580, (Senate Bill No. 752), entitled:

An Act to amend section twenty-four of the act, approved the sixteenth day of June, one thousand eight hundred thirty-six (P. L. 784), entitled "An act relating to the jurisdictions and powers of courts," by further defining the power of courts to punish summarily for contempt, and setting up a period of limitations.

Which was committed to the Committee on Judiciary General.

House Bill No. 645, (Senate Bill No. 753), entitled:

An Act to further amend article four, section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), as amended by the act, approved the seventh day of May, one thousand nine hundred and thirty-five (P. L. 143), entitled "General County Law," by requiring all contracts of county commissioners over five hundred dollars to be made with the lowest and best bidder, after due notice published.

Which was committed to the Committee on County Government.

House Bill No. 652, (Senate Bill No. 754), entitled:

An Act authorizing any county, city, borough, town, township, poor district, school district or institution district to execute a special warranty deed for any real property which it has acquired at any sale for the nonpayment of taxes or municipal claims.

Which was committed to the Committee on Judiciary General.

House Bill No. 660, (Senate Bill No. 755), entitled:

An Act to amend section two hundred twenty-two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," as amended, providing that

State employes may accumulate their authorized leaves of absence and take such accumulated leaves at one time.

Which was committed to the Committee on State Government.

House Bill No. 698, (Senate Bill No. 756), entitled:

An Act allowing costs and counsel fees to stakeholder in interpleader proceeding out of fund paid into court.

Which was committed to the Committee on Judiciary General.

House Bill No. 717, (Senate Bill No. 757), entitled:

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

Which was committed to the Committee on Judiciary General.

House Bill No. 727, (Senate Bill No. 758), entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law," establishing an additional route in the County of Northumberland.

Which was committed to the Committee on Highways.

House Bill No. 728, (Senate Bill No. 759), entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law," establishing an additional route in the County of Union.

Which was committed to the Committee on Highways.

House Bill No. 739, (Senate Bill No. 760), entitled:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employes Retirement Law," by further defining State employe.

Which was committed to the Committee on State Government.

House Bill No. 797, (Senate Bill No. 761), entitled:

An Act providing for personal notice to defendants admitted to bail, and to persons furnishing such bail, of the time and place where the appearance of such defendants is required.

Which was committed to the Committee on Judiciary General.

House Bill No. 964, (Senate Bill No. 762), entitled:

An Act relating to the business of selling or leasing chattels on the installment or deferred payment plan; and prohibiting the joining in one agreement of sale or lease of chattels purchased or leased at different times.

Which was committed to the Committee on Judiciary General.

House Bill No. 984, (Senate Bill No. 763), entitled:

An Act providing that when new trial is granted upon grounds that damages are inadequate or excessive, the new trial shall be confined to that question and not to liability.

Which was committed to the Committee on Judiciary General.

House Bill No. 1050, (Senate Bill No. 764), entitled:

An Act requiring cities of the first class to furnish all police officers employed by such cities, all firearms, cartridges and all other firearm accessories free of charge.

Which was committed to the Committee on Municipal Government.

House Bill No. 1071, (Senate Bill No. 765), entitled:

An Act to further amend section sixteen of the act, approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "Sproul Highway Law" providing for the payment of costs by the Commonwealth in certain cases.

Which was committed to the Committee on Highways.

House Bill No. 1091, (Senate Bill No. 766), entitled:

An Act to amend section sixteen of the act approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "Intangible Personal Property Tax Law," by providing that the tax on personal property imposed by counties, and by cities coextensive with counties, shall be a lien after recordation upon the franchise and real property of the person taxed; and providing for the extending and continuing of said liens.

Which was committed to the Committee on Judiciary General.

House Bill No. 1095, (Senate Bill No. 767), entitled:

An Act to further amend section six of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

Which was committed to the Committee on State Government.

House Bill No. 1127, (Senate Bill No. 768), entitled:

An Act defining, regulating and providing for the licensing and registration of employment agents and their representatives, including private employment agents, theatrical employment agencies and nurses' registries; providing for revocation and suspension of licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the Department of Labor and Industry and the Department of Public Instruction; providing penalties; and repealing existing laws.

Which was committed to the Committee on Judiciary General.

House Bill No. 1194, (Senate Bill No. 769), entitled:

An Act to amend sections two and three of the act approved the eleventh day of May, one thousand nine hundred and eleven, (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended, by providing for the issuance of certificates of approval for weights and measures of county, city, and borough sealers.

Which was committed to the Committee on County Government.

House Bill No. 1198, (Senate Bill No. 770), entitled:

An Act to add subdivision (e) to article two and to amend section eight hundred five of the act, approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519), entitled "General Borough Act," providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more by referendum, and prescribing the procedure therefor.

Which was committed to the Committee on Municipal Government.

House Bill No. 1240, (Senate Bill No. 771), entitled:

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth, death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh, one thousand nine hundred fifteen, (Pamphlet Laws nine hundred) and for searches of the files and records when no certified copy is made.

Which was committed to the Committee on Municipal Government.

House Bill No. 1253, (Senate Bill No. 772), entitled:

An Act providing a method of annexation of parts of townships to cities of the first class and regulating the proceedings pertaining thereto.

Which was committed to the Committee on Municipal Government.

House Bill No. 1255, (Senate Bill No. 773), entitled:

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue new bonds therefor.

Which was committed to the Committee on Municipal Government.

House Bill No. 1282, (Senate Bill No. 774), entitled:

An Act providing that taxes on unseated lands shall be collected and returned in the same manner and at the same time as taxes on seated lands.

Which was committed to the Committee on Judiciary General.

House Bill No. 1352, (Senate Bill No. 775), entitled:

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law" limiting the interest rate imposed on municipal liens so that the same shall not exceed the rate of interest paid by the municipality in financing the improvement.

Which was committed to the Committee on Municipal Government.

SENATE BILL No. 326 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 326, entitled:

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material, supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense, to be used for training or retraining workers and prospective workers for industries essential to national defense; waiving all statutory requirements as to advertising for said bids.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Amendments will lie over for printing.

REPORTS FROM COMMITTEES

Mr. CROWE, from the Committee on Highways, reported as amended, Senate Bill No. 30, entitled:

An Act providing for the establishment, construction, operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through, bordering or accessible to the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike to be known as the "Rim Parkway," providing for the creation of the Pennsylvania Parkway Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of parkway revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such parkway, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the parkway; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such parkway shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission; conferring powers and imposing duties on the Department of Highways; and authorizing the issuance of parkway revenue refunding bonds.

Mr. TALLMAN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 652, (House Bill No. 1098), entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three (P. L. 1449), entitled "An act establishing a court of record in the County of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the courts, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants; providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties." to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court.

Mr. EDMONDS, from the Committee on Education, reported as committed, Senate Bill No. 706, (House Bill No. 1021), entitled:

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provision by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," authorizing school districts under certain conditions to appropriate money to non-profit corporations established

for the purpose of constructing school buildings for the use of the district.

RESOLUTION MEMORIALIZING SENATORS AND CONGRESSMEN TO OPPOSE TREASURY PROPOSAL TO EXTEND FEDERAL TAXING POWER

Mr. EDMONDS, from the Committee on Federal Relations, to which was referred resolution offered by Mr. Thomas on February 17, 1941, reported the same without amendment as follows:

In the Senate, February 17, 1941.

Whereas, By vote of the Senate in September, 1940, the Congress of the United States decisively rejected the fiscally unsound and unconstitutional proposal for the imposition of a Federal tax on the income from state and municipal securities; and

Whereas, Despite this decisive defeat, the Treasury Department has recently announced and subsequently reiterated its intention of again urging that the present Congress enact such legislation; and

Whereas, The states and municipalities of the country have unanimously opposed the imposition of this tax on the ground that:

(1) Every state and municipal finance officer is in agreement that such a tax will cause an increase in the cost of state and municipal financing of at least 20%, which must necessarily be reflected in increased state and local taxes.

(2) Such a tax, even the Treasury concedes, cannot produce any revenue to the Federal Government for at least twenty years to come, while the incidence of the tax will be felt immediately by the states and municipalities.

(3) Reciprocal taxation by the states of Federal bonds would not defray by more than a fraction the loss to the states and cities, since, even those states which have income taxes have rates far less than the Federal Government; those states which have no income tax would receive nothing; and all cities would be left helpless, since Federal bonds would not be subject to a property tax.

(4) Such a tax, if approved by the Supreme Court, would remove the bar to complete Federal control of the fiscal operations of state and local government, and would establish what the Department of Justice itself, has called "The supreme Federal power to tax the states."

(5) Such a tax would hamper, not aid, national defense, since it cannot possibly result in any immediate increase in Federal revenues, and would cast an immediate and severe burden upon state and municipal finances just at a time when they will be called upon to expend vast sums of money in order to cooperate with the Federal Government in the national defense program.

(6) Such a tax would, by establishing supreme Federal control over the states and municipalities, completely destroy our constitutional system of a federated union of sovereign states.

Now, Therefore, It is hereby

Resolved, That the State of Pennsylvania hereby records its continued and determined opposition to the Treasury proposal to extend the Federal taxing power to the interest on state and municipal securities; and be it further

Resolved, That copies of this resolution be forwarded immediately to the Senators and Congressmen from this State, with the urgent request that they extend every effort to defeat this pernicious proposal, which would seriously jeopardize the financial welfare of the states and cities of the country, and would not benefit the nation as a whole.

Resolution laid over for one day.

Mr. LETZLER, from the Committee on Highways, reported as committed, Senate Bill No. 551, entitled:

An Act to amend route 25008 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

He also, from the Committee on Highways, reported as committed, Senate Bill No. 552, entitled:

An Act to abolish and repeal route 25008 in Girard Township, Erie County, established by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Mr. FARRELL, from the Committee on Education, reported as amended, Senate Bill 494, (House Bill No. 325), entitled:

An Act authorizing boards of school directors to permit the use of vehicles used for transportation of pupils, for educational trips and other school activities.

Mr. McQUIDDY, from the Committee on Highways, reported as committed, Senate Bill No. 557, entitled:

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations, and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

Mr. McGINNIS, from the Committee on Highways, reported as amended, Senate Bill No. 32, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike, heretofore constructed by said commission to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission, authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act, providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike making such turnpike bonds exempt from taxation, constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County, prescribing conditions upon which such turnpike shall become free, providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike, providing

for condemnation, granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds.

Mr. KEPHART, from the Committee on Agriculture, reported as committed, Senate Bill No. 282, entitled:

An Act to further amend section one of the act, approved the eleventh day of April, one thousand nine hundred and thirteen (P. L. 58), entitled "An act supplementary to an act, entitled 'An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof,' approved the eleventh day of March, Anno Domini one thousand nine hundred and nine; providing for the denaturing by kerosene of all eggs unfit for food, within the meaning of said act; and providing penalties for the violation thereof," providing for the licensing by the Department of Agriculture of persons, copartnerships, associations and corporations, engaged in the business of breaking eggs and separating the egg content from the shell and using or disposing of the contents thereof for any purpose; authorizing the Department of Agriculture and its agents and assistants and local public health enforcement agencies to take samples of eggs for the purpose of analysis; and providing penalties.

He also, from the Committee on Agriculture, reported as amended, Senate Bill No. 283, entitled:

An Act to further amend section three, and to amend sections four, five and six of the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," by further regulating sale of incubator eggs; modifying penalties; conferring powers on citizens and public health enforcement agencies of the Commonwealth; and conferring powers and duties on the Department of Agriculture.

Mr. BECKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 122, entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 345, entitled:

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills.

Mr. WATKINS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 613, (House Bill No. 1084), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 223, entitled:

An Act to amend section four of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," changing the effective date of laws affecting budgets of political subdivisions.

Mr. CRIDER, from the Committee on Agriculture, reported as committed, Senate Bill No. 714, entitled:

An Act to further amend section fifteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by providing

for the return of a portion of moneys received for licenses to the counties for use by Societies for the Prevention of Cruelty to Animals and specifically appropriating the same for such purpose.

Mr. MILLER, from the Committee on Elections, reported as amended, Senate Bill No. 561, entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by redefining amplifying and changing the powers and duties of the commission its employes and commissioners further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon the inspection of the records of the commission providing for appeals by the commission to appellate courts repealing and changing certain provisions of said act relating to removal notices and for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties.

He also, from the Committee on Education, reported as committed, Senate Bill No. 241, entitled:

An Act to further amend section two thousand six hundred and four of an act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the audit of accounts of fourth class school districts by the borough or township controller or auditors.

Mr. RUTH, from the Committee on Federal Relations, reported as committed, Senate Bill No. 682, (House Bill No. 1187), entitled:

An Act for conveyance to the United States of America of title in and to certain land compromising the Marcus Hook Pennsylvania Quarantine Station property, and ceding to the United States jurisdiction over said land.

He also, from the Committee on Law and Order, reported as amended, Senate Bill No. 563, entitled:

An Act to add section four hundred four and one-tenth to article four of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," directing the board to issue liquor licenses to holders of retail dispensers' licenses upon payment of fee and furnishing of bond; and providing that the issuance of liquor licenses in such cases shall not be prevented by any laws limiting the number of such licenses to be granted by the board.

He also, from the Committee on Education, reported as amended, Senate Bill No. 207, entitled:

An Act to further amend subsection (a) and (b) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the employment, suspension, and retirement of professional employes.

PETITIONING PRESIDENT AND CONGRESS TO CAUSE REPEAL OF CERTAIN CLAUSES OF SOCIAL SECURITY ACT

Mr. HEYBURN, from the Committee on Federal Relations, to which was referred resolution offered by Mr. Heyburn on April 15, 1941, reported the same without amendment as follows:

In the Senate, April 15, 1941.

Whereas, The Federal Government recognized in the original Social Security Act that the administration of unemployment compensation laws is properly a function of the various states and accordingly designed the act as an inducement to the adoption of the program by the states themselves; and

Whereas, The funds received from the Federal Government for the expenses of administering the state acts have in the first instance been taken from employers of the states themselves; and

Whereas, The Social Security Act has prior to and since its amendment August 10, 1939, required the state acts to meet a prescribed standard as a condition to the eligibility of such states for the refund of their expenses of administration; and

Whereas, By amendment of August 10, 1939, clauses (8) and (9) were added to subsection (a) of section 303 requiring as further conditions to the refund of such administrative expenses, the following:

"(8) Effective July 1, 1941, the expenditure of all moneys received pursuant to section 302 of this title solely for the purpose and in the amounts found necessary by the Board for the proper and efficient administration of such state law; and

"(9) Effective July 1, 1941, the replacement, within

a reasonable time, of any moneys received pursuant to section 302 of this title, which, because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of, those found necessary by the Board for the proper administration of such state law;" and

Whereas, Said clauses (8) and (9) are unnecessary for the reason that ample protection is afforded the interests of the Federal Government by the existing requirement for approval and certification of state laws by the Federal Social Security Board; and

Whereas, Said clauses are improper for the reason that they attempt to give the Federal Government power to encroach upon the domain of the states in determining their own questions of procedure and administration in which, because of geographical locations, peculiar governmental procedures and processes, and other differentials, there must necessarily exist wide variations among the several states which cannot be standardized, nor can a particular state efficiently adopt a procedure in regard to one of its functions which would be out of harmony with its general practices; and

Whereas, Clause (9) makes possible by a single act of the Federal Social Security Board the upsetting of established precedents existing under present state unemployment compensation laws already approved and accepted by the Federal Board and requiring the repayment of funds heretofore legally expended, nor does said clause have any limitation either as to the scope of the inquiry or as to the time in which demand for repayment must be made; and

Whereas, The enforcement of said clauses will have the effect of giving the Federal Government complete and arbitrary control over the administration of the unemployment compensation program which the Federal Act itself recognizes as a proper function of the states themselves; and

Whereas, If said clauses are allowed to become effective they will grant to the Federal Government control of the administration of any state or local law wherein the benefit of Federal funds is or may be obtained; therefore be it

Resolved (if the House concur), That the General Assembly of the Commonwealth of Pennsylvania hereby respectfully memorialize and petition the President of the United States and the Congress of the United States to cause said clauses (8) and (9) of subsection (a) of section 303, of the Social Security Act, as amended August 10, 1939, to be repealed prior to its effective date; and be it further

Resolved, That copies of this resolution be immediately transmitted to the President of the United States and to each Senator and Representative in Congress from the Commonwealth of Pennsylvania.

Resolution is laid over for one day.

POLISH INDEPENDENCE DAY, MAY 3rd.

Mr. HEYBURN, from the Committee on State Government, to which was referred on April 2, 1941, the following resolution from the House of Representatives reported the same without amendments as follows, viz:

In the House of Representatives, April 1, 1941.

Whereas, The pages of history nowhere show a greater love of country than that exhibited by the citizens of Poland over the course of the centuries; and

Whereas, Today, as two centuries before, the liberty-loving Poles have been trampled by the legions of a tyrant; and

Whereas, As history counsels, the Polish nation will again be reborn stronger and more powerful than ever before; and

Whereas, This country is indebted to Poland for the aid rendered our own cause during the Revolutionary War by great military leaders from Poland; and

Whereas, People of Polish descent have greatly contributed to the progress of the United States as citizens of the Republic. They have been loyal, progressive and law abiding. They have entered the various phases of American Life and contributed greatly thereto. They have been noted for their community spirit in matters of charity and human kindness. Their campaign in education for American citizenship has been outstanding; and

Whereas, The least we could do for citizens of Poland and our own citizens of Polish descent is to recognize their contribution to our own cultural and economic advancements, and to offer some recognition of their fight for Poland's independence; be it therefore

Resolved (if the Senate concur), That the Legislature of this State acknowledges the contribution made to our nation by persons of Polish origin by endorsing the celebration of Polish Independence Day on May 3rd; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating for observance this year, the third day of May, as Polish Day.

Laid over for one day under the Rules.

Mr. SHAPIRO, from the Committee on Judiciary General, reported as amended, Senate Bill No. 136, entitled:

An Act to amend section four of the act, approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," permitting natural parents in certain cases to retain their rights as natural parents.

Mr. GELTZ, from the Committee on Highways, reported as committed, Senate Bill No. 539, (House Bill No. 646), entitled:

An Act establishing certain public roads and streets as a State highway, and providing for their construction, reconstruction and maintenance by the Department of Highways, subject to certain terms and conditions.

BILLS INTRODUCED

Mr. FARRELL. Mr. President, I am about to introduce a senatorial reapportionment bill. The laws of Pennsylvania say we shall have senatorial reapportionment. I am making an honest effort to report to the people of Pennsylvania that I am going to present this bill for senatorial reapportionment, and I want to do my part towards it.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 776, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into Senatorial districts, as provided by the Constitution; and to regulate the election of, and terms of office of, the present and future elected Senators.

Which was committed to the Committee on Senatorial Apportionment.

AMERICANISM PROGRAM IN HOUSE

Mr. WADE. Mr. President, because there is a very important program conducted by the Service Men's Clubs of Pennsylvania now in progress in the House, or about to start in the House, to which we have been invited, I desire to make the following motion:

MOTION THAT SENATE ATTEND SERVICES

Mr. WADE. Mr. President, I move you that this Senate do now recess for thiry minutes in order that the members of this body may have opportunity to attend the services being held in the House at which will speak

the Governor of Pennsylvania, General Martin and others, including a member of our own Senate, the gentleman from Fayette, Senator Cavalcante.

On the question,

Will the Senate agree to the motion?

It was agreed to.

RECESS

Mr. WADE. Mr. President, I move that the Senate do now take a recess until 1:00 o'clock, p. m.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 777, entitled:

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred and twenty-three (P. L. 681), entitled "An act to enable an incorporated hospital association to acquire by lease or purchase any State owned hospital, specially devoted to the reception, care, and treatment of injured persons, or of any State owned general medical and surgical hospital; and to provide for the regulation and management thereof," authorizing the closing of State owned medical and surgical hospitals in certain cases.

Which was committed to the Committee on State Government.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 778, entitled:

An Act to amend section two (C) of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by the act of the thirteenth day of May one thousand nine hundred twenty-five (P. L. 687) by providing for adopted persons to be entitled to letters of administration.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 779, entitled:

An Act concerning the allocation between income and principal of receipts realized from shares of corporate stock held in trust authorizing the creator of the trust to provide for such allocation and repealing inconsistent legislation.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 780, entitled:

An Act to amend section two of the act approved the twentieth day of June one thousand nine hundred nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" as amended classifying in certain cases adopted persons as lineal descedents.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 781, entitled:

An Act to amend section forty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates, including the appointment bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof; sales and mortgages of real estate for the payment thereof; judgments and executions therefor; and the discharge of real estate from the lien thereof, contracts of decedents for the sale of purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges, the appraisement of real estate devised at a valuation, the ascertainment of the curtilage of dwelling houses or other buildings devised, the abatement and survival of actions and the substitution of executors and administrators therein, the survival of causes of action and suits thereupon by or against fiduciaries, investments by fiduciaries, the organization of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries, refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries, the rights powers and liabilities of non-resident and foreign fiduciaries, the appointment bonds rights, powers, duties and liabilities of trustees durante absentia, the recording and registration of decrees, reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries, concerned with the estates of decedents," providing the procedure before

the auditing judge master or auditor in cases of petitions for review of the accounts of fiduciaries.

Which was committed to the Committee on Judiciary General.

Mr. SNOWDEN read in his place and presented to the Chair Senate Bill No. 782, entitled:

An Act to further amend subsections (a), (b) and (c), of section one thousand two hundred and one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings; and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," further providing for assessment of regulatory expenses upon public utilities.

Which was committed to the Committee on Public Utilities.

Messrs. WALKER and EDMONDS read in their places and presented to the Chair Senate Bill No. 783, entitled:

An Act to further amend the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; Authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by changing the method by which notice of the formation of a municipal authority shall be made public; further regulating incorporation purposes and existence of the authority; defining procedure whereby an authority can enter into contracts and dispose of its bonds; imposing additional qualifications and duties on members of the authority; imposing civil liability on members of the board and officers of an authority in certain cases; requiring annual audits; imposing additional duties on the court of common pleas; giving authorities right of eminent domain in certain cases, and extending with certain limitations the power of Authorities to make certain purchases.

Which was committed to the Committee on Public Utilities.

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 784, entitled:

An Act to amend section four of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provisions of said act.

Which was committed to the Committee on Banking.

He also read in his place and presented to the Chair Senate Bill No. 785, entitled:

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational education; and making provision for additional types of vocational education for which funds may be provided by Congress.

Which was committed to the Committee on Education.

Messrs. COLEMAN, MALLERY, McGINNIS and STEVENSON read in their places and presented to the Chair Senate Bill No. 786, entitled:

An Act making an appropriation out of the Motor License Fund to the Local Government Commission to study and report on problems involved in maintaining and financing an adequate system of highways.

Which was committed to the Committee on Appropriations.

Mr. GELTZ read in his place and presented to the Chair Senate Bill No. 787, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alternation, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle"; giving the commission additional authority over the alteration, relocation or abolition of crossings; prescribing standards to guide the commission in refusing or withdrawing approval of contracts between certain utilities and affiliates; further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers, by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

Which was committed to the Committee on Public Utilities.

He also read in his place and presented to the Chair Senate Bill No. 788, entitled:

An Act to amend sections one and two of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereof; and providing for the suspension of the registration of any motor vehicle, or of the operator's license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public utility company law; authorizing the rescission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle.

Which was committed to the Committee on Public Utilities.

He also read in his place and presented to the Chair Senate Bill No. 789, entitled:

An Act to amend section eleven of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by expressly providing for administration of the Public Utility Law of June first, one thousand nine hundred and thirty-seven (P. L. 1053), by the Public Utility Commission; and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health.

Which was committed to the Committee on Public Utilities.

RESOLUTION MEMORIALIZING VALLEY FORGE PARK

Messrs. CHAPMAN, EDMONDS, SCARLETT, FARRELL, HEYBURN, McQUIDDY and STIEFEL offered the following resolution which was twice read, considered, and agreed to:

Whereas, The Valley Forge Park, situated in Montgomery and Chester Counties of our Commonwealth, was consecrated and is now revered as the Winter Encampment of General George Washington and his Continental Army during the crucial months between December 19, 1777 and June 19, 1778; and

Whereas, The Valley Forge Park created by legislative enactment on May 30, 1893 "for the purpose of perpetuating and preserving the site, to restore it as nearly as possible in its original condition as a military camp, and maintain it forever as a public place or park" had grown from humble beginnings to the present area of 1650 acres owned and administered by the Commonwealth of Pennsylvania with visions and plans for acquisition of more ground; and

Whereas, the Valley Forge Park abounds in many sacred historical landmarks enshrined in the hearts of every true American, among them the original stone-

houses occupied by General George Washington and some of his subordinate Generals; and

Whereas, under the capable leadership and direction of the membership of the Valley Forge Park Commission, markers have been placed at the important points of historical interest and verdant boulevards arranged along miles of the original lines of entrenchments; and

Whereas, the sacred acres of Valley Forge Park are dotted with restored huts of revolutionary soldiers, forts and other military works erected by the Continental Army; and

Whereas, in addition to these restorations, the Valley Forge Park contains other interesting units, such as the National Memorial Arch, Letitia Penn Schoolhouse and statutes of General Anthony Wayne and General Von Steuben; and

Whereas, after many persistent excavations, the original forge in the Valley Creek was finally located and awaits now resorative action; and

Whereas, on the land adjoining Valley Forge Park and still awaiting its acquisition by the Commonwealth of Pennsylvania, overlooking the placid Schuylkill River and the entire encampment, are situated buildings of splendor and majesty, such as the Washington Memorial with its unique Cloister of the Colonies, the Washington Memorial Chapel often referred to as "the American Westminster" and Patriot's Hall constituting the Valley Forge Museum of American History, among the historical treasures whereof can be found many relics illustrating every period of American History generally and Washington's Marquee, the tent used by General George Washington in the first week at Valley Forge and his Commander-in-Chief's standard in particular; and

Whereas, the indefatigable and sustained efforts on the part of the membership of the Valley Forge Park Commission, the restorative work done under its guidance, the acquisition of additional land by the Commonwealth of Pennsylvania conducted heretofore in accordance with the plans evolved by the Commission and the extensive planting on the park-grounds of the world's finest and most beautiful flowering tree, the American dogwood, have resulted in evergrowing pilgrimages to the shrines of Valley Forge Park from all parts of the Union; and

Whereas, "The Pennsylvania Manual" published by the Commonwealth of Pennsylvania and compiled under the direction of the Bureau of Publications of the Department of Property and Supplies, is the official primary sourcebook of information pertaining to our Commonwealth, its Government and institutions; and

Whereas, thousands of exemplars of said "Pennsylvania Manual" are being annually distributed throughout the Nation and our Commonwealth, thus providing a channel for the dissemination of valuable information; and

Whereas, the magnitude of the work heretofore accomplished by the Valley Forge Park Commission and the patriotic significance of the national shrines situated in the Valley Forge Park command inclusion of their descriptions and illustrations in "The Pennsylvania Manual" in order to thus reach more homes and people throughout the United States and the Commonwealth of Pennsylvania; Now, therefore, be it

Resolved, that the forthcoming issue of "The Pennsylvania Manual" for 1941-1943 biennium shall contain, inter alia, a chapter devoted to the description of the Valley Forge Park, its several shrines and the elaborate plans for the expansion of its grounds as evolved by the Valley Forge Park Commission; and be it

Further Resolved, that the Senate of the General Assembly of Pennsylvania call upon the citizenry of Pennsylvania to join at Valley Forge Park on Saturday, May 10, 1941, in the ceremonies dedicating the Dogwoods of Valley Forge to George Washington and his Army.

POLISH INDEPENDENCE DAY, MAY 3rd.

Mr. HEYBURN. Mr. President, I now call up from the table, House Resolution No. 124, and ask for its immediate consideration.

Mr. GELTZ. Mr. President, I second the motion.

The resolution was twice read as follows, considered and agreed to:

In the House of Representatives, April 1, 1941.

Whereas, The pages of history nowhere show a greater love of country than that exhibited by the citizens of Poland over the course of the centuries; and

Whereas, Today, as two centuries before, the liberty-loving Poles have been trampled by the legions of a tyrant; and

Whereas, As history counsels, the Polish nation will again be reborn stronger and more powerful than ever before; and

Whereas, This country is indebted to Poland for the aid rendered our own cause during the Revolutionary War by great military leaders from Poland; and

Whereas, People of Polish descent have greatly contributed to the progress of the United States as citizens of the Republic. They have been loyal, progressive and law abiding. They have entered the various phases of American Life and contributed greatly thereto. They have been noted for their community spirit in matters of charity and human kindness. Their campaign in education for American citizenship has been outstanding; and

Whereas, The least we could do for citizens of Poland and our own citizens of Polish descent is to recognize their contribution to our own cultural and economic advancement, and to offer some recognition of their fight for Poland's independence; be it therefore

Resolved, (if the Senate concur), That the Legislature of this State acknowledges the contribution made to our nation by persons of Polish origin by endorsing the celebration of Polish Independence Day on May 3rd; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating for observance this year, the third day of May, as Polish Day.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED RESOLUTION DESIGNATING MAY 17th, 1941, AS CONNIE MACK DAY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 30, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed concurrent resolution directing the Governor to issue a proclamation designating the seventeenth day of May, one thousand nine hundred forty-one, as Connie Mack Day.

ARTHUR H. JAMES.

CALENDAR

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I move that all bills on final passage and on third reading go over in their order and that the Senate do now proceed to the reading of bills on the second reading calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. WALKER. Mr. President, by the request of the co-

sponsor, I ask unanimous consent that Senate Bill No. 169, on second reading, entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 218, on second reading, entitled:

An Act to amend section three hundred and six of the [illegible] approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth, regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor and repealing existing laws," providing for fixing the number and compensation of employes of institution districts; and conferring powers and imposing duties on county officers.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 219, entitled:

An Act requiring prothonotaries and clerks of courts to notify officers charged with the duty of collecting taxes, of all judicial sales and taxing the cost of such notices.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 221, on second reading, entitled:

An Act fixing the salaries of controllers of the several counties, except counties of the first and second class, wherein said office has been or hereafter may be established.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 224, on second reading, entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 294, (House Bill No. 481), entitled:

An Act to amend sections eighteen and nineteen of the act aproved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties," requiring the filing of local ordinances, rules and regulations with the Dairy Advisory Council; requiring local ordin-

ances, rules and regulations in certain cases to be consistent requiring inspectors employed by municipalities to be approved inspectors, eliminating the power of the Advisory Health Board to make rules and regulations, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon and providing for appeals to the Court of Common Pleas of Dauphin County.

The first section was read

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend page 5, line 1, by striking out the letters "hte" before the word "Council" and inserting in lieu therof th word: "the"; amend page 6, line 2, by striking out after the word "farms" and before the word "milk" the misspelled word "ano" and insert in lieu thereof the word: "and"; amend page 6, line 4, by striking out after the "and" and before the word "products" the misspelled word "mank" and insert in lieu thereof the word: "milk";

Amend page 6, line 9, by striking out after the word "by" and before the word "Dairy" the misspelled word "tthe" and insert in lieu thereof the word: "the"; amend page 6, line 21, by striking out the word "thereoof" and insert in lieu thereof the word: "thereof"; amend page 7 line 5, by striking out the word "of" after the word "form" and before the word "sufficiency" and insert in lieu thereof the word: "or"; amend page 7, line 16, after the word "refers" and before the word "include" by inserting the words: "such record shall"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 6, by striking out the misspelled word "regualtion" and insert in lieu thereof the word "regulation"; amend title, page 2, line 6, 7, and 8 of the title, by removing the underscoring in said lines.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

BILLS OVER IN ORDER

Mr. McGINNIS. Mr. President, I ask unanimous consent that Senate Bill No. 294, (House Bill No. 481), on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 413, (House Bill No. 692), on second reading, entitled:

An Act to amend clauses (k) and (l) and to add clause (n) to section two thousand four hundred two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Exceutive Department thereof, and the administrative departments, boards, commissions and officers thereof; including the board of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the leasing of Indiantown Gap Military Reservation to the United States.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. I might add, Mr. President, this is the bill in connection with which amendments are on the table.

The PRESIDENT. For the information of the Senate the Chair is reserving decision on the point of order raised by the Senator from Philadelphia, Mr. Shapiro yesterday, in connection with Senate Bill No. 413, in view of the fact that a very important question is involved and the Chair wants to give it very careful consideration. The Chair has discussed the matter with the gentleman from Philadelphia, Mr. Shapiro, who raised the point of order

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 545, on second reading, entitled:

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 554, entitled:

An Act to amend section two and clause (b) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance, providing for and regulating assistance to certain classes of persons designated, and defined as dependent children, aged persons, blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose, authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund and

Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board," as amended by redefining assistance and eliminating the requirement that fresh fluid milk shall be furnished to relief recipients or their children.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

BILL OVER IN ORDER

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 554, on second reading go over in its order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, this bill the day before yesterday was recommitted to the Committee on Welfare, Public Assistance and Pensions. It is the bill which went back to that committee for the purpose of amendment. I inquired at the time as to what the amendment would be or as to how the bill could be amended and I was told if I waited until it got into committee and then came out I would see how it was amended.

The bill went to the committee and it came out and it is still dressed in the same clothing, without any amendments.

I want to call the attention of the members of the Senate to this fact, that this bill, permitted to remain in its present condition, is costing the Commonwealth of Pennsylvania approximately two thousand dollars a day. That is, because under the present law, the Federal Government will not contribute its share towards the money spent for milk for aid to dependent children, because it is given in kind, but if it is given in money the Federal Government will pay one half. That will amount to $1,200,000 per biennium, it costs $400,000 to administer it separately and that is a total of $1,600,000 and for a period of seven hundred days that amounts to, roughly speaking, two thousand dollars a day.

Mr. President, I can see no point in this bill going over in its order; there have been no objections to the bill, no valid objections raised; there has been nothing brought to the attention of the Senators which warrants the continuance of this unnecessary expenditure, and it seems to me that unless there is some valid reason given for this bill going over in its order, this is one of the bills the administration is entitled to have passed and passed quickly.

I do not want to just make an issue of it and if there is any real reason back of it, but the only reason I can see back of it is that those persons who now sell milk in bulk get a contract to sell the milk and deliver it to the homes and collect the orders for it will object, because the milk will be bought not from them but from the individual stores as needed. As it is now there is milk delivered at the door, so much each week whether it is needed or not, and this will give the recipients of relief an opportunity to use this money in a better way.

Let me say I am not giving my own information or statement on this, as all of this was corroborated at a meeting which Mr. Russell, Secretary of the Department of Welfare, attended and told us about, and he suggested that the Commonwealth of Pennsylvania would save $1,600,000 per biennium.

Now, Mr. President, the longer we delay this bill the more it costs and I would like to know the real reason for postponing action.

And the question recurring,

Will the Senate agree to the motion?

Mr. BARTLETT. Mr. President, I have moved that this bill go over in its order, and I now ask that the roll be called.

The yeas and nays were required by Mr. BARTLETT and were as follow, viz:

YEAS—28

Bartlett,	Ealy,	Lanius,	Stevenson,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Thomas,
Chapman,	Geltz,	Miller,	Wade,
Crider,	Homsher,	Reed,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—12

Coleman,	Frey,	McGinnis,	Shapiro,
Cox,	Jaspan,	McQuiddy,	Stiefel,
DiSilvestro,	McCreesh,	Ruth,	Walker,

So the question was determined in the affirmative.

BILL ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 645, entitled:

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 212 ON THIRD READING POSTPONED CALLED UP

Mr. SHAPIRO. Mr. President, I do now move that the Senate resume consideration of Senate Bill No. 212, on page 4 of the Calendar, on third reading postponed.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 212, entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledges and to make uniform the law with reference thereto.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Sec. 2, page 6, line 6, by inserting after the word "receipt" the following: Provided, however, That no trust receipt transaction shall provide for any charge, interest, discount, bonus, fees, fines, commissions, service charges or other considerations which aggregate in excess of six per centum (6%) per year on the actual amount of the loan in such transaction; amend Sec. 13, page 16, line 7, by inserting after the word "State" the following: "and with the prothonotary of the county within which the principal place of business of the trustee in the Commonwealth is located"; amend Sec. 13, page 17, line 13, by inserting after the word "for" the following: each; Amend Section Fifteen (15), page Eighteen (18), line twenty-eight (28), by inserting at the end of the line after the word "consignee" the words: "nor shall it apply to transactions of pledge evidenced by lien or encumbrance recorded and continuing of record in the Department of Revenue pursuant to The Vehicle Code approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws 905) as amended"

Mr. SHAPIRO. Mr. President, these amendments are offered after discussion with Mr. Mallery, the sponsor. One amendment was prepared by him and the two other amendments were prepared by myself.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 7, entitled:

An Act to carry into effect section one of article fifteen of the Constitution, giving cities of the first class, cities of the second class, and cities of the second class A the right and power to frame, adopt and amend their own charters, and to exercise the powers and authority of local self-government, and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city council, city officers, county boards of elections, court of common pleas, and the Secretary of the Commonwealth; and providing for the payment of certain expenses by cities.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. COLEMAN. Mr. President, I move that Senate Bill No. 7, the bill just read, be recommitted to the Committee on Municipal Government, for the purpose of further study.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 141, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 164, entitled:

An Act to further amend section one thousand two hundred and seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by increasing the compensation for services rendered by constables and their deputies.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 296, entitled:

An Act to re-enact and amend the title and act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine, (P. L. 748), entitled "For the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties;" providing for the

regulation and registration of persons and entities engaged in the business of investment advisers, and for the revocation and suspension of such registrations; conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 316, entitled:

An Act to amend clause (b) of section five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance, providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by providing that the judge of the court of common pleas, the president of the board of county commissioners, and the coroner shall constitute the county board of assistance in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 352, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fourth and fifth class; imposing certain charges on counties, and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 445, entitled:

An Act to amend section one thousand one hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the posession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating the making of resettlements by the Department of Revenue.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 446, entitled:

An Act to amend section six of the act, approved the sixteenth day of May, one thousand nine hundred and thirty-five (P. L. 208), entitled as amended "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net income of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," authorizing the Department of Revenue to grant an additional extension of time for the filing of reports under the provisions of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 464, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons; and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to Mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by changing the residence requirement for general assistance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 489, entitled:

An Act authorizing the Department of Property and Supplies to acquire by gift from the Pennsylvania State College, on behalf of the Commonwealth of Pennsylvania, that certain tract of land in Northumberland Borough, County of Northumberland, upon which is located the home of Joseph Priestley, and now the property of the Pennsylvania State College; providing for the control, management and maintenance thereof by the said department and the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to accept in trust from the American Chemical Society and other interested societies or individuals, such moneys as they may see fit to present to the Commonwealth to assist in the maintenance and development of this property as a permanent memorial; authorizing the Pennsylvania His-

torical Commission to accept as gifts or loan, such books, manuscripts, pamphlets, relics and furniture as interested societies or individuals may provide for the permanent utilization of the property as a museum of science; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 502, (House Bill No. 895), entitled:

An Act to authorize counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law and to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 514, entitled:

An Act to further amend subsection (b) of section eight hundred one of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further prescribing the time within which the Department of Revenue shall make settlements of taxes and bonus due the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 555, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons; and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to Mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 574, entitled:

An Act to amend section twenty of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations; and providing penalties," by limiting exemptions of and further exempting certain classes of associations formed under such act from State, county and municipal taxation, and from the duty of filing certain tax reports with State county or municipal agencies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 649, (House Bill No. 971), entitled:

An Act to further amend sections fifteen and fifteen and three-tenths, and to repeal sections fifteen and one-tenth and fifteen and two-tenths, of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom: for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing for the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in certain cases, reviving, validating, preserving and extending liens.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. DENT. Mr. President, in agreement with the Majority Floor Leader I now call up on page two of today's Calendar, Senate Bill No. 236, Printer's No. 206.

Mr. HALUSKA. Mr. President, I second the motion.

The motion was agreed to

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 236, as follows:

An Act to amend section six hundred fifty-four of article six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for appeals from any classification rule rate or schedule of the Insurance Commissioner affecting insurance of employes and employers under the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred fifty-four of article six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 654 Classification of Risks Underwriting Rules Premium Rates and Schedule and Merit Rating Plans The classification of risks underwriting rules premium rates and schedule or merit rating plans for insurance of employers and employes under "The Workmen's Compensation Act of nineteen hundred and fifteen" and acts amendatory thereof shall be proposed annually by one or more rating bureaus said rating bureau or bureaus to be situate within the Commonwealth of Pennsylvania subject to supervision and to examination by the Insurance Commissioner and approved by the Insurance Commissioner as adequately equipped to compile rates on an equitable and impartial basis Such schdule or merit rating plans shall be applied only by the approved rating bureau or bureaus and in the preparation of schedules no employer shall be discriminated against or penalized because of physical impairment of any employe or because of the number of dependents of any employe

The classification of risks underwriting rules premium rates and schedule of merit or rating plans for insurance of employers and employes under "The Workmen's Compensation Act of nineteen hundred and fifteen" and acts amendatory thereof shall be filed with and shall be subject to review by the Insurance Commissioner and the Insurance Commissioner shall by order modify amend or approve the same Any person corporate or otherwise aggrieved by such order classification rule rate or schedule issued by the Insurance Commissioner may obtain a review thereof in the Common Pleas Court of Dauphin County of the Commonwealth of Pennsylvania by filing in the said court a written petition praying that the order classification rule rate or schedule issued by the Insurance Commissioner be modified amended or set aside in whole or in part The judgment and decree of said court modifying or enforcing or setting aside in whole or in part any such action of the Insurance Commissioner shall be final subject to review by the Superior and Supreme Courts of the Commonwealth of Pennsylvania upon certiorari or certificate as in such cases made or provided The commencement of proceedings under this section shall not unless specifically ordered by the court operate as a stay of the Insurance Commissioner's order

No risk classification underwriting rule premium rate or schedule or merit rating plan shall take effect without the consent of the Insurance Commissioner and he may withdraw his approval whenever in his judgment the same is inadequate or discriminates unfairly between risks of essentially the same hazard

Neither the State Workmen's Insurance Fund nor any insurance corporation mutual association or company shall issue renew or carry any policy or contract of insurance against liability under "The Workmen's Compensation Act of one thousand nine hundred and fifteen" and acts amendatory thereof except in accordance with the classifications underwriting rules premium rates and schedules or merit rating proposed by the rating bureau aforesaid for the risk insured and as modified amended or approved by the Insurance Commissioner for such insurer

A complete copy of every policy or a true copy of the substantive provisions of any policy or contract of insurance against liability under "The Workmen's Compensation Act of one thousand nine hundred and fifteen" or acts amendatory thereof and a true copy of every endorsement upon any such policy and of every agreement pertaining thereto shall be filed with the rating bureau aforesaid within a reasonable time after the effective date of any such policy endorsement contract or agreement

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. I have not had a chance to discuss with the sponsor of this bill the amendment which I have just prepared and I would like to call his attention to the bill and I think he will probably agree that there should be the amendment which I am offering.

On page three of this bill it is provided that the Insurance Commissioner shall by order modify, amend or approve the same which is the merit rating plan adopted by the bureau, and any person, corporate or otherwise, aggrieved by such order, classification, rule, rate or schedule may obtain a review.

Now, Mr. President, since the Commissioner does not make any order but merely modifies the rate which will probably be increased if it is reduced the person who pays the rate will have no objections and the only thing he might do would be to increase the rate and the effect of it as it is now worded is to give only the insurance companies or those charging the premiums the right to appeal. I have suggested that there be inserted after the words "any person corporate or otherwise, aggrieved" the words, "the rules, premiums, rates and schedule and merit rating proposed by the rating bureau aforementioned for the risk insured and as amended, modified or approved by the Insurance Commissioner, may obtain a review."

Mr. DENT. What the gentleman from Philadelphia says would be true and you would need the amendment he suggests if we did not include in this bill the right of the Commissioner not only to approve but to reject the rates set by the bureau or to amend the rates and by so doing we put the Commissioner in the position of not only rejecting or approving the rates set up, but he may amend the rates and thereby the rates that are set up will not be the original rates of the rating bureau, if he sees fit not to have those rates set up.

Mr. SHAPIRO. That may be true, Mr. President, but my point is, I think we want to give a person the right to appeal from the rates as amended or modified by the commission. Under this amendment I do not think we clearly give the right of appeal from the rates adopted or as amended or modified by the Commissioner. I think this clarifies and improves the bill. I do not think it hurts it any and I suggest to the gentleman from Westmoreland that we have the bill go over in its order.

Mr. DENT. Mr. President, I wuld not have called this bill up if I had thought it would raise an issue because some of the members are anxious to quit, as this is the last day of the Session this week but I just want to say this:

Those of us who are not members of the profession of law have difficulty in getting set straight on just what we mean when we put bills in, because all the lawyres say we do not know what we mean. This has already been worked on by five different lawyers and they tell me it does just exactly what I want it to do and that is all I want done.

Now, I saw some Senators shaking their heads during the reading of the amendment and I know they are not going to agree with what the gentleman from Philadelphia wants done, and inasmuch as I am the sponsor of the bill, I really think it does what I want done and I am satisfied with it and if the gentleman from Philadelphia will allow me to have what I want, I will take the bill just as it is.

Mr. SHAPIRO. Mr. President, I imagine that is a novel way of passing legislation but I am satisfied.

Mr. DENT. So am I, Mr. President.

Mr. SHAPIRO. Mr. President, I withdraw the amendment.

Mr. EDMONDS. Mr. President, has this bill been amended today.

Mr. DENT. No, Mr. President, it has not. It was amended yesterday.

Mr. EDMONDS. And, Mr. President, the bill is now printed in its final form?

Mr. DENT. Yes, Mr. President, it is; it is in the form upon which we agreed.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh	Taylor,
Carr,	Frey,	McGinnis,	Tallman,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Dent,	Kephart,	Shapiro,	Wilson, T. B.,
DiSilvestro,	Lanius,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

PERMISSION TO ADDRESS SENATE

Mr. GELTZ. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Allegheny, may proceed.

Mr. GELTZ. Mr. President, I just want to remind the Senators that there are but thirty-one days until the end of the biennium, when governmental functions must cease unless we get the tax and appropriation bills.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, May 5, 1941 at 3:30 o'clock. p. m. Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:56 o'clock p. m. Eastern Standard Time until Monday, May 5, 1941 at 3:30 o'clock p. m. Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 30, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Speak to us, O Lord, that Thy compelling call shall silence the confusion of our tongues. Move among us as the mighty friend of every man and nation, that we shall find ourselves drawn to Thee and to each other. Reveal Thyself to us all as the great mountain-peak of our striving, that, coming to Thee from the separate valleys of our misunderstandings, we shall find ourselves close to Thee and to all mankind. Help each one of us to be bearers of the redeeming message of reconciliation. We pray in Jesus' name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. TARR, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. HERSCH. HOUSE BILL No. 1448.

An Act to amend part of section one of the act, approved the twentieth day of July, one thousand nine hundred seventeen (P. L. 1158), entitled "An act to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth," by further prescribing fees of constables in certain cases.

Referred to the Committee on Judiciary General.

By Mr. HERSCH. HOUSE BILL No. 1449.

An Act to amend section four hundred one of the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duties of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations, subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilitites by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by preventing public utilities from imposing penalties for failure to pay their charges promptly.

Referred to the Committee on Public Utilities.

By Mr. HERSCH. HOUSE BILL No. 1450.

An Act requiring public utilities engaged in the transportation of passengers for hire in this Commonwealth, to charge only half-fare for all school children transported by such companies; imposing duties on the heads of certain schools in this Commonwealth; and imposing penalties.

Referred to the Committee on Public Utilities.

By Mr. RUSSELL E. REESE. HOUSE BILL No. 1451.

An Act creating a commission to make a study and investigation of the various phases of aeronautics and aviation in the Commonwealth of Pennsylvania for the purpose of advising the General Assembly with respect to the expenditure of public funds in these fields; directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, retain employes and expend funds; and making an appropriation.

Referred to the Committee on Aeronautics.

By Mr. KENEHAN. HOUSE BILL No. 1452.

An Act requiring gas, electric and water companies to leave certain meter readings with consumers; and providing a penalty for failure to do so.

Referred to the Committee on Public Utilities.

By Messrs. DAVID P. REESE and McINTOSH. HOUSE BILL No. 1453.

An Act prescribing certain qualifications for the office of alderman or justice of the peace hereafter elected or appointed, providing for the payment of salaries by the Commonwealth to certain aldermen and justices of the peace; providing for the payment of all fees collected by such aldermen and justices of the peace into the State Treasury; imposing certain powers and duties upon county boards of election and the Department of Revenue, and providing penalties.

Referred to the Committee on State Government.

By Mr. O'BRIEN. HOUSE BILL No. 1454.

An Act to further amend section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," prohibiting sales of liquor and malt or brewed beverages during certain hours unless the legislative body of a city, borough, town or township is in favor of the same.

Referred to the Committee on Liquor Control.

By Mr. O'BRIEN. HOUSE BILL No. 1455.

An Act to further amend clause two of section twenty-three of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 2520), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," prohibiting sales of malt or brewed beverages during certain hours unless the legislative body of a city, borough, town or township is in favor of the same.

Referred to the Committee on Liquor Control.

By Mr. HABBYSHAW. HOUSE BILL No. 1456.

An Act to further amend section eight of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by giving the secretary discretionary power, under certain circumstances, to suspend operators licenses, and providing for certain notices to the secretary.

Referred to the Committee on State Government.

By Messrs. ELLIOTT and GATES.
HOUSE BILL No. 1457.

An Act establishing certain public roads in Porter Township, Clarion County, and Mahoning Township, Armstrong County, as a State highway; providing for their construction and maintenance by the Department of Highways; and making an appropriation.

Referred to the Committee on Highways.

RESOLUTION INTRODUCED AND REFERRED

By Mr. ACHTERMAN. RESOLUTION No. 89.

In the House of Representatives, April 29, 1941.

Whereas, Newspapers have carried reports concerning the operation of certain state hospitals within the Commonwealth of Pennsylvania, which, if true, show an extremely reprehensible situation existing in such state hospitals; and

Whereas, There have been charges made that certain trustees and supervisory officials have committed criminal acts; and

Whereas, Certain state hospitals have lost their official standing and rating with the American Medical Association; and

Whereas, The conduct of certain trustees of state hospitals has resulted in unfavorable criticism of the operation of said hospitals; and

Whereas, If these charges are true, the situation calls for immediate attention by the legislative branch of the government to remedy such a condition; therefore be it

Resolved, That the Speaker of the House of Representatives appoint a committee of five members of the House, to act as a legislative committee to investigate the maintenance, operation and conduct of all state hospitals within this Commonwealth; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman, requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and be it further

Resolved, That the said committee, because of the urgency of the situation, report to the House as speedily as possible, with appropriate recommendations.

Referred to the Committee on Rules.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House a former Member, Mr. Reuben Howard, from Fayette County.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Stine for Mr. MOUL for the remainder of the week.

Mr. Samuel Rose for Mr. DUFFY for the remainder of the week because of death in the family.

Mr. TARR for himself and Mr. BURNS for tomorrow's session because of previous engagements.

Mr. GATES for himself for the remainder of the week after today's session.

Mr. NORMAN WOOD for himself for the remainder of the week after today's session.

Mr. GREENWOOD for himself for the remainder of the week after today's session.

Mr. SIMONS for himself and Mr. KLINE for tomorrow's session.

Mr. O'CONNOR for himself and Mr. OWENS for tomorrow's session.

REPORTS FROM COMMITTEES

Mr. O'NEILL, from the Committee on Welfare, reported as committed, House Bill No. 1435, entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national defense activities.

Mr MUNLEY, from the Committee on Liquor Control, reported as committed, House Bill No. 709, entitled:

An Act to further amend section four hundred and twelve of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by further defining the sales of malt or brewed beverages.

Mr. EDWIN F. THOMPSON, from the Committee on Professional Licensure, reported as committed, House Bill No. 966, entitled:

An Act relating to the practice of the occupation or business of opticians; and providing for the licensing and registration of opticians and for the revocation and suspension of such licenses and registrations subject to appeal, and for their reinstatement; defining the powers and duties of the State Board of Examiners of Opticians and the Department of Public Instruction; and providing penalties.

Mr. SHEPARD, from the Committee on Labor, reported as committed, House Bill No. 884, entitled:

An Act to amend section one of the act, approved the twenty-fourth day of April, one thousand nine hundred thirteen (P. L. 114), entitled "An act regulating the time of payment of wages and earnings, and providing a penalty for violation hereof," by requiring employers to furnish statements to employes of all deductions made from their wages.

Mr. LESKO, from the Committee on State Government, reported as committed, House Bill No. 1275, entitled:

An Act declaring and adopting the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania.

Mr. SCANLON, from the Committee on Welfare, reported as committed, House Bill No. 1439, entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto.

Mr. MARKS, from the Committee on Public Utilities, reported as committed, House Bill No. 129, entitled:

An Act to add sections three hundred and fourteen and three hundred fifteen to article three of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaged in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, Companies, Corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," prohibiting certain public utilities from imposing penalties by reason of the late payments of service charges by consumers, and prohibiting certain public utilities from imposing minimum or meter charges.

Mr. FINESTONE, from the Committee on Public Utilities, reported as committed, House Bill No. 2, entitled:

An Act authorizing cities, boroughs, towns and townships to construct, acquire, own, operate, control, sell and lease facilities for the production, generation, transmission, distribution or furnishing of natural or artificial gas, electricity, steam or water, or the collection, disposition or treatment of sewage and to furnish or render such services to the public within or beyond their corporate limits, or both; conferring the power of eminent domain, conferring certain powers and imposing certain duties on such municipalities, and the controller or auditors thereof, providing for and authorizing the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties, conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission, and prescribing penalties.

Mr. LEONARD, from the Committee on Labor, reported as committed, House Bill No. 1222, entitled:

An Act to further amend clause (j) of section two hundred and eight of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain funds in the custody of the State Treasurer; and prescribing penalties," by imposing new duties on the Secretary of Labor and Industry relative to appointments, in order to prevent discrimination in such appointments because of race, color or creed of eligibles.

Mr. ROSENFELD, from the Committee on Welfare, reported as committed, House Bill No. 1438, entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons

carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

Mr. THOMAS H. LEE, from the Committee on Public Utilities, reported as committed, House Bill No. 847, entitled:

An Act to further amend three hundred one and to amend section four hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicles and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further limiting the control and regulation of the commission in respect to rates, service and extensions by municipal corporations.

Mr. THOMAS H. LEE, from the Committee on Professional Licensure, reported as committed, House Bill No. 1166, entitled:

An Act to amend section two of the act, approved the twenty-sixth day of May, one thousand nine hundred and twenty-one (P. L. 1172), entitled "A supplement to the act, approved the seventeenth day of May, one thousand nine hundred seventeen (Pamphlet Laws, two hundred and eight), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the works "drug" and "poison"; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law, and providing for the purchase of samples of drugs for determining their quality, strength, and purity; requiring permits to conduct pharmacies; providing for the revocation thereof; and prescribing penalties," further regulating the issuance of permits to conduct pharmacies.

Mr. CADWALADER, from the Committee on Counties, reported as committed, House Bill No. 337, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fifth class; and imposing certain charges on counties.

Mr. RUSSELL E. REESE, from the Committee on Professional Licensure, reported as committed, House Bill No. 998, entitled:

An Act to protect the public health; defining and providing for the licensing of bakeries and regulating the inspection, maintenance and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale and offering for sale of bakery products, prohibiting the establishment of bakeries in basements, establishing uniform and standard weights, requiring the publication of weights and ingredients upon products; prohibiting rebates, discounts and special allowances; conferring powers on the Department of Agriculture; creating a Commissioner of Bakeries and inspectors under him, and providing penalties.

Mr. LESKO, from the Committee on Counties, reported as amended, House Bill No. 1259, entitled:

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; and imposing certain charges on counties.

Mr. FINNERTY, from the Committee on Professional Licensure, reported as amended, House Bill No. 1094, entitled:

An Act to protect the public health and safety by requiring registration with and the securing of permits from the State Board of Pharmacy by persons, copartnerships, associations and corporations engaged in the manufacture, producing and dealing in drugs and medical supplies, regulating the manufacture of drugs and medical supplies, prescribing permit, providing for inspections and the suspension and revocation of permits, conferring powers on the State Board of Pharmacy, and courts and providing penalties.

Mr. TATE, from the Committee on Judiciary General, reported as amended, House Bill No. 1038, entitled:

An Act making it unlawful for any individual, partnership or association, to carry on or conduct any business in this Commonwealth, unless there is displayed on the exterior of such establishment, the identity of the owner or authorized representive; and providing penalties.

Mr. STOCKHAM, from the Committee on Public Utilities, reported as amended, House Bill No. 1322, entitled:

An Act to further amend the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for the other purposes," by changing the

method by which notice of the formation of a municipal authority shall be made public; further regulating incorporation purposes and existence of the authority; defining procedure whereby an authority can enter into contracts and dispose of its bonds; imposing additional qualifications and duties on members of the authority; imposing civil liability on members of the board and officers of an authority in certain cases; requiring annual audits; imposing additional duties on the court of common pleas; giving authorities right of eminent domain in certain cases, and extending with certain limitations the power of Authorities to make certain purchases.

QUESTION OF PERSONAL PRIVILEGE

Mr. MODELL. Mr. Speaker I arise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. MODELL. Mr. Speaker, yesterday on the roll call on House Bill 319, Printer's No. 388, I voted "no". In error I was recorded as voting "aye". I wish to be noted on the record as voting "no'.

QUESTION OF PERSONAL PRIVILEGE

Mr. SKALE. Mr. Speaker, I arise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. SKALE. Mr. Speaker, yesterday on House Bill No. 319 by error I was reported as voting in the affirmative. I did not vote at all and I ask that the record be corrected in that way.

MR. BROWN IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1326, entitled:

An Act to amend sections three and four of the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 110), entitled "A supplement to an act entitled 'An act regulating the construction, maintenance, alteration, and inspection of buildings and party walls in cities of the second class,' approved the seventh day of June, Anno Domini one thousand eight hundred and ninety-five; regulating the construction alteration and ventilation of tenement-houses, and providing for the safety of the inhabitants thereof; and providing penalties for the violation of the same," further regulating the erection, alteration and ventilation of certain tenement houses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 979, entitled:

An Act to amend section one thousand seven hundred and one of article seventeen of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by further regulating the recount of ballots in cases of suspected fraud or error, and governing the return of the moneys deposited in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 619, entitled:

An Act imposing joint and severable liability upon cities of the first class, for damages, caused by arrests or imprisonments by police authorities in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 636, entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments, and bureaus, police officers, courts judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," as amended, redefining the powers and duties of the registration commission and its employes; revising the provisions regulating the filing of removal notices and the cancellation of registrations; changing the provisions and times for registration, change of party enrollment and the cancellation of registrations; imposing duties on certain city officers; revising the procedure on appeals to the courts; providing for the manner of reckoning time; and imposing additional penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1338, entitled:

An Act providing for and regulating assistance to certain cases of persons designated and defined as dependent children aged persons and blind persons; providing for the administration of such assistance by the Department of Welfare and county welfare boards created for this purpose, instead of by the Department of Public Assistance and the county boards of assistance; requiring the transfer of certain records and documents; and authorizing the Department of Welfare to cooperate with and to accept and dispose of moneys received from the United States Government for assistance to such persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 504, entitled:

An Act to amend section three and clause (88) of section one hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; provided for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," further providing for the position of the enacting clause; and further defining the phrases "political subdivision."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1235, entitled:

An Act to further amend section three hundred and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners; county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts, and the payment of their obligations; imposing certain existing obligations on institutions districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor and repealing existing laws," authorizing the commissioners of any county institution district from time to time, to make supplemental appropriations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1402, entitled:

An Act to add section six hundred fifty-five and one-tenth to article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," relating to discrimination against persons employed or seeking employment on contracts effecting the national preparedness program because of the race, color or religion of such person.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1327, entitled:

An Act to amend section six and to further amend section eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," restricting the right of per diem employes to join such pension system, and giving peace time drafted employes credit for the time spent in the service of the United States.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1223, entitled:

An Act to add section 654.2 to the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 372), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," making it a crime for ay officer of any labor union to discriminate because of race, color or creed between applicants for membership in such union, or between assignments for employment of union members because of their race, color or creed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1221, entitled:

An Act to add section 654.1 to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it a crime to discriminate in the selection or appointment of persons for employment in the civil service of the Commonwealth, or of any political subdivision thereof because of the race, creed or color of any person.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 887, entitled:

An Act to amend section one thousand eight hundred and three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for contracts and purchases not requiring advertising and bids.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 127, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1324, entitled:

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and

consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1401, entitled:

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," further regulating the establishment of standards and qualifications for assistance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1269, entitled:

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by extending the time for filing municipal claims.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 812, entitled:

An Act to amend clause (b) of section three hundred and two of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the display of the standard flag of the United States at polling places; and imposing such duty on county boards of elections.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 789, (Senate Bill No. 81), entitled:

An Act to amend section one thousand one hundred and forty-seven of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by extending the power to accept roads streets lanes and alleys dedicated as public highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1405, (Senate Bill No. 286), entitled:

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," prescribing the manner in which money shall be drawn from the city treasury.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 896, entitled:

An Act authorizing county commissioners to sell seated and unseated lands purchased at tax sales, upon which the period of redemption has expired; and validating certain sales heretofore made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 109, entitled:

An Act to promote the safety of the traveling public and employes on steam or electric railroads by regulating the construction of cabcose cars and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 358, entitled:

An Act to further amend clause three of subsection (b) of section 913 of the act approved the third day of June one thousand nine hundred thirty-seven. (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of

acts relating to elections; by fixing the fee for filing nomination petitions for the office of jury commissioner.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1172, entitled:

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by empowering counties to acquire real estate by lease, purchase, gift or eminent domain for use as fairground; authorizing the acquisition of property by eminent domain for certain other public purposes; and authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fairgrounds, including the appropriation of funds, joint action with other political subdivisions, the levy and collection of taxes, the creation of county fair boards, and the acceptance of State contributions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 215, entitled:

An Act to further amend sections one and four of the act, approved the sixteenth day of May, one thousand nine hundred and nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," extending the provisions of said act to include land acquired at city treasurer's sales for unpaid taxes and providing that in certain cases notice of the proceedings by advertisement shall be deemed a good and sufficient service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Allegheny, Mr. Brown, for presiding.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1190, entitled:

An Act relating to coal stripping operations providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines requiring certain information and reports and prescribing penalties.

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 811, entitled:

An Act to further amend section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16), entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. POLASKI. Mr. Speaker. I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 830, entitled:

An Act to further amend the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (1933-34 P. L. 15) entitled as last amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with the transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" changing the provisions of said act with respect to natural wines as herein defined discontinuing the sale thereof by State stores and changing the quantities of malt or brewed beverages that may be sold by licensees other than clubs for consumption off the premises where sold.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. POLASKI. Mr. Speaker. I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 831, entitled:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" including natural wines as herein defined within the provisions of said act providing special licenses for the sale thereof authorizing retail dispensers to sell natural wines without further license and changing the quantities of malt or brewed beverages that may be sold by distributors and importing distributors and by retail dispensers for consumption off the premises where sold.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLASKI. Mr. Speaker. I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1080, entitled:

An Act to further amend section one of article four of the act approved the ninth day of June one thousand nine hundred and eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" by providing for the issuance of limited mine foremen's certificates for mines wherein less than ten persons are employed during the period of twenty-four hours and prescribing the powers and duties of the holders of such limited certificates.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. PETROSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of further study.

The motion was agred to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 875, (Senate Bill No. 253), entitled:

An Act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions; providing for an election on such question: and regulating hours of service, hours of rest and annual vacations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 104, entitled:

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" extending the time during which application may be filed for veterans' compensation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 90, entitled:

An Act providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as United Spanish War Veterans Incorporated.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

McVEYTOWN-OLIVER HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Senior Class of the McVeytown-Oliver High School.

BILL PASSED OVER

There being no objection House Bill No. 211, Printer's No. 444, was passed over at the request of the SPEAKER.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 540, as follows:

An Act to further amend clause A of section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463) entitled as amended "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to

enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by providing for the termination and dissolution of inactive municipal authorities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause A of section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463) entitled as amended "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as last amended by the act approved the seventeenth day of May one thousand nine hundred and thirty-nine (P. L. 167) is hereby further amended to read as follows

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of acquiring holding constructing improving maintaining and operating owning leasing either in the capacity of lessor or lessee buildings to be devoted wholly or partially for public uses and for revenue-producing purposes transportation marketing shopping terminals bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars projects parks recreation grounds and facilities sewers sewer systems or parts thereof sewage treatment works waterworks water supply works water distribution systems swimming pools playgrounds lakes low head dams hospitals motor buses for public use when such motor buses are to be used within any municipality and subways (any and all the foregoing being herein called "projects") The purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted by this act shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or complete with existing enterprises serving substantially the same purposes Provided however That the municipality or municipalities organizing such an Authority may in the resolution or ordinance signifying their intention so to do or from time to time by subsequent resolution or ordinance specify the project or projects to be undertaken by the said Authority and no other projects shall be undertaken by the said Authority than those so specified Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have existence for a term of fifty years as a corporation Provided however That any authority heretofore or hereafter incorporated under this act for the purpose of acquiring holding constructing improving maintaining and operating waterworks water supply works or water distribution systems which fails to do or perform any function or act for which purpose said authority was incorporated for a period of six (6) months after its organization shall forfeit all rights to its existence and shall be considered terminated and dissolved

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Foor,	Lovett,	Sarge,
Allmond,	French,	Lyons,	Sarraf,
Baker,	Gates,	Malloy,	Scanlon,
Balthaser,	Gallagher,	Marks,	Schwab,
Baugher,	Gillan,	Maxwell,	Serrill,
Bentzel,	Gillette,	McClanaghan,	Shaffer,
Bentley,	Greenwood,	McClester,	Shepard,
Boles,	Gross,	McDowell,	Simons,
Boney,	Gryskewicz,	McFall,	Skale,
Boorse,	Gyger,	McGrath,	Sollenberger,
Bradley,	Habbyshaw,	McIntosh,	Sorg,
Breth,	Haberlen,	McLanahan,	Stambaugh,
Bretherick,	Hall,	McMillen,	Stank,
Brown,	Hamilton,	McSurdy,	Stine,
Brunner, C. H.,	Harkins,	Mihm,	Stockham,
Brunner, P. A.,	Harmuth,	Modell,	Tarr,
Burns,	Harris,	Monks,	Tate,
Burris,	Heatherington,	Mooney,	Taylor,
Cadwalader,	Helm,	Moran,	Thompson, E. F.,
Chudoff,	Hering,	Muir,	Thompson, R. L.,
Cochran,	Herman,	Munley,	Trout,
Cohen, M. M.,	Hersch,	Nagel,	Turner,
Cook,	Hewitt,	Nunemacher,	Van Allsburg,
Cooper,	Hirsch,	O'Brien,	Verona,
Corrigan,	Holland,	O'Connor,	Vincent,
Cordier,	Huntley,	O'Dare,	Vogt,
Croop,	Imbrie,	O'Mullen,	Voldow,
Cullen,	James,	Owens,	Voorhees,
Dalrymple,	Jefferson,	Petrosky,	Wagner,
DiGenova,	Jones, G. E.,	Pettit,	Weingartner,
Dolon,	Jones, P. N.,	Polaski,	Weiss,
D'Ortona,	Keenan,	Polen,	Welsh, E. B.,
Early,	Kenehan,	Powers,	Welsh, M. J.,
Elder,	Kline,	Prosen,	Wilkinson,
Elliott,	Knoble,	Rank,	Williams,
Ely,	Kolankiewicz,	Rausch,	Wolf,
Falkenstein,	Komorofski,	Readinger,	Wood, L. H.,
Finestone,	Krise,	Reagan,	Wood, N.,
Finnerty,	Lee, T. H.,	Reese, D. P.,	Woodring,
Fisher,	Leisey,	Reese, R. E.,	Woodside,
Fiss,	Leonard,	Reynolds,	Wright,
Fleming,	Lesko,	Rhea,	Yeakel,
Fletcher,	Levy,	Rose, S.,	Yester,
Flynn,	Leydic,	Rosenfeld,	Young,
	Longo,	Rush,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1156, entitled:

An Act to add section one thousand six hundred and seven and one-tenth to article sixteen of the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teaching in the public schools of principles of democratic government and patriotism and imposing certain duties on the Superintendent of Public Instruction.

On the question,

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 13 of title, by inserting after the word "public" the following: "and private".

Amend Sec. 1 (Sec. 1607.1), page 2, line 16, by inserting after the word "public" the following: "and private".

Amend Sec. 1 (Sec. 1607.1), page 3, line 2, by inserting after the word "public" the following: "and private".

Amend Sec. 1 (Sec. 1607.1), page 3, line 4, by inserting after the word "public" the following: "and private".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 1185, Printer's No. 359, was passed over at the request of Mr. SHAFFER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 277, as follows:

An Act to further amend subsection seven of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by increasing the minimum salaries of teachers in fourth class school districts and requiring the Commonwealth to make certain payments on account of such salaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection seven of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-third day of May one thousand nine hundred twenty-three (P. L. 328) is hereby further amended to read as follows

Section 1210

* * * *

Seven Districts of the fourth class Elementary teachers minimum [monthly] annual salary [one hundred dollars ($100)] one thousand dollars ($1,000) minimum annual increment fifty dollars ($50) minimum number of increments two (2) high school teachers minimum [monthly] annual salary [one hundred thirty dollars ($130)] one thousand two hundred dollars ($1,200) minimum annual increment fifty dollars ($50) minimum number of increments two (2)

In addition to the payments now required by law to be made by the Commonwealth to school districts of the fourth class on account of salaries of members of the teaching staff the Commonwealth shall pay for each elementary teacher the sum of thirty dollars ($30) annually plus the amount of the annual increments provided for by this subsection

Such payments shall be made in the same manner and at the same time as payments on account of salaries are now by law required to me made

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. DIX. Mr. Speaker, there is an old saying that imitation is the sincerest flattery. I wish to compliment the sponsors of this bill in having presented one almost identical with the bill that I presented two weeks previous to the bill we have now before us.

This bill, I understand, provides a starting salary of one thousand dollars for fourth class school teachers with two increments of fifty dollars each. Mr. Speaker, the elementary high school teachers have a starting salary under this bill, I think, of twelve hundred dollars with two increments of fifty dollars each. My bill was identical except it went a little further and it gave five increments of fifty dollars each, which shows that the Republicans at least are more liberal to the school teachers in Wayne County than the Democrats would be. However, I wish to compliment, as I said before, the Democrats for accepting my bill with a few slight changes. I also wish to state that those same Members of the Democratic Party know a good thing when they see it.

Two years ago at the 1939 session I believe I had the honor of being the only member of the House in my maiden speech, and about the only one I made, to get up here and fight for the fourth class school teachers, and that is the reason I am here today speaking in behalf of this bill.

With your permission I would like, although I do not want to wander far afield, to make a brief statement, which will not take, I believe, over a few minutes.

The fourth Class District school teachers of Pennsylvania are the forgotten group of the Commonwealth. I hope that some measure of a long-delayed justice to these professional people may be awarded them at this session of the Legislature. As most of the gentlemen of the House know, or should know, there are around fifteen thousand of these teachers, and a great majority of them receive only about seven hundred and seven-five dollars after retirement dues are paid. A short time ago this House most unwisely passed a bill to start the salaries of firemen of third class cities at sixteen hundred dollars, with increments bringing the final salary to over two thousand dollars. That was a travesty on justice to the teaching profession, as well as a rank anti-home rule bill.

Many of these teachers have one room schools and to some extent have the additional duty of seeing that the school room is in a clean and sanitary condition, as well as to keep the school fires burning. All these teachers, considering the educational standards required and the expense of a college education, deserve better financial rewards. The least that can be done is to sup-

port this bill, which is a first step forward in giving some measure of justice to what is sometimes called the rural school teacher, whose qualifications, I understand, are as high as those in the high schools.

And speaking of qualifications, if you will pardon me for a personal reference to members of my family in Wayne County, I would like to compare the qualifications of one hundred years ago, fifty years ago, and the present standards.

Nearly one hundred years ago a Miss Julia Dix, as she was passing the home of a school director in Scott Township, was invited into the house, and after a brief conversation was informed that he would like to have her teach a school located at Island Lake in that township. His name was Henry Stanton. Miss Dix was so surprised that she could only exclaim, "Why, I don't have education enough." "Well," said Director Stanton, came to see me tomorrow and I will give you an examination. The next day she appeared at the Stanton home and he asked her to read a paragraph from a school reader, had her write a few words in her own handwriting, and do a few examples in simple arithmetic. After she had completed the examination, which took probably ten minutes, Director Stanton said quite emphatically, "Julia, you are better qualified than the teacher who is leaving. Here is a key to the school house, and you are to take charge of the school Monday morning. There are fifteen scholars, and some of the boys are eighteen years old and inclined to be rough. If you have any trouble, let me know. You will get ten dollars a month and board around in the families of the school children. She took the school and had a successful term.

About fifty years later, my own sister, a Miss Elizabeth Dix, became a teacher. She took an examination given under the direction of the County Superintendent of Schools of Wayne County, which was quite simple. In fact, you could then get a teaching permit from the superintendent with only a preliminary examination in his office, if I recall correctly. You were then given a school. My sister was informed that her salary would be thirty dollars a month and board around among the families of the scholars.

But now, what are the requirements. About eight years of elementary education, four years of high school, four years of college, and encouraged to take post graduate work. The salary is about sixty-five dollars per month on a twelve year basis, and you pay your own board and keep, or if married, maintain a wife, home and perhaps children.

These three steps show the great advance in education, the great advance in requirements, but do not show an appreciable advance in financial rewards. When it is remembered, that a high school and college education costs from $3,000 to $5,000, often borrowed money that must be paid back with interest, it stands to reason that it is high time the rural teachers of Pennsylvania got at least some measure of justice which this bill provides.

Mr. HAINES. Mr. Speaker, in order to save time I will introduce this paper into the record instead of reading it.

The SPEAKER. The remarks of Mr. Haines will be extended upon the Legislative Journal.

REMARKS OF MR. HAINES

Mr. HAINES. Mr. Speaker, "Have you ever tried to live on $800.00 yearly? I wonder if you know how tough it is to live and teach in a community on a salary of that size? If you will bear with me for a few moments, while I attempt to describe conditions under which we must work and live, I would appreciate it greatly.

"As the salary indicates, I must teach eight months per year. However, I must live for 52 weeks per year. I am married and have one child. My case is multiplied many times when you consider the fact that there are 15,866 elementary teachers in Pennsylvania's fourth class school districts.

"My budget is as follows:

Rent (12 months at $15)	$180.00
Food (52 weeks at $5)	260.00
Light (average $2.50 mo.)	30.00
Retirement ($3.37 mo.)	26.96
Insurance	
$1000 self	25.48
1000 wife	38.40
1000 child	20.00
5000 accident	20.00
"Bus transportation to school ($1.75)	56.00
Milk (1 qt. daily at 12 cents)	43.80
Personal taxes ((wife and self)	9.00
Fuel for cooking (5 gal. kerosene week)	31.20
Doctor, Dentist, Church, Education	59.16
Incidentals (Clothes must be figured as incidentals)	
Total	$800.00

"This budget is figured on a bare salary of $800.00 yearly. If I am so fortunate as to get work as a coal miner during the summer months, then we can dress a little better and give the doctor and the dentist a little "hush" money. Of course this budget is apt to run helter-skelter during certain periods of the year when my school board is unable to pay us. Then we must borrow our wages from the local banks at the rate of 50 cents per month on each $100.00 or less.

"Now, Mr. Representative, I have the same qualifications as are required of any teacher in the elementary field in Philadelphia or Pittsburgh. Eleven years ago they started teaching at $1200 per year. They were given an increment each year for ten years. They now receive $2200. Eleven years ago I began teaching at $800 per year. I still make $800 per year. I have never received an increment. My ability or training has nothing to do with this. It is merely because I happen to teach and live in a township which has a population of less than 5,000 persons. That is the only reason. This was set up over twenty years ago. Mr. Representative, is that democracy which guarantees to all men equal opportunities? I leave it to you.

"Is it too much to ask that Mr. Hirsch's Bill No. 165 be passed so that I and fellow teachers can be assured of $1400 yearly by 1946-47? Do you remember the Chain Store Tax Bill of 1937? We waited hopefully until 1939 only to have the Supreme Court declare the act unconstitutional. Do you remember the Sollenberger Bill in 1939, which passed the House only to have the Senate adjourn? What is to be the story this session?

"Thank you for bearing with me this far. I hope you will see things from our point of view and do something to have House Bill No. 165 passed."

Mr. ACHTERMAN. Mr. Speaker, I wish briefly to make a statement in relation to the printing problem raised yesterday on account of this bill. We have checked carefully with the Printer in relation to the error and we find that the error was not occasioned by the Printer, and in justice to the publishing company I feel this correction should be made.

In relation to the bill, may I briefly state that the Democratic Party has consistently, and does stand for increases of pay to teachers in the fourth class school districts, as we have announced it in this particular piece of legislation. May I also say that in addition to that we feel that the expense of that increase, as well as the cost of the increments that are provided for in this

piece of legislation should be borne by the State and not by the school districts in any proportion whatsoever. May I state that this is apparently the great difference between the two parties. Apparently the Republican Party has felt that the distribution of that extra increase as well as the increments should be divided in the same proportion in which the salaries are now divided. Our party states that the State should meet that entire increase.

May I add to the statement that the budget as delivered to this House provides for a three million dollar increase in the appropriations and under the plan as it was devised by the Republican Party apparently one-half of the money would be recaptured. Under the present plan, with the increase herein provided, the entire amount will be expended so that we are not disturbing the budget in any particular in passing this piece of legislation.

I am asking the support of the Members of the House for this bill.

Mr. McMILLEN. Mr. Speaker, I do not intend to take up much time speaking on this particular piece of legislation because of the fact that we have this Americanization Program today, but I feel that no part of this state set-up has any more to do with Americanization and the propagation and continuation of American ideals than the public schools do. I feel that I would not be taking my proper attitude on this and doing the thing that I feel I should do if I were not to make a few remarks on the question.

I have here a bulletin of the Pennsylvania State Store clerks presenting their case for a wage increase. Today the State Store Liquor clerks in the State Stores of Pennsylvania receive a salary of not less than one hundred dollars a month or twelve hundred dollars a year. That is the poorest paid employe of the Liquor Control Board, and yet I say to you, there are in Pennsylvania today 15,866 elementary school teachers and nine thousand high school teachers in the fourth class school districts who are receiving less than twelve hundred dollars a year for their services in a position where they are building American character, building citizenship instead of disbursing material which will tear it down. Forty-nine percent of these people have college degrees, four year college degrees. I want to ask you in all sincerity how many of these liquor store clerks, how many of the managers, have gone to school four years beyond high school, put in four years in college in order that they might sell liquor over the counter? There is a very fundamental principle here that we have to take into consideration, and we can well afford to spend a little time and thought on this problem. I want also to call to your attention to the fact that less than one-half of these people who teach in the fourth class school districts of Pennsylvania receive eight hundred dollars a year. Applying simple arithmetic and dividing eight hundred dollars, less retirement, by twelve, and you will find out what these fourth class teachers have to live on. There is a principle to be presented here of Americanization in this bill. It talks about calibre, that the conduct of the State Store system in Pennsylvania depends upon the calibre of its personnel. Only with adequate compensation can the Liquor Board maintain its high degree of efficiency, through the qualified personnel, in the face of conditions today; the unquestioned loyalty of service of store clerks and managers, many employed for five or more years, in maintaining service at a high standard. I want to ask you how many school teachers in this state have been employed for more than five years at eight hundred dollars? And there has been very little consideration given to that problem or the conditions which they face. It says here, "Due to the fact these people have been employed seven years they feel that they are entitled to a reclassification that will put them up to at least $1380 a year." What kind of Americanism do we call this? What kind of a system is that which will pay more to dispense liquor than education? I would like to call to your attention one more thing. It talks about one-man operated stores. The average pay for the one-man operated store is $127 a month. One hundred and twenty-seven dollars a month multiplied by twelve makes $1524 a year. I say to you that there are many one-man operated school districts in Pennsylvania today on eight hundred dollars a year. How long are we going to continue to allow such inequality to exist? I can also point out to you something else, I have one other point to make. You have been wondering where you are going to get the money to pay for the increase in salary in the fourth class school districts. Here is the answer. As a matter of fact the wage income throughout the state, it is highly probable that the income anticipated will be considerably less than the actual income which will accrue to the State.

I say to you, let us have a leveling off of salaries; if there is going to be a state income of more than they anticipate through the liquor business, instead of continuing these others in a higher salary bracket let us bring up the fourth class school districts to the rightful position to which they are entitled. I thank you.

Mr. HARKINS. Mr. Speaker, I would like to make a brief statement which I think will clarify some of the points that have been raised. I believe both sides of the House are in agreement on the provisions of this bill. From a few words dropped by one or two Members on the other side it would seem that the Committee did not give proper consideration to the various bills.

RECESS

The SPEAKER. If there is no objection the Chair will now declare a recess for the purpose of holding an Americanism Program, pursuant to House Resolution No. 58, adopted March 25, 1941. The Chair hears none and a recess is declared.

AMERICANISM DAY PROGRAM

AFTER RECESS

The time of recess having expired the House was called to order.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

BILL ON THIRD READING

The SPEAKER. At the time of recess the House had under consideration House Bill No. 277, on third reading. Mr. Harkins was addressing the House.

The Chair now recognizes the gentleman from Allegheny, Mr. Harkins.

Mr. HARKINS. Mr. Speaker, I rose a few moments ago because the remarks made on this bill, House Bill No.

277, would indicate that proper consideration had not been given to the various bills relating to the increase of salaries for fourth class school district teachers. A number of these bills were in Committee and they were all referred to the proper sub-committee which gave honest consideration as to which bill would best serve the purpose of the Assembly, or which bill would be the one that could properly be passed.

With reference to the remarks of the gentleman from Wayne, Mr. Dix, concerning his bill, the sub-committee in charge of all these bills recommended that House Bill 277 be reported out, and the committee saw fit to accept its recommendation.

With reference to the inference that proper consideration has not been given to fourth class district teachers, I too would like to see higher salaries paid than we are providing in the present bill. I have worked and labored in Committee with reference to the provisions contended in the bill which was originally reported out, House Bill 165, and after long consideration it was felt that that particular bill could not gain the support necessary to pass it. After it had been re-referred to the committee, the sub-committee decided to report out House Bill 277, as I have stated.

Mr. Speaker, I think it is unfair to criticize a particular sub-committee and the committee as to its sincere desire to do as much as possible for the fourth class school district teachers.

I might also say there are other questions concerned in the matter of salaries for Liquor Store clerks, which do not properly pertain to this particular bill. It is unfair to condemn the Members of the House by such a comparison, and I would like to call the attention of the Members on both sides of the House to the fact that this bill provides for greater compensation than is recommended in the Governor's message to this Assembly. We have not approached this as a political problem and we are not trying to send to the Senate a bill with which they can reasonably find fault. We are trying to do as much for the teachers of the fourth class school districts at this time, as we who have caucused among the various groups on both sides of the House feel we can expect to get at the present time. We know it does not represent an ideal bill and we know in the future those of us who will be back here will be able to press forward and probably increase the increments both in size and in number.

I want to ask the support of the Members on both sides of the House for this bill.

Mr. HUNTLEY. Mr. Speaker, I wish to correct a false impression created during this debate. This bill, I feel is a fair bill in every way. If these skin-flint fourth class school districts will not provide a decent wage for their teachers it is up to the State to do it, because the perpetuity of the State depends upon the efficiency of our common school system. There is one thing most of our bills do not do. In this instance we vote this burden on the districts, but we also provide for taking care of the expense. I think you will agree with me that we have spent just about one-half of our time during this session in discussion and providing for things that do not pertain to the State whatever. I do not think it is right to raise the wages of the firemen in Philadelphia, which is truly a local matter, unless we provide the wherewithall to pay the expense. The same is true in reference to policemen in Pittsburgh. That is a local affair, it is not our affair. Yet we put the burden upon that community without raising the wherewithall to pay the burden. This bill does not do that. It is a fair bill in that respect.

One reason brought forth for supporting this bill was because the State Liquor Stores are not paying their employes sufficient money for the work they do. They hold responsible positions and therefore they should have good pay. In that case, however, the business provides for the pay. It is like an employer taking enough out of his business to pay his employes. It is not a burden on anybody else except the state. It is purely a State matter and it certainly will do me good to vote for one bill that pertains to the state's business. I hope they will get their wages raised. Therefore, I wish not only to advocate the justice of this bill from the standpoint of raising the wages of teachers who are very much underpaid, but we have the good sense to provide the wherewithall to pay those wages.

Mr. WOLF. Mr. Speaker, two weeks ago we paused in our legislative duties to pay tribute to a great American. That great American was Thaddeus Stevens. He stood upon the floor of this House in 1835 and fought for free public schools in the state of Pennsylvania. I believe if we wish to be consistent the greatest tribute we can pay to that great American and to the American way of life is to vote favorably upon this bill, because education is the cornerstone of democracy and the first line of defense.

Mr. WOODSIDE. Mr. Speaker, I realize the Speaker is very anxious to get this session over and I do not want to take up too much time of the House.

I regret that the Majority Floor Leader has seen fit to inject politics into the discussion of this bill. There is one thing in connection with this bill I would like to say and that is for four long years the Democrats were in control of the state government and of this House of Representatives and at least for one session were in control of the Senate, and during all that time they could find all the money they wanted for political hacks but they couldn't find any money for fourth class school districts. That is the difference between the Republican and Democratic party.

Mr. ACHTERMAN. Mr. Speaker, may I make this statement, the teachers in the fourth class school districts have waited twenty years for legislation of this kind. My memory, if it serves me correctly, would indicate that sixteen years of that time was under Republican administration and it required the Democrats to initiate the legislation to give teachers what they desire. As a matter of fact we are doing it without added expense to the local property owners. We are placing the whole burden on the state. We have initiated the program not because of the Republican party but because of the merit of the cause and because we do believe it is the proper approach to the problem. May I reiterate, Mr. Speaker, that for sixteen years the Republican administration has been ignoring these teachers, two of those years last past.

Mr. DIX. Mr. Speaker, I only want to take up a moment of your time. I think this bill is a whole lot more important than your baseball game. Mr. Achterman has just said that the Republicans had sixteen years in which to pass a bill of this kind. I wish to say that it seems to me that the Democratic party in their four year long interim certainly had plenty of opportunity to present a bill of this kind. The thing I resent is, finally after

the Democrats did get around to having the majority in the House they could not think up anything of their own but they had to steal my bill.

I wish to thank the Member from Allegheny, Mr. Harkins, for defining for me what is proper consideration. Proper consideration for my bill was to kick it out and pickle it. As far as the state is paying the increments under this bill, I have the same fault to find that Mr. Achterman found last night, the fact that the Printers did not put put that statement in the bill and it had to be sent back to the Printers for correction. At the time I took this bill to the Reference Bureau I made the statement to the attorney there, if my recollection is right, I did not want any cost of these increments placed upon the local districts, that I wanted my bill to provide that the state would pay the increments. Furthermore, it was my intention if this bill ever came up to have it amended. The Democrats kicked my bill out and here is my bill under Democratic sponsorship.

Mr. McFALL. Mr. Speaker, I think this debate has taken a very serious trend. The gentleman from Wayne, Mr. Dix, has continually charged somebody with pilfering and confiscating his bills. I think something should be done about it, and as one Member of the House I would advise Mr. Dix to get in touch with some insurance agent and take out a theft policy.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Marks,	Sarge,
Allmond,	Foor,	Maxwell,	Sarraf,
Auker,	French,	McClanaghan,	Scanlon,
Baker,	Gallagher,	McClester,	Schwab,
Balthaser,	Gates,	McDermott,	Serrill,
Baugher,	Gillan,	McDowell,	Shaffer,
Bentley,	Gillette,	McFall,	Shaw,
Bentzel,	Greenwood,	McGrath,	Shepard,
Boles,	Gross,	McIntosh,	Simons,
Boney,	Gryskewicz,	McKinney,	Skale,
Boorse,	Gyger,	McLanahan,	Snyder,
Bower,	Habbyshaw,	McLane,	Tollenberger,
Bradley,	Haberlen,	McMillen,	Sorg,
Breth,	Hall,	McSurdy,	Stambaugh,
Bretherick,	Hamilton,	Mihm,	Stank,
Brown,	Harkins,	Modell,	Stine,
Brunner, C. H.,	Harmuth,	Monks,	Stockham,
Brunner, P. A.,	Harris,	Mooney,	Tarr,
Burns,	Heatherington,	Moran,	Tate,
Burris,	Helm,	Muir,	Taylor,
Cadwalader,	Hering,	Munley,	Thompson, E. F.
Chervenak,	Herman,	Nagel,	Thompson, R. L.,
Chudoff,	Hersch,	Nunemacher,	Trout,
Cochran,	Hewitt,	O'Brien,	Turner,
Cohen, M. M.,	Hirsch,	O'Connor,	VanAllsburg,
Cohen, R. E.,	Holland,	O'Dare,	Verona,
Cook,	Huntley,	O'Mullen,	Vincent,
Cooper,	Imbrie,	O'Neill,	Vogt,
Cordier,	James,	Owens,	Voldow,
Corrigan,	Jefferson,	Petrosky,	Voorhees,
Croop,	Jones, G. E.,	Pettit,	Wagner,
Cullen,	Jones, P. N.,	Polacki,	Watkins,
Dalrymple,	Keenan,	Polen,	Weingartner,
Dennison,	Kenehan,	Powers,	Weiss,
DiGenova,	Kline,	Prosen,	Welsh, E. B.,
Dix,	Knoble,	Rank,	Welsh, M. J.,
Dolon,	Kolankiewicz,	Rausch,	Wilkinson,
D'Ortona,	Komorofski,	Readinger,	Williams,
Early,	Krise,	Reagan,	Winner,
Eckels,	Lee, E. A.,	Reese, D. P.,	Wolf,
Elder,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Elliott,	Leisey,	Regan,	Wood, N.,
Ely,	Leonard,	Reynolds,	Woodring,
Falkenstein,	Lesko,	Rhea,	Woodside,
Finestone,	Levy,	Rooney,	Wright,
Finnerty,	Leydic,	Rose, S.,	Yeakel,
Fisher,	Longo,	Rose, W. E.,	Yoder,
Fiss,	Lovett,	Rosenfeld,	Young,
Fleming,	Lyons,	Royer,	Kilroy, Speaker
Fletcher,	Malloy,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 684, entitled:

An Act to further amend sections six and nine of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" further regulating the granting suspension and revocation of the licenses of optometrists

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. MIHM. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 523, Printer's No. 367, was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 640, as follows:

An Act establishing certain public roads and streets and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway and providing for their laying out opening construction and maintenance by the Department of Highways subject to certain terms and conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sections of public roads including portions of streets and roads not yet ordained or opened shall be adopted by the Commonwealth as a state highway and shall be laid out and opened when necessary constructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing state highways

Beginning at a point on Route 22006 east of the Pennsylvania Railroad tracks thence in a general southerly direction in Susquehanna Township over a new location and a township road bordering on the west side of Wildwood Park to a point on the Harrisburg City-Susquehanna Township line near Paxton Creek thence continuing in a general southerly direction through the City of Harrisburg over a street to be ordained and opened up by the City of Harrisburg to a point on Maclay Street near the State Farm Show Building and thence continuing in a general southerly direction along

or over the Paxton Creek channel over a street to be ordained and opened up by the City of Harrisburg to a point on Paxton Street west of Cameron Street in the City of Harrisburg Dauphin County a total distance of about 5.0 miles

Section 2 Those portions of the proposed State highway hereinbefore described located over existing roads or streets which are situated within the limits of the City of Harrisburg and the Township of Susquehanna shall be constructed reconstructed and maintained and those portions of the proposed state highway which are not at present existing roads or highways or have not been ordained laid out or opened shall be laid out opened constructed and maintained by the Department of Highways in accordance with present or future laws governing the laying out opening construction reconstruction and maintenance of streets roads and state highways in the respective political subdivisions in which they are or may be located and all damages occasioned by such laying out opening and construction of portions of such streets and roads not at present ordained and opened shall be determined and payment thereof made in accordance with present or future laws governing the determination and payment of such damages in the respective political subdivisions in which the same are laid out and opened

Section 3 So much of the money in the Motor License Fund as may be from time to time needed to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for such purposes

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Marks,	Sarge,
Allmond,	Foor,	Maxwell,	Sarraf,
Auker,	French,	McClanaghan,	Scanlon,
Baker,	Gallagher,	McClester,	Schwab,
Balthaser,	Gates,	McDermott,	Serrill,
Baugher,	Gillan,	McDowell,	Shaffer,
Bentley,	Gillette,	McFall,	Shaw,
Bentzel,	Greenwood,	McGrath,	Shepard,
Boies,	Gross,	McIntosh,	Simons,
Boney,	Grykewicz,	McKinney	Skale,
Boorse,	Gyger,	McLanahan,	Snyder,
Bower,	Habbyshaw,	McLane,	Sollenberger,
Bradley,	Haberlen,	McMillen,	Sorg,
Breth,	Hall,	McSurdy,	Stambaugh,
Bretherick,	Hamilton,	Mihm,	Stank,
Brown,	Harkins,	Modell,	Stine,
Brunner, C H.,	Harmuth,	Moyer,	Stockham,
Brunner, P A.,	Harris,	Mooney,	Tarr,
Burns,	Heatherington,	Moran,	Tate,
Burris,	Helm,	Muir,	Taylor,
Cadwalader,	Hering,	Munley,	Thompson, E. F.
Chervenak,	Herman,	Nagel,	Thompson, R. L.,
Chudoff,	Hersch,	Nunemacher,	Trout,
Cochran,	Hewitt,	O'Brien,	Turner,
Cohen, M. M.,	Hirsch,	O'Connor,	VanAllsburg,
Cohen, R. E.,	Holland,	O'Dare,	Verona,
Cook,	Huntley,	O'Mullen,	Vincent,
Cooper,	Imbrie,	O'Neill,	Vogt,
Cordier,	James,	Owens,	Voldow,
Corrigan,	Jefferson,	Petrosky,	Voorhees,
Croop,	Jones, G. E.,	Pettit,	Wagner,
Cullen,	Jones, P. N.,	Polaski,	Watkins,
Dalrymple,	Keenan,	Polen,	Weingartner,
Dennison,	Kenehan,	Powers,	Weiss,
DiGenova,	Kline,	Prosen,	Welsh, E. B.,
Dix,	Knoble,	Rank,	Welsh, M. J.,
Dolon,	Kolankiewicz,	Rausch,	Wilkinson,
D'Ortona,	Komorofski,	Readinger,	Williams,
Early,	Krise,	Reagan,	Winner,
Eckels,	Lee, A.,	Reese, D. P.,	Wolf,
Elder,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Elliott,	Leisey,	Regan,	Wood, N.,
Ely,	Leonard,	Reynolds,	Woodring,
Falkenstein,	Lesko,	Rhea,	Woodside,
Finestone,	Levy,	Rooney,	Wright,
Finnerty,	Leydic,	Rose, S.,	Yeakel,
Fisher,	Longo,	Rose, W. E.,	Yester,
Fiss,	Lovett,	Rosenfeld,	Young,
Fleming,	Lyons,	Royer,	Kilroy, Speaker
Fletcher,	Malloy,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 292, Printer's No. 418, was passed over at the request of the SPEAKER.

CONDOLENCE RESOLUTION

Mr. SAMUEL ROSE offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, April 30, 1941.

Whereas, The father-in-law of the Honorable Edward Duffy, Jr., Richard S. Perks, has just passed away at the age of 60 years; and

Whereas, He was a veteran of the Spanish-American War, and in that campaign distinguished himself for bravery under fire; and

Whereas, He was active in the affairs of his community and devoted his efforts toward the improvement of the civic life about him; and

Whereas, His life was exemplary both for his devotion to his family, his community and his country; therefore be it

Resolved, That the House of Representatives mourns the passing of so able a citizen of this Commonwealth; and be it further

Resolved, That a copy of this resolution be sent to the wife and surviving members of the family of the deceased conveying thereby the heartfelt sympathy of the House to them in their great bereavement.

QUESTION OF PERSONAL PRIVILEGE

Mr. VOLDOW. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. VOLDOW. Mr. Speaker, on House Bill 319, which was voted on yesterday, I have been recorded in error as voting in the affirmative. I did not vote on the bill, and I wish to be recorded as not voting.

QUESTION OF PERSONAL PRIVILEGE

Mr. HERMAN. Mr. Speaker I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. HERMAN. I too was recorded as voting "aye" on the bill but I did not vote and I want to be recorded in that way.

COMMITTEE MEETINGS

Appropriations, Thursday, May 1 at 9 a.m. in Room 328.

Public Utilities, Thursday, May 1 at 9 a.m. in Room 331.
Welfare, Thursday, May 1 at 9 a.m. in Room 246.

PUBLIC HEARINGS

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 765 on Tuesday, May 6, 1941 at 7:00 p.m., E.S.T. in the Old House Caucus Room—3rd Floor.

There will be a Public Hearing before the Committee on Professional Licensure on House Bills Nos. 335 and 678 on Wednesday, May 7, 1941 at 10:30 a.m., E.S.T. in the New House Caucus Room.

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, May 13, 1941 at 6:00 p.m., E. S. T. in the New House Caucus Room.

ADJOURNMENT

Mr. REGAN. Mr. Speaker, I move that this House do now adjourn until Thursday, May 1, 1941, at 10 a.m.

The motion was agreed to, and (at 2:26 p.m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., THURSDAY, MAY 1, 1941. No. 46.

HOUSE OF REPRESENTATIVES

THURSDAY, May 1, 1941

The House met at 10 a. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Dear God, Our Father, show Thyself in the midst of this marvelous though frightened world. Help us to see Thy law written on the fleeting hours, the bursting of blossoms, the green fields, and in the mind of man. Help us, we beseech Thee, to interpret that law as perfect love. Thus shall we feel at home in Thy universe, afraid of nothing, despairing of no one, never alone. Thy love makes this world the fit instrument for our growth in grace and guarantees the final victory of those who put their trust in Thee. Keep us ever in Thy love, and help us to love like Thee. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. RAUSCH, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. LEONARD. HOUSE BILL No. 1458.

An Act to enable the governing bodies of cities of the first, second and second class A to establish by ordinance the requirements of responsible bidders for city printing and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Referred to the Committee on Cities—First Class.

By Mr. LEONARD. HOUSE BILL No. 1459.

An Act to enable the county commissioners of counties of the first, second and third classes to establish by resolution the requirements of responsible bidders for county printing, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Referred to the Committee on Municipal Corporations.

By Mr. LEONARD. HOUSE BILL No. 1460.

An Act relative to the printing for the Commonwealth of Pennsylvania to establish the requirements of responsible bidders to prescribe penalties for the violation of the provisions of this act and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Referred to the Committee on State Government.

By Messrs. HARKINS and ELLWOOD B. WELSH. HOUSE BILL No. 1461.

An Act to further amend subsection (a) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the retirement of professional employes.

Referred to the Committee on Education.

By Mr. BURNS. HOUSE BILL No. 1462.

An Act to regulate the locating, drilling, casing, filling and abandoning of natural gas and petroleum wells on property underlaid with workable coal beds, having for its object the protection of life and property, by preventing intrusion of oil and gas therefrom into coal mines in territory containing workable coal beds and conferring powers and imposing duties upon the Department of Mines and providing penalties.

Referred to the Committee on Mines and Mining.

By Messrs. MALLOY and SCHWAB. HOUSE BILL No. 1463.

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

Referred to the Committee on Appropriations.

By Mr. KENEHAN. HOUSE BILL No. 1464.

An Act to amend section four hundred one of the act. approved the fifth day of December, one thousand nine hundred thirty-six (1937 P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," providing for the payment of compensation to persons enlisting or being inducted in the Pennsylvania National Guard or the armed

forces of the United States during any period of one year devoted to training for defense.

Referred to the Committee on Labor.

By Messrs. LESKO and HABBYSHAW.

HOUSE BILL No. 1465.

An Act to amend the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

Referred to the Committee on Elections.

By Messrs. WEINGARTNER and MATTHEW J. WELSH.

HOUSE BILL No. 1466.

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections; county commissioners; imposing penalties for violation of the act, and codifying, revising, and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the procedure for and regulating elections by persons in actual military service, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, and county commissioners, providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

Referred to the Committee on Elections.

By Messrs. CORDIER and REGAN.

HOUSE BILL No. 1467.

An Act to amend the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1132), entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Referred to the Committee on Elections.

By Messrs. MIHM and RHEA. HOUSE BILL No. 1468.

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Referred to the Committee on Elections.

By Messrs. WEINGARTNER and MAXWELL.

HOUSE BILL No. 1469.

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Referred to the Committee on Elections.

By Mr. KEENAN. HOUSE BILL No. 1470.

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools, and classes through public school districts, and in cooperation with employment offices for the training, retraining, instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter, reenter, or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. D'ORTONA. HOUSE BILL No. 1471.

An Act to further amend section eleven of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," changing the provisions of said act relating to the satisfaction of judgments.

Referred to the Committee on Motor Vehicles.

By Messrs. LEVY and VOORHEES.
HOUSE BILL No. 1472.

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Referred to the Committee on Elections.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 196. (HOUSE BILL No. 1473).

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof under the supervision of the Department of Mines.

Referred to the Committee on Appropriations.

SENATE BILL No. 365. (HOUSE BILL No. 1474).

An Act to provide that notices to delinquent taxpayers or statements of such delinquents and the publication of municipal liens or notices thereof shall not be required of the receiver of taxes or of the city solicitor and repealing inconsistent legislation.

Referred to the Committee on Cities-First Class.

SENATE BILL No. 364. (HOUSE BILL No. 1475).

An Act requiring Receivers of Taxes in and for cities of the first class to furnish certificates of taxes, water rents and claims which are liens on real estate without charge to owners of said real estate or other parties having an interest therein, and limiting the liability of the Receiver for errors in said certificates, and retaining the liens of all unpaid taxes, water rents and claims against such property though the same are not set forth in said certificate, and repealing inconsistent legislation.

Referred to the Committee on Cities-First Class.

SENATE BILL No. 459. (HOUSE BILL No. 1476).

An Act to outlaw claims against the State Emergency Relief Board for which invoices have not been presented within six months of the date of this Act.

Referred to the Committee on Welfare.

SENATE BILL No. 418. (HOUSE BILL No. 1477).

An Act requiring the Governor of the Commonwealth to issue a proclamation setting apart September thirteenth of this year as Commodore John Barry Day.

Referred to the Committee on State Government.

SENATE BILL No. 424. (HOUSE BILL No. 1478).

An Act restricting the granting of licenses to marry to divorced persons.

Referred to the Committee on Judiciary General.

SENATE BILL No. 458. (HOUSE BILL No. 1479).

An Act to authorize the revival of judgments entered in favor of the Department of Public Assistance by filing a suggestion of non-payment and directing prothonotaries to make the necessary entries without charge.

Referred to the Committee on Welfare.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

POLISH INDEPENDENCE DAY, MAY 3rd

In the House of Representatives, April 1, 1941.

Whereas, The pages of history nowhere show a greater love of country than that exhibited by the citizens of Poland over the course of the centuries; and

Whereas, Today, as two centuries before, the liberty-loving Poles have been trampled by the legions of a tyrant; and

Whereas, As history is indebted to Poland for the aid rendered our own cause during the Revolutionary War by great military leaders from Poland; and

Whereas, People of Polish descent have greatly contributed to the progress of the United States as citizens of the Republic. They have been loyal, progressive and law abiding. They have entered the various phases of American Life and contributed greatly thereto. They have been noted for their community spirit in matters of charity and human kindness. Their campaign in education for American citizenship has been outstanding; and

Whereas, The least we could do for citizens of Poland and our own citizens of Polish descent is to recognize their contribution to our own cultural and economic advancements, and to offer some recognition of their fight for Poland's independence; be it therefore

Resolved, (if the Senate concur), That the Legislature of this State acknowledges the contribution made to our nation by persons of Polish origin by endorsing the celebration of Polish Independence Day on May 3rd; and be it further

Resolved, That His Excellency, the Governor of Pennsylvania, shall issue, publish and declare an appropriate proclamation to the people of Pennsylvania, designating

for observance this year, the third day of May, as Polish Day.

REPORTS FROM COMMITTEES

Mr. REUBEN E. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1442, entitled:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work.

Mr. BAKER, from the Committee on Welfare, reported as Committed, House Bill No. 174, entitled:

An Act to add subsection (c) to section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," prohibiting any public body or public agency from demanding or accepting a bond or judgment note from an indigent person for expenses of his support, maintenance, assistance or burial, before such expenses are incurred.

Mr. BRADLEY, from the Committee on Labor, reported as committed, House Bill No. 1097, entitled:

An Act to amend section three of the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," extending the provisions of said act to include employers who operate for charitable purposes to those who operate not for profit, and to those who secure aid from the Commonwealth, or any agency or political subdivision thereof.

Mr. FINNERTY, from the Committee on Appropriations, reported as committed, House Bill No. 1318 (Senate Bill No. 528), entitled:

An Act making a deficiency appropriation to aid certain school districts.

Mr. HOLLAND, from the Committee on Appropriations, reported as committed, House Bill No. 599 (Senate Bill No. 159), entitled:

An Act making an appropriation to the Department of Military Affairs for the purpose of erecting, constructing and equipping an auditorium at Indiantown Gap Military Reservation.

Mr. BENTZEL, from the Committee on Education, reported as amended, House Bill No. 1355, entitled:

An Act to further amend the act, approved the eighteenth day of May; one thousand nine hundred eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing the conditions of eligibility for election or appointment as county, district, assistant county or district superintendent and associate superintendent, and the term of county superintendents.

Mr. BAUGHER, from the Committee on Game, re-reported as amended, House Bill No. 891, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by requiring the Department of Revenue to establish a system for the permanent registration of hunters revising the provisions of said act relating to the issuance of licenses and eliminating the power of justices of the peace, magistrates, and notaries public to receive applications therefor.

MR. CHARLES H. BRUNNER IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1435, entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national-defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national-defense activities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 709, entitled:

An Act to further amend section four hundred and twelve of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to

regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by further defining the sales of malt or brewed beverages.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 966, entitled:

An Act relating to the practice of the occupation or business of opticians; and providing for the licensing and registration of opticians and for the revocation and suspension of such licenses and registrations subject to appeal, and for their reinstatement; defining the powers and duties of the State Board of Examiners of Opticians and the Department of Public Instruction; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 884, entitled:

An Act to amend section one of the act, approved the twenty-fourth day of April, one thousand nine hundred thirteen (P. L. 114), entitled "An act regulating the time of payment of wages and earnings, and providing a penalty for violation hereof," by requiring employers to furnish statements to employes of all deductions made from their wages.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1275, entitled:

An Act declaring and adopting the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1439, entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 129, entitled:

An Act to add sections three hundred fourteen and three hundred fifteen to article three of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action, giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," prohibiting certain public utilities from imposing penalties by reason of the late payment of service charges by consumers, and prohibiting certain public utilities from imposing minimum or meter charges.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2, entitled:

An Act authorizing cities, boroughs, towns and townships to construct, acquire, own, operate, control, sell and lease facilities for the production, generation, transmission, distribution or furnishing of natural or artificial gas, electricity, steam or water, or the collection, disposition or treatment of sewage and to furnish or render such services to the public within or beyond their corporate limits, or both; conferring the power of eminent domain, conferring certain powers and imposing certain duties on such municipalities, and the controller or auditors there-

of, providing for and authorizing the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties, conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission, and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1222, entitled:

An Act to further amend clause (j) of section two hundred and eight of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain funds in the custody of the State Treasurer; and prescribing penalties," by imposing new duties on the Secretary of Labor and Industry relative to appointments, in order to prevent discrimination in such appointments because of race, color or creed of eligibles.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1438, entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 847, entitled:

An Act to further amend section three hundred one and to amend section four hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action, giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further limiting the control and regulation of the commission in respect to rates, service and extensions by municipal corporations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1166, entitled:

An Act to amend section two of the act, approved the twenty-sixth day of May one thousand nine hundred and twenty-one (P. L. 1172), entitled "A supplement to the act, approved the seventeenth day of May, one thousand nine hundred seventeen (P. L. 208), entitled 'An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words "drug" and "poison"; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity'; requiring permits to conduct pharmacies; providing for the revocation thereof; and prescribing penalties," further regulating the i suance of permits to conduct pharmacies.

And said bill having been read at length the fihst time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 337, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fifth class; and imposing certain charges on counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 998, entitled:

An Act to protect the public health; defining and providing for the licensing of bakeries and regulating the inspection, maintenance and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale and offering for sale of bakery products, prohibiting the establishment of bakeries in basements, establishing uniform and standard weights, requiring the publication of weights and ingredients upon products; prohibiting rebates, discounts and special allowances; conferring powers on the Department of Agriculture; creating a Commissioner of Bakeries and inspectors under him, and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1259, entitled:

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; and imposing certain charges on counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1094, entitled:

An Act to protect the public health and safety by requiring registration with and the securing of permits from the State Board of Pharmacy by persons, copartnerships, associations and corporations engaged in the manufacture, producing and dealing in drugs and medical supplies, regulating the manufacture of drugs and medical supplies, prescribing permit, providing for inspections and the suspension and revocation of permits, conferring powers on the State Board of Pharmacy, and courts and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1038, entitled:

An Act making it unlawful for any individual, partnership or association to carry on or conduct any business in this Commonwealth, unless there is displayed on the exterior of such establishment, the identity of the owner or authorized representative; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1322, entitled:

An Act to further amend the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by changing the method by which notice of the formation of a municipal authority shall be made public; further regulating incorporation purposes and existence of the authority; defining procedure whereby an authority can enter into contracts and dispose of its bonds; imposing additional qualifications and duties on members of the authority; imposing civil liability on members of the board and officers of an authority in certain cases; requiring annual audits; imposing additional duties on the court of common pleas; giving authorities right of eminent domain in certain cases; and extending with certain limitations the power of Authorities to make certain purchases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. MELCHIORRE. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further consideration.

The motion was agreed to.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Montgomery, Mr. Charles H. Brunner, for presiding.

TIME EXTENDED ON BILL

Mr. PETROSKY. Mr. Speaker, I move that the time on House Bill No. 814, Printer's No. 360, entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments; establishing regular pay days; imposing duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil and criminal penalties for the violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

on page 8 of today's calendar, bills on second reading, be extended fourteen calendar days.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1270, entitled:

An Act to further amend sections one two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 182, entitled:

An Act to amend section two of the act approved the twenty-sixth day of May one thousand eight hundred and ninety-seven (P. L. 106) entitled "An act prohibiting the discharge from public positions of Union soldiers without a reasonable cause and prohibiting the abolishment of or changing the emoluments of public offices occupied by Union soldiers except for good reason" by extending the provisions thereof to veterans and nurses of any war in which the United States has engaged

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1326, entitled:

An Act to amend sections three and four of the act approved the thirtieth day of March one thousand nine hundred three (P. L. 110) entitled "A supplement to an act entitled 'An act regulating the construction maintenance alteration and inspection of buildings and party walls in cities of the second class' approved the seventh day of June Anno Domini one thousand eight hundred and ninety-five regulating the construction alteration and ventilation of tenement-houses and providing for the safety of the inhabitants thereof and providing penalties for the violation of the same" further regulating the erection alteration and ventilation of certain tenement houses

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 979, entitled:

An Act to amend section one thousand seven hundred and one of article seventeen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further regulating the recount of ballots in cases of suspected fraud or error and governing the return of the moneys deposited in such cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 619, entitled:

An Act imposing joint and severable liability upon cities of the first class for damages caused by arrests or imprisonments by police authorities in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1235, entitled:

An Act to further amend section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government and institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing the commissioners of any county institution district from time to time to make supplemental appropriations

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LONGO. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations, for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1402, entitled:

An Act to add section six hundred fifty-five and one-tenth to article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" relating to discrimination against persons employed or seeking employment on contracts effecting the national preparedness program because of the race color or religion of such persons

The first section was read.

On the question,

Will the House agree to the section?

Mr. SHEPARD. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 655.1), page 2, line 7, by striking out the word "has" and inserting in lieu thereof: "have".

The amendment was agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1327, entitled:

An Act to amend section six and to further amend section eleven of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" restricting the right of per diem employes to join such pension system and giving peace time drafted employes credit for the time spent in the services of the United States

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1223, entitled:

An Act to add section 654.2 to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it a crime for any officer of any labor union to discriminate because of race color or creed between applicants for membership in such union or between assignments for employment of union members because of their race color or creed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1221, entitled:

An Act to add section 654.1 to the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by making it a crime to discriminate in the selection or appointment of persons for employment in the civil service of the Commonwealth or of any political subdivision thereof because of the race creed or color of any person

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 887, entitled:

An Act to amend section one thousand eight hundred and three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for contracts and purchases not requiring advertising and bids

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 127, entitled:

An Act proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POWERS. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1324, entitled:

An Act to further amend section thirty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further providing for ascertaining the change of classification of counties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Areeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1269, entitled:

An Act to further amend the first paragraph of section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by extending the time for filing municipal claims

And said bill having been read at length the second and agreed to

Ordered, To be transcribed for a third reading.

Areeably to order,

The House proceeded to the second reading and consideration of House Bill No. 812, entitled:

An Act to amend clause (b) of section three hundred and two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the display of

the standard flag of the United States at polling places and imposing such duty on county boards of elections

And said bill having been read at length the second and agreed to

Ordered, To be transcribed for a third reading.

Areeably to order,

The House proceeded to the second reading and consideration of House Bill No. 789, (Senate Bill No. 81), entitled:

An Act to amend section one thousand one hundred and forty-seven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, cosolidating, and changing the law relating thereto," by extending the power to accept roads, streets, lanes and alleys dedicated as public highways.

And said bill having been read at length the second and agreed to

Ordered, To be transcribed for a third reading.

Areeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1405, (Senate Bill No. 286), entitled:

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March, one thousand nine hundred and one, (P. L. 20), entitled "An act for the government of cities of the second class," prescribing the manner in which money shall be drawn from the city treasurer.

And said bill having been read at length the second and agreed to

Ordered, To be transcribed for a third reading.

Areeably to order,

The House proceeded to the second reading and consideration of House Bill No. 896, entitled:

An Act authorizing county commissioners to sell seated and unseated lands purchased at tax sales upon which the period of redemption has expired and validating certain sales heretofore made

And said bill having been read at length the second and agreed to

Ordered, To be transcribed for a third reading.

Areeably to order,

The House proceeded to the second reading and consideration of House Bill No. 109, entitled:

An Act to promote the safety of the traveling public and employes on steam or electric railroads by regulating the construction of caboose cars and providing penalties

And said bill having been read at length the second and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 358, entitled:

An Act to further amend clause three of subsection (b) of section 913 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general of candidates primary and elcetion expenses and election contests creating and defining membership of county board of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by fixing the fee for filing nomination petitions for the office of jury commissioner

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and conation of House Bill No. 215, entitled:

An Act to further amend sections one and four of the act approved the sixteenth day of May one thousand nine hundred and nineteen (P. L. 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at city treasurer's sales for unpaid taxes and providing that in certain cases notice of the proceedings by advertisement shall be deemed a good and sufficient service.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

There being no objection House Bill No. 211, Printer's No. 444, was passed over at the request of the SPEAKER.

The SPEAKER. House Bill No. 1156, Printer's No. 471, is not on file and will be passed over.

There being no objection House Bill No. 1185, Printer's No. 359, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 523, as follows:

An Act to protect the public against fraud and deception to prevent unfair competition and unfair trade practices regulating the business of selling gasoline by requiring persons engaged therein to post the price thereof to public view and requiring sale at the price posted and prescribing certain penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Recognizing the exceptional facilities for imposition and fraud upon the public in the retail sale of gasoline and in an effort to eliminate the various and sundry artifices employed by the sellers thereof in order to attract patronage either through deceptive signs fraudulent calculations of prices unfair competition of unfair trade practices this act shall be deemed an exercise of the police power of the Commonwealth of Pennsylvania for the protection of public welfare and prosperity

Section 2 It shall be unlawful for any person firm or corporation to sell or offer for sale at retail for use in internal combustion engines in motor vehicles any gasoline unless such seller shall post and keep continuously posted in a conspicuous place on the premises a sign or placard stating clearly and legibly in numbers and letters of uniform size the selling price or prices per gallon of such gasoline so sold or offered for sale together with name trade name brand mark or symbol and grade or quality classification if any of such gasoline

Section 3 It shall be unlawful for any person firm or corporation to sell or offer for sale at retail any such gasoline at a price which directly or indirectly by any means or device deviates from the posted price set forth in the said sign or placard

Section 4 If any rebate discount commission or other

concession is granted in the sale of such gasoline as will reduce the cost or price to any purchaser or consumer thereof the conditions quantity and amount of such rebate discount commission or other concession shall be posted as part of the posted price in letters and figures of not less than two inches in height

Section 5 The amount of the governmental tax to be collected in connection with the sale of such gasoline shall be stated on such sign or placard in numerals of not less than two inches in height

Section 6 Where the posted price of such gasoline includes a fraction each figure comprising said fraction shall be at least one-half th size of the other price figure or figures displayed on such sign or placard

Section 7 It shall be unlawful for any person firm or corporation to sell or offer for sale gasoline at retail in any manner so as to deceive or tend to deceive the purchaser as to the price nature quality or identity thereof or to sell or offer for sale from any pump or dispensing device any gasoline other than that gasoline manufactured or distributed by the manufacturer or distributor marketing such gasoline under the name trade name brand symbol or mark affixed to or contained on such pump or other dispensing device or to substitute mix or adulterate gasoline sold or offered for sale under a name trade name brand symbol or mark

Section 8 Each day the sign or placard required by this act remains unposted or an unauthorized sign or placard remains posted or each deviation from the posted price shall be considered a separate offense

Section 9 It shall be unlawful for any person firm or corporation to display any sign or placard which shall tend to deceive the public in any manner whatsoever

Section 10 Any person violating any of the provisions of this act shall upon conviction in a summary proceeding before a magistrate be sentenced to pay a fine of fifty dollars ($50) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten days

Section 11 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not effect the validity of any of the remaining provisions of this act

Section 12 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—145.

Achterman,	Gillan,	Maxwell,	Rhea,
Allmond,	Gillette,	McClester,	Riley,
Baker,	Goodwin,	McDermott,	Rooney,
Balthaser,	Gross,	McFall,	Rose, S.,
Bentley,	Gryskewicz,	McGrath,	Rosenfeld,
Bentzel,	Habbyshaw,	McIntosh,	Royer,
Boles,	Hall,	McKinney,	Rush,
Boney,	Hamilton,	McLanahan,	Sarraf,
Bradley,	Harkins,	McLane,	Scanlon,
Breth,	Harmuth,	McMillen,	Schwab,
Brown,	Harris,	McSurdy,	Serrill,
Brunner, C. H.,	Heatherington,	Melchiorre,	Shaffer,
Brunner, P. A.,	Hering,	Mihm,	Shaw,
Burris,	Herman,	Monks,	Shepard,
Cadwalader,	Hersch,	Mooney,	Simons,
Cohen, M. M.,	Hirsch,	Moran,	Sollenberger,
Cohen, R. E.,	Holland,	Muir,	Sorg,
Cordier,	Huntley,	Munley,	Stank,
Croop,	Imbrie,	Nagel,	Stine,
Cullen,	Jefferson,	O'Brien,	Stockham,
Dalrymple,	Jones, G. E.,	O'Connor,	Tate,
DiGenova,	Jones, P. N.,	O'Mullen,	Taylor,
Dix,	Keenan,	O'Neill,	Thompson, E. F.,
Dolon,	Kenehan,	Petrosky,	VanAllsburg,
D'Ortona,	Kline,	Pettit,	Verona,
Early,	Kolankiewicz,	Polaski,	Vincent,
Elliott,	Komorofski,	Polen,	Voldow,
Ely,	Krise,	Powers,	Voorhees,
Falkenstein,	Leisey,	Prosen,	Welsh, E. B.,
Finestone,	Leonard,	Rausch,	Welsh, M. J.,
Finnerty,	Lesko,	Readinger,	Williams,
Flynn,	Lichtenwalter,	Reagan,	Woodring,
Foor,	Longo,	Reese, R. E.,	Woodside,
French,	Lovett,	Regan,	Yester,
Gallagher,	Malloy,	Reynolds,	Young,
Gates,	Marks,		Kilroy, Speaker
Gerard,			

NAYS—1.

Vogt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 292, Printer's No. 418, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1190, Printer's No. 381, was passed over at the request of The SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 875, (Senate Bill No. 253), as follows:

An Act Relating to members of the bureau of fire in cities of the second class providing subject to the approval of the electors for a three-platoon system for such members with certain exceptions providing for an election on such question and regulating hours of service hours of rest and annual vacations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There shall be submitted to the qualified voters in each city of the second class at the primary election in the year one thousand nine hundred and forty-two the question "Shall a three-platoon system for the bureau of fire Department of Public Safety be adopted in this city' The county board of elections in and for each county in which there shall be located a city of the second class shall prepare the necessary ballots voting machines and other matters so that said question shall be submitted to the qualified voters in said cities at said primary election and so that such vote thereon shall be properly had and conducted all in the manner provided by the election laws of this Commonwealth

Section 2 In districts where ballot boxes are used said question shall be printed on a separate ballot prepared in the manner provided by law for the preparation of official ballots and one such ballot containing said question shall be furnished to each qualified elector by the proper election officer In election districts where voting machines are used said question shall appear on the face of the voting machine in the manner provided by law The votes upon said question shall be counted by the election officers in each district and by said election officers returned to the county board of elections which board shall compute and canvass said returns and shall forthwith certify the result thereof to the mayor of the respective city of the second class

Section 3 If a majority of the qualified voters of such city voting on such question at such election shall vote in the affirmative then the proper officers of each city of the second class having the direction control and management of the bureau of fire in such city or being responsible for making provision therefor shall begin at once to divide and to provide for dividing members excepting the chief engineer and his deputy chiefs by whatever designation they may be known of the bureau of fire into three platoons and such division shall be fully

completed and the provisions of this act shall be fully effectuated not later than the first day of January one thousand nine hundred and forty-three

Section 4 No such member of any of such bureau of fire shall be required to work more than eight hours in any twenty-four consecutive hours except in cases of extraordinary fire emergencies riots or similar emergencies affecting the public interest and the necessary time and no more consumed in changing work shifts Such work shifts shall be changed at least once each calendar week and such member of any such bureau shall be compelled to work the same work shift more than once in any three consecutive weeks All such members of such bureaus of fire shall be entitled to one full day of rest in each calendar week and to have an annual vacation of not less than fourteen days None of the circumstances provided for in this section shall result in any diminution of salary or compensation fixed by ordinance or resolution of such city.

Section 5 All acts and parts of acts inconsistent with this act are hereby repealed

Section 6 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—146

Achterman,	Gerard,	Maxwell,	Rooney,
Allmond,	Gillan,	McClester,	Rose, S.,
Baker,	Gillette,	McDermott,	Rosenfeld,
Balthaser,	Goodwin,	McFall,	Royer,
Bentley,	Gross,	McGrath,	Rush,
Bentzel,	Gryskewicz,	McIntosh,	Sarraf,
Boies,	Habbyshaw,	McKinney,	Scanlon,
Boney,	Hall,	McLanahan,	Schwab,
Bradley,	Hamilton,	McLane,	Serrill,
Breth,	Harkins,	McMillen,	Shaffer,
Brown,	Harmuth,	McSurdy,	Shaw,
Brunner, C. H.,	Harris,	Melchiorre,	Shepard,
Brunner, P. A.,	Heatherington,	Mihm,	Simons,
Burris,	Hering,	Monks,	Sollenberger,
Cadwalader,	Herman,	Mooney,	Sorg,
Cohen, M. M.,	Hersch,	Moran,	Stank,
Cohen, R. E.,	Hirsch,	Muir,	Stine,
Cordier,	Holland,	Munley,	Stockham,
Croop,	Huntley,	Nagel,	Tate,
Cullen,	Imbrie,	O'Brien,	Taylor,
Dalrymple,	Jefferson,	O'Connor,	Thompson, E. F.,
DiGenova,	Jones, G. E.,	O'Mullen,	Van Allsburg,
Dix,	Jones, P. N.,	O'Neill,	Verona,
Dolon,	Keenan,	Petrosky,	Vincent,
D'Ortona,	Kenehan,	Pettit,	Vogt,
Early,	Kline,	Polaski,	Voldow,
Elliott,	Kolankiewicz,	Polen,	Voorhees,
Ely,	Komorofski,	Powers,	Welsh, E. B.,
Falkenstein,	Krise,	Prosen,	Welsh, M. J.,
Finestone,	Leisey,	Rausch,	Williams,
Finnerty,	Leonard,	Readinger,	Woodring,
Flynn,	Lesko,	Reagan,	Woodside,
Foor,	Lichtenwalter,	Reese, R. E.,	Yester,
French,	Longo,	Regan,	Young,
Gallagher,	Lovett,	Reynolds,	Kilroy,
Gates,	Malloy,	Rhea,	Speaker.
	Marks,	Riley,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 104, as follows:

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" extending the time during which application may be filed for veterans' compensation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as last amended by the act approved the eleventh day of May one thousand nine hundred and thirty-nine (P. L. 116) is hereby further amended to read as follows

Section 7 Application for compensation shall be made to the Adjutant General on such forms and in such manner as he shall prescribe

All applications shall be made (1) personally by the veteran or (2) in case of death or mental incompetency preventing the making of a personal application then by such representative of the veteran as the Adjutant General shall by regulation prescribe An application made by a representative other than one authorized by such regulation shall be held void

The Adjutant General shall not accept or consider any application filed with him after the first day of July one thousand nine hundred and [forty-two] forty-four

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—146

Achterman,	Gerard,	Marks,	Rhea,
Allmond,	Gillan,	Maxwell,	Riley,
Baker,	Gillette,	McClester,	Rooney,
Balthaser,	Goodwin,	McDermott,	Rose, S.,
Bentley,	Gross,	McFall,	Rosenfeld,
Bentzel,	Gryskewicz,	McGrath,	Royer,
Boies,	Habbyshaw,	McIntosh,	Rush,
Boney,	Hall,	McKinney,	Sarraf,
Bradley,	Hamilton,	McLanahan,	Scanlon,
Breth,	Harkins,	McLane,	Schwab,
Brown,	Harmuth,	McMillen,	Serrill,
Brunner, C. H.,	Harris,	McSurdy,	Shaffer,
Brunner, P. A.,	Heatherington,	Melchiorre,	Shaw,
Burris,	Hering,	Mihm,	Shepard,
Cadwalader,	Herman,	Monks,	Simons,
Cohen, M. M.,	Hersch,	Mooney,	Sollenberger,
Cohen, R. E.,	Hirsch,	Moran,	Sorg,
Cordier,	Holland,	Muir,	Stank,
Croop,	Huntley,	Munley,	Stine,
Cullen,	Imbrie,	Nagel,	Stockham,
Dalrymple,	Jefferson,	O'Brien,	Tate,
DiGenova,	Jones, G. E.,	O'Connor,	Taylor,
	Jones, P. N.,	O'Mullen,	Thompson, E. F.,

Dix,	Keenan,	O'Neill,	Van Allsburg,
Dolon,	Kenehan,	Petrosky,	Verona,
D'Ortona,	Kline,	Pettit,	Vincent,
Early,	Kolankiewicz,	Polaski,	Vogt,
Elliott,	Komorofski,	Polen,	Voldow,
Ely,	Krise,	Powers,	Voorhees,
Falkenstein,	Leisey,	Prosen,	Welsh, E. B.,
Finestone,	Leonard,	Rausch,	Welsh, M. J.,
Finnerty,	Lesko,	Readinger,	Williams,
Flynn,	Lichtenwalter,	Reagan,	Woodring,
Foor,	Longo,	Reese, R. E.,	Woodside,
French,	Lovett,	Regan,	Yester,
Gallagher,	Malloy,	Reynolds,	Young,
Gates,			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 90, as follows:

An Act Providing for the correction of the designation and title of veterans of the Spanish American War in all present legislation affecting said veterans by designating such organizations as United Spanish War Veterans Incorporated

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all existing legislation affecting veterans of the Spanish American War and organizations of said veterans all designations or titles of said veterans' organizations shall be corrected to read United Spanish War Veterans Inc

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—146.

Achterman,	Gerard,	Marks,	Rhea,
Allmond,	Gillan,	Maxwell,	Riley,
Baker,	Gillette,	McClester,	Rooney,
Balthaser,	Goodwin,	McDermott,	Rose, S.,
Bentley,	Gross,	McFall,	Rosenfeld,
Bentzel,	Gryskewicz,	McGrath,	Royer,
Boies,	Habbyshaw,	McIntosh,	Rush,
Boney,	Hall,	McKinney,	Sarraf,
Bradley,	Hamilton,	McLanahan,	Scanlon,
Breth,	Harkins,	McLane,	Schwab,
Brown,	Harmuth,	McMillen,	Serrill,
Brunner, C. H.,	Harris,	McSurdy,	Shaffer,
Brunner, P. A.,	Heatherington,	Melchiorre,	Shaw,
Burris,	Hering,	Mihm,	Shepard,
Cadwalader,	Herman,	Monks,	Simons,
Cohen, M. M.,	Hersch,	Mooney,	Sollenberger,
Cohen, R. E.,	Hirsch,	Moran,	Sorg,
Cordier,	Holland,	Muir,	Stank,
Croop,	Huntley,	Munley,	Stine,
Cullen,	Imbrie,	Nagel,	Stockham,
Dalrymple,	Jefferson,	O'Brien,	Tate,
DiGenova,	Jones, G. E.,	O'Connor,	Taylor,
Dix,	Jones, P. N.,	O'Mullen,	Thompson, E. F.,
Dolon,	Keenan,	O'Neill,	Van Allsburg,
D'Ortona,	Kenehan,	Petrosky,	Verona,
Early,	Kline,	Pettit,	Vincent,
Elliott,	Kolankiewicz,	Polaski,	Vogt,
Ely,	Komorofski,	Polen,	Voldow,
Falkenstein,	Krise,	Powers,	Voorhees,
Finestone,	Leisey,	Prosen,	Welsh, E. B.,
Finnerty,	Leonard,	Rausch,	Welsh, M. J.,
Flynn,	Lesko,	Readinger,	Williams,
Foor,	Lichtenwalter,	Reagan,	Woodring,
French,	Longo,	Reese, R. E.,	Woodside,
Gallagher,	Lovett,	Regan,	Yester,
Gates,	Malloy,	Reynolds,	Young,
			Kilroy, Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, yesterday the minority leader of the House was interested in securing some information relative to the deficit of his administration, and I agreed with him that I would furnish that information in some detail. I am now prepared to give the information that he requested.

The first item of deficiency, Mr. Speaker, represents borrowings from special funds authorized by the special session of 1940, in the amount of $59,550,000. If he will take his budget message and turn to page two he will find it recorded there. In addition to that in the present session to repay motor license fund, the additional sum borrowed from that fund is $6,400,000. He will find that amount, Mr. Speaker, also in the budget, on page two.

In addition on page two of the budget he will find the sum of $4,950,171, which is the proposed deficiency appropriation deferred to June 1st, 1941. In other words, that means that they intend to use funds of the coming biennium to meet that particular deficit. Then again, Mr. Speaker, and this is not reflected in the budget or at least all the figures are not reflected in the budget, but you will note that the general fund is credited with anticipated tax of $356,767,312. The Revenue Department advises me that collections have only been made in the amount of $350,279,847, which leaves a shortage of $6,487,465. That, may I say in passing, Mr. Speaker, is in spite of the fact that the particular appropriation that we made early in the session for relief and which the Republicans had hoped would suffice for the last three months of the biennium, included some $5,000,000 of increased revenues. Whether the $5,000,000 should or should not be added to the deficit is rather difficult to say at the present time, but for the sake of avoiding argument I have not added it at the present moment. If I did then the figures would approximate $95,000,000 instead of $90,000,000.

The next item, Mr. Speaker, and this must be fresh in the minds of the minority, is the appropriation for May relief deficiency appropriation, which amounts to the sum of $6,300,000.

May I state in passing that $2,150,000 of that sum represents the postponement of payments to the sinking fund.

The next item, Mr. Speaker, the Governor, as you possibly will recall, stated that he estimated there would be $3,000,000 in funds that would lapse. Turning to the budget, you will note appropriation lapses, actual and estimated, up to May 31st, 1941, deducted is $12,386,210.37. I have been advised by the Auditor General's department that that is in error and that the correct amount is $10,169,403. As a consequence, Mr. Speaker, it makes a difference of $2,216,798. That is the actual amount that would be capable of being recaptured in the form of lapses and creates a deficit of $783,202 from the Governor's figures.

Then lastly, Mr. Speaker, is the deficit that appears on page two which amounts to $6,380,374. That makes a grand total deficit of $90,851,212. In passing, may I say again, that is, provided the return of taxes for the remaining month will make it possible to recapture $5,000,000 that the Governor estimated and which does not appear in the offing at the moment.

INTERROGATION

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I am particularly interested in finding out from the gentleman whether it is his opinion that the present apparent estimate of revenue is $11,487,000 short of what the estimates were upon which the appropriations were based.

Mr. ACHTERMAN. Mr. Speaker, that is correct. However, may I enlarge on that by stating that the figure I have given, that is, the sum of $90,000,000 plus, in that figure I have not included the sum of $5,000,000 I have allowed that much of a margin for the Governor to work on,—he took it anyhow.

Mr. WOODSIDE. Mr. Speaker, I think the gentleman has used the $5,000,000 twice again.

Do I understand him to say that it is his opinion that the revenues for the biennium of 1939—'41 according to present indications are going to fall at least $6,487,000 short, and possibly $11,487,000 short of the estimates upon which the appropriations were made?

Mr. ACHTERMAN. That is correct, Mr. Speaker.

Mr. WOODSIDE. I thank the gentleman, Mr. Speaker. I am positive the facts will not bear that out, but I would like to interrogate the gentleman further, Mr. Speaker.

The SPEAKER. The gentleman from Dauphin will proceed.

Mr. WOODSIDE. Mr. Speaker, may I preface my question with the statement that the gentleman realizes of course, that the estimates of revenue are made for the entire biennium, that they have now had twenty-three twenty-fourths of the biennium and have one twenty-fourth of the biennium left, in other words, one month. I realize that the gentleman understands that.

Do I understand the gentleman to say that this $6,487,000 figure is the difference between the estimated revenue and the actual revenue to this date.

Mr. ACHTERMAN. That is right, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the gentleman realizes, of course, that there is one month of revenue yet due.

Mr. ACHTERMAN. That is correct, Mr. Speaker.

Mr. WOODSIDE, Mr. Speaker, then the gentleman certainly does not expect that there will be no revenue received during that month.

Mr. ACHTERMAN. No, Mr. Speaker, I am assuming you will get $5,000,000. I haven't added the $5,000,000 in my figure.

Mr. WOODSIDE. Mr. Speaker, the gentleman, of course, realizes that the entire figure will be in excess of $5,000,000 because that represents the total amount of estimated revenue upon which appropriations have been made, therefore, the shortage will be $11,487,000 instead of the $6,487,000. I want to know whether the gentleman is sure that the estimated revenues is at this date $11,487,000 short or whether it is $6,487,000 short.

Mr. ACHTERMAN. Mr. Speaker, the gentleman is actually short $11,000,000 in his collections.

Mr. WOODSIDE. In other words, in order to meet the estimated revenue, we must receive during the month of May $11,487,000?

Mr. ACHTERMAN. That is correct, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the gentleman says that we will receive during the month of May $5,000,000, according to his estimate?

Mr. ACHTERMAN. That is right, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, how does the gentleman arrive at that figure?

Mr. ACHTERMAN. Mr. Speaker, because the major portion of taxes has been paid. It is purely an estimate, based on the same grounds as the Governor's budget.

Mr. WOODSIDE. Mr. Speaker, has the gentleman made any inquiries from the Department of Revenue or from the Auditor General's department as to what they expect the revenue to be coming into the General Fund during the month of May?

Mr. ACHTERMAN. No, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the $5,000,000 is his own estimate?

Mr. ACHTERMAN. Yes, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, has the gentleman inquired what the income was during the month of May 1940, 1939, 1938, 1937 or any prior year?

Mr. ACHTERMAN. Yes, Mr. Speaker, there was a comparison made there. I have forgotten what those figures were but they seem to reflect that our estimate is reasonably correct.

Mr. WOODSIDE. Mr. Speaker, does the gentleman feel that the Department of Revenue has been about $6,000,000 too high in the estimates during this biennium?

Mr. ACHTERMAN. That is correct, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, that is very interesting, in consideration of what was said in the Senate this week, that the Department of Revenue was much too pessimistic in their estimates, and the probabilities are that the estimates are much too low, and that the State is bound to receive more income from taxes than the Department of Revenue is estimating it will receive. I am interested now to learn from the other side that the alternative is true, that the Department of Revenue seems to be too liberal in its estimates.

COMMITTEE MEETING

Mr. HARKINS. asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like to announce a Public Hearing on House Bill 1054 to be held Tuesday evening next week, May 6th, at 6:30 P. M., Eastern Standard Time, in the House Caucus Room. I particularly ask the Members of the press to call this hearing to the attention of the people who are interested in House Bill 1054, the American Federation of Labor and the schools who are interested in the school band bill of Mr. Rush, to be present at that time.

RESOLUTIONS

THANKS EXTENDED

Messrs. CULLEN and MODELL offered the following

resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted.

In the House of Representatives, May 1, 1941.

Whereas, The members of the General Assembly and its guests observed Americanism Day, in the halls of the House of Representatives on the 30th day of April, 1941; and

Whereas, The Honorable Francis J. Myers, Congressman from the 6th District of the City of Philadelphia, took leave from his arduous and important duties at our Nation's Capital to make an address on Americanism to the assembled guests on that occasion, therefore be it

Resolved, That the House of Representatives hereby thanks the Honorable Francis J. Myers for his gracious action and for his inspiring remarks on Americanism; and be it further

Resolved, That a copy of this resolution be transmitted to the Honorable Francis J. Myers by the Chief Clerk of this House.

THANKS EXTENDED

Messrs. GEORGE E. JONES and SOLLENBERGER offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted.

In the House of Representatives, May 1, 1941.

Whereas, The Governor of the Commonwealth of Pennsylvania, by proclamation, designated the first day of May, one thousand nine hundred and forty-one, as Americanism Day, and the General Assembly and its guests met in the Hall of the House of Representatives on April 30th, to mark the observance of this day; and

Whereas, Among the public figures invited to participate in this patriotic celebration was the Honorable James E. Van Zandt, United States Congressman from the 23rd District of Pennsylvania; and

Whereas, Mr. Van Zandt graciously took leave from his responsible and important duties in Washington as a Member of Congress in order to address the gathering met in the Hall of the House of Representatives on this occasion; now therefor be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania hereby thanks the Honorable James E. Van Zandt for his inspiring and thought-provoking address delivered at the observance of Americanism Day on April 30, 1941; and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk to the Honorable James E. Van Zandt at Washington.

PERMISSION TO ADDRESS HOUSE

Mr. AUKER asked and obtained unanimous consent to address the House.

Mr. Speaker, I rise to ask permission of the House to introduce into its record of the Legislative Journal of this Session the speech of the Honorable James E. Van Zandt delivered at the Americanization program on April 30th. I respectfully ask permission of the House for its introduction on the pages of the Legislative Journal, believing that this inspired address should be reduced to print for the benefit of posterity.

The SPEAKER. Will the House give its consent to spread upon the Journal of the House the speech made by the Honorable James E. Van Zandt? The Chair hears no objection. The speech of the Congressman will be spread upon the Legislative Journal. Did the request of the gentleman from Blair include the addresses of both Congressmen?

Mr. AUKER. Mr. Speaker, I will be very happy to make that request, however, I do not hav a copy of the speech of the Honorable Francis Myers with me.

The SPEAKER. The Chair accepts the amendment and the speeches of both Congressmen will be spread upon the Legislative Journal.

PERMISSION TO ADDRESS HOUSE

Mr. SHEPARD asked and obtained unanimous consent to address the House.

Mr. Speaker, in view of the fact that the Honorable Francis Myers is the Congressman from the Sixth Congressional District of Pennsylvania, which happens to be my own Congressional District, we think of him as one of the greatest Congressmen and one of the finest orators who has ever graced the Halls of Congress. Consequently we are very happy to have his speech included in the Journal, because we feel it will be a source of edification and enlightenment for others to read beside the Members of the House. I want to thank the gentleman for making that inclusion.

ADDRESS OF HONORABLE FRANCIS J. MYERS

HONORABLE FRANCIS J. MYERS. His Excellency, Mr. Speaker, distinguished guests, members of the House and Senate of the Commonwealth of Pennsylvania, you have graciously invited me here today to participate with you in these ceremonies in the anticipation of tomorrow's observance of Americanism Day.

You have asked me to say a few fitting words. This is difficult, for great men, great Americans, have spoken great words for their beloved America long before any of us were born.

So let me as an humble man speak a few humble words today.

We are gathered here this afternoon not as partisans but as patriots, not as lawmakers but as citizens. We have assembled here not to denounce others or to speak too boastfully of our own accomplishments but rather we have come here to speak earnestly together as Americans.

The American ideal is not one of great riches, buying a lavish progress from servile nations.

The American idea is not one of power, tramping feared and unmolested throughout the world.

The American idea is not that we shall all be kings but that we all shall be free men.

Our forebearers and our comrades fought that they might have as good a chance as any and that all might have as good a chance as they.

They fought that they and their children—and their children's children—might have a homeland which would set a new course in the world, a course of decency, friendship and democracy.

They had in mind no marble halls or dainty luxuries.

They had in mind work-hardened hands, modest comforts, proper rewards for their leaders and a dignified decency of life for their followers, including even the least fortunate.

They fought that their son's dreams, that your boy's dreams, might come true; they sacrificed for a country where he might gain the ambition and the desire of his heart.

They struggled so that their aspirations, their aims,

their impulses, their very life might have expression. They loved this Country and this land for the opportunity which it gave them—whatever might have been their origin—to rise to the fullness of manhood.

They gave this Country a new philosophy of government, founded upon the theory that government to be practical and to be ultimately successful should be conducted in the interest of all the people and be participated in by all the people regardless of their station in life or their ownership of property. They believed that the entire people could be trusted to do justice better than any one man or group of men. For such a theory makes for safety in government and for orderly progress instead of revolution.

Officers of the American Legion Post No. 51 and of the Veterans of Foreign Wars Post No. 47, of Uniontown, Fayette County, are with us here today. And it is just and proper and fitting that they are. For it was in that western City of Pennsylvania that Americansm Day was first conceived by the veterans of that community.

Some of their comrades never returned from the fields of France, and too often do we hear it said that their struggle was in vain. All too frequently has it been said—and, I might add, said sneeringly and disparagingly—"they died to make the world safe for democracy."

Well, my Fellow Pennsylvanians, I believe they died to give us a respite to carry on the American ideal; to carry it on toward a perfection for which we must always strive. Those patriots and our forebears died to make or to preserve our Nation.

They died to protect our Freedom and our Liberty.

They died, whether twenty-five or one hundred and sixty-five years ago, to insure that the children of today and tomorrow and next year—children as yet unconceived and unheralded—might live in the American way.

They died that we might have a free America in 1941, whose greatness we might be free to observe tomorrow.

But let us not boast of our Americanism unless Americanism is truly in our souls. We intend to preach Americanism tomorrow but what is it?

We know it does not exist, that there is no such thing unless it is in our souls.

It is the spirit of our Country. It is the never ending searching of the mind and the heart and the soul for an ideal, for the thing that is better. It is high in the Heavens and has come to us from the very throne of the living God.

You are men of the people, the maker of laws, the living symbols of our democratic way of life. You are the people's representatives, and into your keeping is entrusted the safety, the welfare and the liberty of the people of Pennsylvania.

But you have a greater responsibility even than this. A more sacred trust has been imposed upon all of you. For in the soul of each of you is a spiritual quality which represents your Americanism. It is finer and better than the individual himself. It is that quality which makes us discontented to stand still; which compels us to push ever forward and onward; which prompts us to strive for perfection and the unattainable.

That is the very essence of Americanism, for America is truly an aspiration.

We must secure it within our hearts, every last one of us; we must develop a passion for Americanism, not only because Americanism is the living, vital spirit of this Nation but because it is the most uplifting spirit that has come to man's soul from our omniscient Creator.

On the European Continent today democracy, the kind of democracy so sacred to us in America, is dead as a doornail, "gone with the wind". America and Britain are democracy's last fortresses, its final safeguards.

There are only two basic systems of government in the world today. One is the theory of natural rights, and that is democracy. The other goes by the high-sounding title of totalitarianism.

It all boils down to Americanism versus the other thing—call it Communism or Naziism or Fascism—but it is easier to say liberty or tyranny, right over might.

In the fateful struggle which has enveloped practically the entire world, in which the destiny of civilization will probably be determined, the issue is clear, for the ideals which we cherish have been shattered and destroyed and trampled into the earth in foreign lands.

The fight is for the vindication of the indivdual, if need be against the world; the triumph proclamation of God in your conscience; the complete backout, the final destruction of all isms, with their cold, brutal absorption of men and women in the remorseless schemes and ambitions of a soulless state.

Three and one-half years ago the President saw the danger ahead and spoke these words: "America hates war. America hopes for peace. Therefore, America diligently searches for peace."

What has happened in the world since the President uttered those words? Peaceful peoples who sought and hoped for peace—just as we do—have seen their countries overrun by the mad dogs of Naziism, their freedom and liberty and way of life destroyed.

During those three and one-half years the President has striven for world peace. He has raised his voice time and time again in an effort to halt the mad rush of foreign dictators. He endeavored to calm them before the world became embroiled in this present mess. He sought to have them settle their difficulties around the conference table.

But the dictators heeded not. They closed their ears to reason. They turned their backs on God and have marched their mighty legions to the four corners of the European Continent.

After war was declared the President labored to avert a similar tragedy in the Western World.

Again and again during those three and one-half years the President warned the American people of the smoldering fires abroad and of the need for adequate defense at home only to have his opponents accuse him of warmongering.

During those years your President had the vision and the foresight to warn America and to build its defenses, and yet the opponents of his foreign policy ofttimes reached into the garbage cans for political hatred and abuse.

I believe it is high time to throw off the cloak of complacency, forego our smug security and cease minimizing the dangers of economic and military aggression on this side of the Atlantic.

Why? Because there is a very real danger, a living actual menace. Let us not be lulled to an eternal sleep by an appeasement refrain.

Don't disregard the vivid lessons taught by recent European history. Don't say, "It can't happen here." It can.

Liberty has been blitzkrieged on the European Continent and hate and intolerance have ascended the throne where once reigned freedom and justice and human happiness. But even more important, democracy and Americanism are on trial in our own land.

Undercover organizations are fanning the fires of hatred and sowing the seeds of discord and appeasement among our people.

They work quietly, desperately, busily, to stir up and spread throughout the land false doctrines, crude and cruel hatreds designed to split our Nation and obstruct and slow up our National Defense efforts.

These subversive elements, alien in their origin and foreign in their loyalties, are penetrating into every activity of our people. They have attached themselves to peace groups, joined civil liberty organizations, wormed their way into pacifist committees, associated with those who preach prejudice and intolerance. They have played race against race and religion against religion, and have had the effrontery to participate in the affairs of civic and patriotic organizations.

Our people are ofttimes contaminated because they do not realize that we are at the crossroads; they do not yet comprehend that total victory for the Axis Powers in Europe lengthens the shadow of war across the waters of the Atlantic and the Pacific.

With what joy Hitler and Stalin and the military of Japan must witness the progress of their emissaries in dividing our people; how they must rejoice when they witness political attacks on the leader of the world's greatest democracy for speaking in the cause of decency, religious freedom and natural rights.

What large comfort the appeasers' derogatory and abusive attacks upon the President and our Government must be giving Hitler, for it plays right into his hand. He joins with them in the struggle to divide our people and soften America.

If Britain falls, America stands as the final safeguard for democracy.

The foreign policy adopted by your Government has been predicated upon such premises. We desire and we hope to maintain peace in the Western Hemisphere, but we have not been blind to the forces of war and destruction which were let loose upon the world. We are building our defenses strong and impregnable so that we will be secure from any attack.

I believe that this Nation has arrived at the very definite conclusion that there can be no just and lasting peace anywhere in the entire world—or for that matter any free or democratic way of life—if the forces of aggression are triumphant in this war.

And, therefore, we have thrown the entire industrial and economic strength of our Nation on the side of democracy and freedom.

I do not believe that Great Britain is fighting our war but Great Britain is fighting for a cause in which we have a vital stake, and I sincerely believe that it is in our National interest that she survive.

How can we maintain the Monroe Doctrine if she goes down; how can we possibly maintain the American standard of living; how can we maintain the free way of life for ourselves if all the rest of the world is in bondage?

How can we live alone and compete and survive in a dictator-ridden world unless we too adopt a dictator economy and build and maintain continually a military machine equal to theirs? How can we avoid the maintenance of an armed camp in America for generation upon generation? And how can American business and American labor stand up under the appalling and hitherto undreamed of taxation which must inevitably follow?

That there is a certain risk involved in doing what we have done I admit. But there would be an infinitely greater risk in doing nothing in the face of a combination of aggressor nations which have already overrun fourteen independent countries. For we must recognize the character of this aggression and that it is a living threat, not only to the American way of life but to the American system and Americanism itself.

The President has held true to his course and believes the course he has charted is least likely to lead us over the brink of war, is most likely to preserve the American spirit from crucifixion upon the swastika of hatred which the foreign infidels have prepared for it.

America has become the world's hope that the spirit of democracy will continue to live and breathe and flourish; it is the champion of liberty and religion and right as against tyranny and might and intolerance. Here is the voice which carries comfort and faith to peoples all over the earth who, though in temporary slavery, still cherish and believe in and hope again for freedom.

May God in his infinite goodness and wisdom prevent the horror of war from spreading over here. May He watch over American spirit which itself came from His Bountiful Heart. May He give our President the strength and courage to carry on and spare him to keep us at peace and lead us all out of the maze of world destruction, this valley of death and tears, into the bright sunlight of hope and faith and contentment.

Hovering about us here today, consoling us, counselling us, must be the undying spirit of our fathers and of all those who have served America in the years that have fled, for they all had a burning passion for their beloved country and an all-consuming hatred for oppression and aggression.

My friends, let us hold high the flying banners of faith and loyalty and courage, sure of the nobility of our cause, sincere in our devotion to principle, let us on the morrow, Americanism Day of 1941, rededicate ourselves to the American spirit and make America more worthy of all our dreams.

ADDRESS OF HONORABLE JAMES E. VAN ZANDT

HONORABLE JAMES E. VAN ZANDT. Mr. Speaker, Members of the House of Representatives, and fellow Americans: It was with a sense of deep gratitude that I accepted your kind invitation to address you on such a momentous and unique occasion. As a member of the Congress of the United States you and I have much in common. We are charged with grave responsibilities in discharging our trust as legislators for a free people.

It is noteworthy that this body of duly elected Representatives of the great Commonwealth of Pennsylvania pause in their deliberations to give expression to the basic ideals on which this nation was founded. Your action is comparable to that of Congress, when on the birthday of George Washington the National House of Representatives pays tribute to the Father of our country by reading and meditating on our First President's Farewell Address.

Gentlemen, in my capacity as a member of the Congress

of the United States I congratulate you on your exemplification of true Americanism. By your example, you have demonstrated that the zeal and patriotism of the early Colonists who founded this great Commonwealth still burn brightly in the heart of every Pennsylvanian. It was on Pennsylvania soil that the breath of life was given to this great nation. At Philadelphia were adopted the Articles of Confederation; there the Declaration of Independence was written and signed; there the Treaty of Peace that ended the Revolutionary War was ratified, and there also the Constitution of the United States was formulated. Today Independence Hall in Philadelphia stands as a mighty monument commemorating the birthplace of this nation, and it truly depicts the Quaker City as the Cradle of American Liberty.

We as Pennsylvanians have a proud heritage in the patriotic fervor that permeated our forefathers. Their contribution to this great Republic is one of the brightest pages in the history of our great nation. The courage and valor displayed at Valley Forge, Brandywine, and Fort Necessity spurred on the gallant stand that caused the Union forces to make Gettysburg the turning point in the Civil War, and has since transformed its hallowed ground into a national shrine. The torch of freedom given to us at Gettysburg has been carried aloft by loyal Pennsylvanians through the Spanish-American and World Wars.

Today as the war clouds gather over this last peaceful nation, Pennsylvanians true to their traditions are rallying to meet the challenge to the American way of life. The tramp of marching feet resounds in all of our 67 counties as Pennsylvania youth respond to the call of their country. Industries hum with activity as they strive to break all production records in their determined effort to supply the needs of an adequate national defense.

In short—Pennsylvania, the keystone in the original 13 States, is truly today the cornerstone of our national defense efforts.

Here in Pennsylvania we have room for only one ism —true Americanism. An Americanism that keeps strict faith with every word in the Bill of Rights and in every line of the Constitution. We believe in the kind of Americanism that give you and me the right to express our opinions, to approve or disapprove, to commend or criticize, as we see fit.

Our Americanism gives us a legal right to meet under the same roof as co-workers in the ranks of labor, as farmers in our local Granges, as business men in our Chambers of Commerce, as fraternal brothers in the Masonic Order, or the Knights of Columbus, Eagles, Elks, Odd Fellows or Moose.

We recognize and cherish the spirit of Americanism which leaves our newspapers free to print anything that does not conflict with the laws of libel or decency. As business leaders, laborers, or farmers, we appreciate the right that is ours to publish our own periodicals without the heavy hand of a censor to tell us what we the people are allowed to read. We realize that a free press must be available to all, and that if we deny it to those with whom we disagree today it may be likewise denied to us tomorrow.

As taxpayers and law abiding citizens, the Americanism we advocate gives us the privilege of presenting our petitions to the highest court in the land if we feel we have been wronged. We insist as true Americans that nothing shall interfere with that right.

If our public servants, our duly elected representatives in our town councils, our County and State Legislatures or in the Congress of the United States enact laws contrary to our ideas we believe in the kind of Americanism that grants every citizen the opportunity to petition our law-making bodies for corrective legislation. We want that opportunity as individuals. We want it as farmers, laborers, lawyers, doctors or bankers, if we feel our mutual welfare is being endangered.

In 1620 our Pilgrim Fathers migrated from England in search of individual liberty. One of their most important objectives was to establish homes in a new land where they could cling to the religious faith in which they believed. The Americanism we know teaches us that the blessing of religious freedom must be ours forever if America is destined to survive. There is no compromise with this fundamental truth. You and I would be repudiating Americanism if we should deny our neighbor the right to walk with his Lord and his God in his own way.

Tolerance for the rights and privileges of others is the essence of Americanism applied to religious freedom, free speech, free press or other individual liberties. There must be freedom for all or freedom for none. Those who would have America half free and half slave are traitors to the spirit of Americanism.

Let us keep this fact uppermost in our mind at all times—Americanism is not something you can sell for a price nor is it something you can take off and put on when you own a certain kind of uniform. Americanism is a way of life—a way of living, and not something you acquire by paying membership dues in a secret society.

The real Americanism that we know, feel, and breathe in Pennsylvania is the nation's gospel. Can anyone of us look on the world today and fail to thank God for the blessings of our form of Government? We are the most fortunate of nations. Nowhere else today is there a people so free to pursue life, liberty and happiness. Yet this blessed privilege is abused by many so-called Americans and efforts made to destroy it in various ways.

Today Americanism is being challenged by enemies within and without. There are insidious forces at work within our own country who are seeking to undermine the basic ideals of the American form of Government. These political termites are tirelessly gnawing at the pillars of the Republic. They are encouraged by indifference on the part of many lukewarm Americans and by the active work of foreign governments.

Regardless of how false and dangerous are the political philosophies of the Communist, the Nazi, Fascist, or any other group, we must admit reluctantly that the advocates of these new fangled political concepts are fired with a fanatical zeal and enthusiasm that staggers the imagination.

This nationalistic frame of mind has transformed into a mighty military machine a nation that in 1918 was conquered and subdued. For seven years prior to the present war you and I read in the newspapers or witnessed in the news reels the systematic effort employed to arouse the national consciousness of the second greatest industrial nation in the world—Nazi Germany.

We saw legions of German youth depicted in brown shirts and raising their hands in salute to an insignificant

Austrian paper-hanger, now held in abject contempt by the nations of the world as the "Beast of Berlin"—Adolph Hitler.

Today those same youths are the spark-plugs in the blitzkreig that has reduced nine countries in succession to a state of servitude.

Let us dwell for a moment on the activities of other nations since the year 1920. When we look back we now recall with vivid recollection that while Hitler pursued his program the remainder of the world was content to take everything for granted and be lulled into a false sense of security. When the rude awakening came, we found that not only other nations but even ourselves were unprepared for this new challenge to the peace and security of the civilized world.

Through the grace of God we as a nation have been spared actual combat with the ruthless forces now overrunning the plains of Europe. Meanwhile, we are engaged in a feverish effort to build an adequate national defense at the earliest possible moment. Such a gigantic task provides a real testing ground and an opportunity to view the principles of true Americanism at work.

The need for a united nation devoid of any partisan motives was never more apparent as we shoulder the burden of providing an adequate national defense.

What we need is more enthusiasm and zeal for Americanism! If the Dictator nations can muster loyalty and enthusiasm for their bloody and lustful regimes, what is there to prevent America from casting off her lukewarm attitude and experiencing a revitalization of American principles and ideals.

The crying need of the hour is for every American regardless of creed, race, or social position to be inspired by the courage and fortitude of those brave patriots to whom Valley Forge and Gettysburg proved the acid test of their patriotism and found them unafraid and glorious in their victories.

We fellow Americans may have honest differences of opinion in regard to many questions, but there can be no compromise on the fundamental principles of Americanism.

Our tolerance as a nation intended as a blessing has been seized upon by subversive groups to promote their own gospels of hate and oppression. To those alien parasites let us in unmistakable terms serve notice that their presence here among a free people will not be countenanced. Let the Communist return to Russia and face the secret trial and consignment to an unmarked grave by the light of the moon. Let the Nazi, Fascist and their kind return to the fatherland where the principles of human liberty have been discarded and where no man dare call his soul his own.

There should be a mass movement on the part of every Legislative body to provide the means of transportation to these base ingrates who, while enjoying the privileges and blessings of America, are in the same breath laboring incessantly to uproot and destroy every vestige of liberty and freedom. Let them demonstrate their sincerity for Godless Russia and Nazi Germany by departing from our shores, and every loyal American will utter a prayer of thanksgiving.

In similar fashion, I hold no brief for the luke-warm American, but instead regard him with contempt. The day of reckoning has arrived, and he must remove his cloak and stand revealed in his true light as a pussy-footer and one who accepts the blessings of American citizenship with no thought of assuming its duties and obligations. Today America is for Americans and let such a slogan be on the lips of every school-child, preached from the pulpits of the nation and inscribed on every heart.

In this critical period of world history let us evaluate the many blessings that are bestowed upon us by citizenship in this great Republic. Let us join with that distinguished employe of the National House of Representatives, William Tyler Page, in subscribing wholeheartedly to the lofty sentiments contained in his famous composition entitled "The American's Creed":

"I believe in the United States of America, as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes.

"I therefore believe it is my duty to my country to love it, to support its constitution, to obey its laws, to respect its flag, and to defend it against all enemies."

ADJOURNMENT

Mr. FISHER. Mr. Speaker, I move that this House do now adjourn until Monday, May 5, 1941, at 8 p. m.

The motion was agreed to, and (at 10:58 a. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

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SENATE

MONDAY, May 5, 1941

The Senate met at 3:30 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

Most Gracious Heavenly Father, we bow in humility before Thee for we remember that in the beginning of all things Thou didst bring order out of chaos and made light to supplant darkness. Over our troubled world this day may Thy Spirit brood so that we may have order again to prevail and light to shine among the peoples of the earth for Thy true light is being rapidly obscured by the evil machinations of men whose sole ambition is the subjugation of the nations of the earth.

Amidst the trials and falsity of far-flung propaganda may our people and our leaders keep our feet upon the ground and our minds and hearts open to Thy counsel lest we too forget Thy precepts and fail in our allegiance unto Thee in a time when Thou mayest be found.

Keep our people, therefore, O God, true to our traditions and honest in their spiritual convictions that that which may lie immediately ahead in international relationships shall be directed according to Thy will. With that direction we need not be fearful nor ashamed.

In the beginning of this week's labor in this General Assembly we seek Thy favor that our accomplishments in legislation may meet with Thy approval and be to the very best interests of our people. This we ask in Jesus' Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HEYBURN and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Mallery asked and obtained leave of absence for the Senator from Chester, Mr. SCARLETT.

Mr. Barr asked and obtained leave of absence for the Senator from Allegheny, Mr. McGINNIS.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 5, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set oposite their names:

ADAMS COUNTY

Mrs. Gladys W. Keefer, Littlestown, May 19, 1941.

ALLEGHENY COUNTY

S. L. Kann, Pittsburgh, Berger Building, May 19, 1941.
Eardley T. Manby, Pittsburgh, 317 Fourth Avenue, May 19, 1941.
Mrs. Esther L. Wilson, Pittsburgh, 3826 Parviss St., May 19, 1941.

ARMSTRONG COUNTY

Harry W. Dame, Ford City, May 19, 1941.

BLAIR COUNTY

Mrs. Dorothy M. Shute, Altoona, May 19, 1941.
Mrs. Iva M. Wineland, North Woodbury Twp., Curryville, May 19, 1941.

BUCKS COUNTY

Harry H. Gough, Bristol, May 19, 1941.

CAMBRIA COUNTY

Mrs. Margaret C. Wilson, Nanty Glo, May 19, 1941.

CLEARFIELD COUNTY

O. A. McGarvey, Irvona, May 19, 1941.

CLINTON COUNTY

Edward Caskey, Renova, May 19, 1941.

DAUPHIN COUNTY

Miss Gladys E. Uhrich, Harrisburg, May 19, 1941.

DELAWARE COUNTY

Grover C. Kauffman, Upper Darby Twp., 509 Mason Ave., Drexel Hill, May 19, 1941.
Freas B. Snyder, Upper Darby Twp., 1400 Bywood Ave., Upper Darby, May 19, 1941.

ERIE COUNTY

Mrs. Jean Field, Corry, May 19, 1941.

FAYETTE COUNTY

S. E. Porter, Dawson, May 19, 1941.

FRANKLIN COUNTY

Mrs. Mildred B. Ashway, Chambersburg, May 19, 1941.

LACKAWANNA COUNTY

Robert G. Coglizer, Scranton, May 19, 1941.

LAWRENCE COUNTY

Miss Corl J. Swartz, Ellwood City, May 19, 1941.

LEHIGH COUNTY

Russell A. Leister, Upper Saucon Twp., Center Valley, May 19, 1941.

LUZERNE COUNTY

Mrs. Mary T. Kennedy, Wilkes-Barre, May 19, 1941.
William L. McGarry, Wilkes-Barre, May 19, 1941.
Miss Anne Mekelyta, Wilkes-Barre, May 19, 1941.

MIFFLIN COUNTY

Harry E. Davis, Lewistown, May 19, 1941.

MONTGOMERY COUNTY

Mrs. Alice Evans Cummings, Lower Merion Twp., Bryn Mawr, May 19, 1941.
Lewis E. Miller, Upper Moreland Twp., 133 N. York Road, Willow Grove, May 19, 1941.
H. I. Phillips, Lower Merion Twp., 123 E. Lancaster Ave., Ardmore, May 19, 1941.
William E. Reading, Hatboro, May 19, 1941.

NORTHAMPTON COUNTY

Anton Wolst, Bethlehem, May 19, 1941.

PHILADELPHIA COUNTY

Louis Biederman, Phila., 873 North Lawrence St., May 19, 1941.
L. J. Bloche, Phila., 3611 Walnut St.
John K. Bollinger, 825 Bankers Securities Bldg., May 19, 1941.
Miss H. A. Bracken, Phila., 401 Walnut St., May 19, 1941.
Frank H. Cassentino, Phila., 7800 Frankford Ave., May 19, 1941.
Chas. Hackenburg, Phila., 4802 N. Broad St., May 19, 1941.
B. F. Lieber, Phila., 2200 East Allegheny Ave., May 19, 1941.
Miss Katherine G. Reilly, Phila., 603 Morris Building, May 19, 1941.
Miss Sara S. Robinson, Phila., 18 West Chelten Ave., May 19, 1941.

WESTMORELAND COUNTY

George F. Crouse, Smithton, May 19, 1941.
J. E. Moorhead, West Newton, May 19, 1941.

YORK COUNTY

Miss Maye Davenport, Hanover, May 19, 1941.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Frank W. Baldwin, Pittsburgh, 514 Grant Building.
Miss Jane Banyasz, Pittsburgh, 439 Baldwin Road, Hays.
H. P. Burns, Pittsburgh, 977B Union Trust Building.
John M. Clancy, Pittsburgh, 347 Atwood St.
Miss R. Elizabeth Grason, Haysville.
H. Fred Russell, Pittsburgh, Pitt National Bank, Fifth and Liberty Ave.

BEAVER COUNTY

Mrs. V. C. Roney, Beaver Falls.

CARBON COUNTY

Miss Nora C. Ward, Weatherly.

FAYETTE COUNTY

B. C. Bell, Uniontown.

FRANKLIN COUNTY

James E. Chen, Washington Twp., Blue Ridge Summit.
Miss Pearl T. Lesher, Chambersburg.

LACKAWANNA COUNTY

Karl P. Conrad, Scranton.
Miss Marion E. McLaughlin, Scranton.

LUZERNE COUNTY

Miss Nancy L. Boyle, Wilkes-Barre.
Miss A. B. McKane, Hazleton.

MONTGOMERY COUNTY

Mrs. Elizabeth Farra, Lower Merion Twp., 345 Montgomery Ave., Bala-Cynwyd.
Miss Jean McAleer, Jenkintown.

NORTHAMPTON COUNTY

Edgar F. Smith, Easton.

PHILADELPHIA COUNTY

Leo E. Brodsky, Phila., NE Cor. Third and Lehigh Ave.
Miss Anne Davis, Phila., 2814 Bridge Street.
Miss Madeline D. Donahue, Phila., 7226 Lawndale Street.
Miss Mary McGrory, Phila., 1520 Locust Street.
Miss Madeline M. O'Rourke, Phila., 121 Commonwealth Building.
Miss Ethel Tyson, Phila., NW Cor. 6th and Bainbridge Streets.
Miss Adele Walton, Phila., 1608 Walnut Street.

TIOGA COUNTY

Floyd L. Bostwick, Lawrenceville.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Ealy,	Letzler,	Tallman,
Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	McCreesh,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Cavalcante,	Geltz,	Miller,	Wad ,
Chapman,	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsher,	Shapiro,	Wilson H. I.,
Crider,	James,	Snowden,	Wilson, T. B.,
Crowe,	Jaspan,	Stevenson,	Woodward,
Deitrick,	Kephart,	Stiefel,	Ziesenheim,
Dent,	Lanius,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBER OF STATE BOARD FOR THE EXAMINATION OF PUBLIC ACCOUNTANTS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George R. Drabenstadt, C. P. A., Racquet Club, Philadelphia, Philadelphia County, for appointment as a member of the State Board for the Examination of Public Accountants, for the term of four years and until his successor is appointed and qualified, vice Charles H. Steel, whose term expired.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES FOR PENNSYLVANIA INDUSTRIAL SCHOOL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice an consent of the Senate D. Emmert Brumbaugh, Claysburg, Blair County, for appointment as a member of the Board of Trustees of Pennsylvania Industrial School, for the term of four years and until his successor is qualified, to fill a vacancy.

ARTHUR H. JAMES.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 125 AND SENATE BILL No. 285

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 1, 1941.

To the Honorable, the Senate, of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 125, Printer's No. 158, entitled:

An Act abating certain tax penalties and interest on county, city (except cities of the first and second class), borough, town, township, school district (except school districts of the first class), and county institution district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Senate Bill No. 285, Printer's No. 105, entitled:

An Act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class on unpaid delinquent school taxes in school districts of the first class, and on unpaid delinquent poll, poor district, institution district and county taxes in counties of the second class prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens and providing for the extension thereof.

ARTHUR H. JAMES.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 90, (Senate Bill No. 790), entitled:

An Act providing for the correction of the designation and title of all organizations of veterans of the Spanish American War in all present legislation affecting veterans by designating such organizations as United Spanish War Veterans, Inc.

Which was committed to the Committee on Military Affairs.

House Bill No. 104, (Senate Bill No. 791), entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "Veterans' Compensation Act," extending the time during which application may be filed for veterans compensation.

Which was committed to the Committee on Military Affairs.

House Bill No. 277, (Senate Bill No. 792), entitled:

An Act to further amend subsection seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code," by increasing the minimum salaries of teachers in fourth class school districts, and requiring the Commonwealth to make certain payments on account of such salaries.

Which was committed to the Committee on Education.

House Bill No. 523, (Senate Bill No. 793), entitled:

An Act to protect the public against fraud and deception to prevent unfair competition and unfair trade practices; regulating the business of selling gasoline by requiring persons engaged therein to post the price thereof to public view and requiring sale at the price posted; and prescribing certain penalties.

Which was committed to the Committee on Finance.

House Bill No. 540, (Senate Bill No. 794), entitled:

An Act to further amend clause A of section four of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463) entitled as amended "Municipalities Authorities Act of 1935," by providing for the termination and dissolution of inactive municipal authorities.

Which was committed to the Committee on Municipal Government.

House Bill No. 640, (Senate Bill No. 795), entitled:

An Act establishing certain public roads and streets, and certain roads and streets not yet in existence in the City of Harrisburg and the County of Dauphin as a state highway; and providing for their laying out, opening, construction and maintenance by the Department of Highways subject to certain terms and conditions.

Which was committed to the Committee on Highways.

SENATE BILL No. 253 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 253, entitled:

An act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions, providing for an election on such question; and regulating hours of service, hours of rest and annual vacations.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The bill as amended will be noted on tomorrow's calendar.

REPORT FROM COMMITTEE

Mr. WOODWARD. Mr. President, about two weeks ago I was requested by the chairman of Judiciary General Committee to report out a very unimportant bill but I lost it, and therefore, after an interval of a week, I ask permission to report a bill.

Mr. WOODWARD, from the Committee on Judiciary General, reported as committed, Senate Bill No. 339, (House Bill No. 475), entitled:

An Act to further amend section seven of the act approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments", as amended, to extend the original jurisdiction of the Superior Court to include mandamus and prohibition in certain cases.

EMPLOYES OF THE SENATE

Mr. CHAPMAN, reported from the Slate Committee the following resolution which was twice read, considered and agreed to:

In the Senate, May 5, 1941.

Resolved, That Betty Graham be appointed Assistant Sergeant-at-arms in the Senate, vice Frederick L. Kiger, resigned.

BILLS INTRODUCED

Mr. BECKER read in his place and presented to the Chair Senate Bill No. 796, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing Route 36174, Lancaster County.

Which was committed to the Committee on Highways.

Mr. JAMES read in his place and presented to the Chair Senate Bill No. 797, entitled:

An Act making an appropriation to the Department of Highways for the construction of roadways and parking areas on the premises included in the Pennsbury Memorial.

Which was committed to the Committee on Appropriations.

Mr. WALKER read in his place and presented to the Chair Senate Bill No. 798, entitled:

An Act to amend section one of the act approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," by increasing the term of office of judges hereafter elected and further regulating the election of said judges.

Which was committed to the Committee on State Government.

Mr. DENT. Mr. President. I rise in my place to present to the Chair two bills dealing with workmen's compensation and in doing so I ask for permission to make a short statement.

The PRESIDENT. The gentleman from Westmoreland may proceed.

Mr. DENT. In presenting these two bills, Mr. President, I believe I am striking at what has probably caused more trouble in workmen's compensation since its inception than any other feature of compensation, and that is the rate setting.

Now, Mr. President, under the one bill I propose that the state workmen's insurance fund be removed from the jurisdiction of the rate setting bureau, known as the Pennsylvania Rating Bureau, and that it set its own rates according to its own actuarial figures, thereby giving the employers a rate that is justified by the losses and the experience rating.

The second bill, Mr. President, allows and forces the insurance fund to put solicitors to work. Under this administration, particularly, solicitors are no longer employed by the State Workmen's Insurance Fund and therefore the record of the fund will necessarily be bad and inasmuch as the record of the fund is used as the basis upon which rates are set for the coal mining industry, particularly the rates are necessarily high.

Under the past administration, over fifty solicitors were

employed by the State Workmen's Insurance Fund, who went out and solicited business on a businesslike basis, and under that administration money was made by that fund, but under this administration money is being lost by the insurance fund and inasmuch as the taxpayers have to stand a great deal of the expense of running all the agencies of government, I feel the time has come when the state insurance fund should take its proper place and give the employers of Pennsylvania compensation rates that they are entitled to give, if they only follow their own figures.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 799, entitled:

An Act to further amend section five of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscriber to be misdemeanors; and providing penalties for the violation thereof," by imposing the duty on State Workmen's Insurance Board to solicit employers of the Commonwealth to insure with the State Workmen's Insurance Fund.

Which was committed to the Committee on Workmen's Compensation.

He also read in his place and presented to the Chair Senate Bill No. 800, entitled:

An Act to amend sections six hundred fifty-four and six hundred fifty-five of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by excluding insurance carried by the State Workmen's Insurance Fund from the provisions of the act.

Which was committed to the Committee on Workmen's Compensation.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 801, entitled:

An Act to validate and confirm certain contracts, heretofore entered into by boards of school directors, where there is no evidence of fraud or conspiracy, and to authorize, ratify, confirm, and validate payments on such contracts by the school district.

Which was committed to the Committee on Education.

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 802, entitled:

An Act to further amend section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for employes of State teachers colleges and the Cheyney Training School for Teachers.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair Senate Bill No. 803, entitled

An Act to further amend section one of the act, approved the eighteenth day of April, one thousand nine hundred and thirty-five (P. L. 48), entitled "An act requiring banks, trust companies, bank and trust companies, private bankers, and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances," making the said information available to county institution districts and city departments of welfare.

Which was committed to the Committee on Banking.

He also read in his place and presented to the Chair Senate Bill No. 804, entitled:

An Act to amend sections 2 and 3, and to further amend section 4 of, and to add section 4.1 to, the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," imposing certain liabilities upon certain relatives of indigent persons; making after-acquired property of such persons liable for the public moneys expended for their care and assistance; providing for the collection of claims for past care and maintenance; making the act effective as to indigent persons who are mentally ill; imposing duties upon certain fiduciaries; and providing penalties.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

He also read in his place and presented to the Chair Senate Bill No. 805, entitled:

An Act to amend section one of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (P. L. 997), entitled "An act providing that the statute of limitations shall not be a defense against claims of poor districts for the maintenance and support of persons who are public charges, including mental patients," extending the provisions of said act to include the claims of institution districts, and also to claims against relatives who are legally liable for the care and maintenance or financial assistance of indigent persons.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. ZIESENHEIM read in his place and presented to the Chair Senate Bill No. 806, entitled:

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating sabbatical leaves for certain school employes.

Which was committed to the Committee on Education.

REPORT FROM COMMITTEE

Mr. T. B. WILSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. T. B. WILSON, from the Committee on Judiciary General, reported as amended, Senate Bill No. 177, entitled:

An Act regulating and limiting the rights of slayers in real and personal property and in the benefits from insurance policies, arising out of or as a result of the death of the person slain; and protecting and saving the rights of purchasers and insurers dealing with slayers without notice of the slaying and repealing certain legislation.

ORIGINAL RESOLUTION

Mr. WADE. Mr. President and members of the Senate we have before us on the Calendar for today, on page 8, Senate Bill No. 550, Printer's No. 148, which in substance changes considerably the state government of Pennsylvania. It carries out a trend that has been somewhat in evidence for the past two years. It is interesting to note, in discussing the matter with one of the members of a special committee under the State Government Commission, having to do with a study of civil service law in the State of Pennsylvania, I was advised that they decided unanimously against it. As a matter of fact they said that law was inefficient for state employes, that they showed a discourtesy to the public generally, and because this bill we have before us tends to further promote what is known in civil service what to my mind was not meant for efficiency or not meant as a courtesy to the people who are entitled to it, I think that every member of this Senate is entitled to know just what this bill would do to the particular department that is affected.

Now, first, may I say, Mr. President, that just recently a member of the cabinet of the State of Pennsylvania was asked a direct question to which he did not make a direct answer.

I should like to know, before I vote on this bill, how many people in that department are affected by federal contributions and how many people are not affected by federal contributions. As a matter of fact, it is my firm opinion from a study of the matter that we should know before we are asked to vote on a bill of this kind.

For that reason, Mr. President, and members of the Senate, on behalf of my colleague, the gentleman from Dauphin, Mr. Taylor, who jointly sponsored this resolution with me, I ask permission to place before the Senate a resolution.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE offered the following resolution which was twice read:

RESOLUTION MEMORIALIZING FEDERAL GOVERNMENT TO FURNISH INFORMATION RELATIVE TO EMPLOYES IN STATE DEPARTMENT OF HEALTH

In the Senate, May 5, 1941.

Whereas, The administration of various social security laws within the Commonwealth in which the Federal government assumes a portion of the cost, has resulted in the practice of having the names of employes appear on both State and Federal payrolls; and

Whereas, Employes who heretofore received a good wage from the Commonwealth for their entire employable time have now had their compensation materially increased, and render no additional service for such increase; and

Whereas, The receipt of payment for services from two employers results in a divided allegiance and is contrary to the age-old biblical admonition to the effect that "man cannot serve two masters"; and

Whereas, This Senate should have full knowledge of the extent to which such practice has developed so that a study can be made of the actual appropriations necessary for administrative purposes; therefore be it

Resolved, That the Secretary of the Senate is hereby instructed to request the Secretary of the Department of Health to forthwith furnish to the Senate the following information:

1. Total number of employes in the Department of Health.

2. Total number of employes in the Department of Health who receive compensation only from the Commonwealth.

3. Total number of employes in the Department of Health who receive compensation only from the Federal Government together with their names and addresses, the date of their appointment and the amount of salary received by each.

4. Total number of employes in the Department of Health who receive compensation from the Commonwealth and from the Federal Government together with their names and addresses, the date of their appointment, the date of the commencement of dual payments of compensation and the amount received from each the Commonwealth and the Federal Government.

MOTION TO SUSPEND RULE 39

Mr. WADE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object to immediate consideration of the resolution on the ground that while I am in absolute accord with the right and the necessity for the information requested, the recital clause of the resolution sets up suggestions with which I can not agree. That seems to me to be the trouble with most resolutions introduced in this Senate, that they have a subject which is germane and valuable but they spoil it with the recital clause, which binds me to an idea or thought which an individual member of the Senate has.

For that reason, Mr. President, I object to immediate consideration of the resolution.

The PRESIDENT. There has been objection and the resolution is referred to the Committee on County Government.

Mr. WOODWARD. Mr. President, I would like to correct an error in the statement of the gentleman from Cumberland in connection with the resolution he has just offered. The gentleman said no man can serve two masters. I want to remind the gentleman from Cumberland we are serving only one master and he is Uncle Sam and he lives in Washington.

TIME OF NEXT MEETING

Mr. HEYBURN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 5, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, May 12, 1941, at 3:30 o'clock p. m., Eastern Standard Time, and when the House of Representatives adjourns this week, it reconvene on Monday, May 12, 1941, at 8 o'clock p. m., Eastern Standard Time.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

SENATE RESOLUTION SERIAL NO. 125 CALLED UP FROM TABLE

Mr. HEYBURN. Mr. President, I now call up Senate Resolution, Serial No. 125, which was laid on the table.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

SENATE CONCURRENCE RESOLUTION

Serial No. 125. (Not printed). Legislative Journal Page — By Mr. HEYBURN.

PETITIONING PRESIDENT AND CONGRESS TO CAUSE REPEAL OF CERTAIN CLAUSES OF SOCIAL SECURITY ACT

In the Senate, April 15, 1941.

Whereas, The Federal Government recognized in the original Social Security Act that the administration of unemployment compensation laws is properly a function of the various states and accordingly designed the act as an inducement to the adoption of the program by the states themselves; and

Whereas, The funds received from the Federal Government for the expenses of administering the state acts have in the first instance been taken from employers of the states themselves; and

Whereas, The Social Security Act has prior to and since its amendment August 10, 1939, required the state acts to meet a prescribed standard as a condition to the eligibility of such states for the refund of their expenses of administration; and

Whereas, By amenment of August 10, 1939, clauses (8) and (9) were added to subsection (a) of section 303 requiring as further conditions to the refund of such administrative expenses, the following:

"(8) Effective July 1, 1941, the expenditure of all moneys received pursuant to section 302 of this title solely for the purpose and in the amounts found necessary by the Board for the proper and efficient administration of such state law; and

"(9) Effective July 1, 1941, the replacement, within a reasonable time, of any moneys received pursuant to section 302 of this title, which, because of any action or contingency, have been lot or have been expended for purpose other than, or in amounts in excess of, those found necessary by the Board for the proper administration of such state law;" and

Whereas, Said clauses (8) and (9) are unnecessary for the reason that ample protection is afforded the interests of the Federal Government by the existing requirement for approval and certification of state laws by the Federal Social Security Board; and

Whereas, Said clauses are improper for the reason that they attempt to give the Federal Government power to encroach upon the domain of the states in determining their own questions of procedure and administration in which, because of geographical locations, peculiar governmental procedures and processes, and other differentials, there must necessarily exist wide variations among the several states which cannot be standardized, nor can a particular state efficiently adopt a procedure in regard to one of its functions which would be out of harmony with its general practices; and

Whereas, Clause (9) makes possible by a single act of the Federal Social Security Board the upsetting of established precedents existing under present state unemployment compensation laws already approved and accepted by the Federal Board and requiring the repayment of funds heretofore legally expended, nor does said clause have any limitation either as to the scope of the inquiry or as to the time in which demand for repayment must be made; and

Whereas, The enforcement of said clauses will have the effect of giving the Federal Government complete and arbitrary control over the administration of the unemployment compensation program which the Federal Act itself recognizes as a proper function of the states themselves; and

Whereas, If said clauses are allowed to become effective they will grant to the Federal Government control of the administration of any state or local law where the benefit of Federal funds is or may be obtained; therefore be it

Resolved (if the House concur), That the General Assembly of the Commonwealth of Pennsylvania hereby respectfully memorialize and petition the President of the United States and the Congress of the United States to cause said clauses (8) and (9) of subsection (a) of section 303, of the Social Security Act, as amended August 10, 1939, to be repealed prior to its effective date; and be it further

Resolved, That copies of this resolution be immediately transmitted to the President of the United States and to each Senator and Representative in Congress from the Commonwealth of Pennsylvania.

RULE 39 SUSPENDED

Mr. HEYBURN. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

Mr. SHAPIRO. Mr. President, I do not think memorializing Congress will result in immediate repeal of the act, but I do think those of us who have an interest in this subject matter should put ourselves on record with regard to our feeling about the sections that are suggested to be repealed.

As I read this resolution I recall that it affects the unemployment compensation act which was passed in the Special Session of 1936. It was passed at a time when states had refrained or neglected to make any provision for the results of unemployment. In fact, in this state it was passed for the first time by the convening of a newly elected group of members of the Senate before they usually take office. It was usual for newly elected Senators to take office the first of January following their election. They were convened together in a Special Session in December of 1936, and the reason for that was that according to the social security act, unless the Commonwealth of Pennsylvania adopted an unemployment compensation law, the $25,000,000 which then represented the amount that would be received on the one per cent tax would have gone to the federal government, and the employes of the State of Pennsylvania would have received no benefits, although the employers would have been obliged to pay the tax.

That act was passed, Mr. President, and was passed

with respect to its civil service provisions after conferences with the representatives of the government who insisted upon civil service so that the monies which would be expended, contributed by the government, that is returned by the Federal Government to the State for administrative expenses would be properly administered.

We all know recently there has arisen a difference of opinion between the Department of Labor and the Federal Government. I do not pretend at this time to know or discuss who is right in that, but I do know that basically the law in Pennsylvania with respect to civil service is the same law as has been insisted upon by the Federal Government throughout the country and that the administrative expenses are not figuratively but are actually contributed by the Federal Government, because a tax is paid to the Federal Government, with a credit against the tax for any amount of money paid by the employer to the state. The difference between the two, in the one per cent, consists—I think, of three-tenths of one per cent for civil service, which, together with all other contributions from other states of a similar amount, is deposited in the fund and is distributed by the Federal Government, and it is distributed, according to my recollection, without regard to the amount of actual contributions; it is distributed on the basis of what the state needs for the purpose of operating and properly administering the fund.

These amendments that were suggested to the Federal Act were made necessary apparently because the various states requisition certain amounts for administrative expenses and then do not incur the expenditure, and these amendments were made for the purpose of controlling the expenditures so that, first, the Federal Government would know there was no more money received than was expended and, secondly, so that the Federal Government would be able to see to it that the monies went to civil service employees. That means persons engaged and appointed and maintained on the basis of proper civil service.

Mr. President, this resolution is a recommendation on our part that we should say to the government that you ought not to have that kind of a law because, as it says in the recital clause, that gives you too much control and gives you the right to put your fingers into state affairs which are none of your business.

I personally cannot subscribe to the proposition that money coming from the Federal Government to the state does not give the Federal Government the right to see that it is properly expended.

I do not argue with you the proposition on which there are two opinions, as to whether or not the state should accept money from the Federal Government, but so long as the state is accepting money from the Federal Government, it is my opinion the Federal Government has the right to set rules and regulations for its expenditure.

Therefore, Mr. President, I personally am going to vote against the resolution and I ask my colleagues to do likewise.

Mr. HEYBURN. Mr. President, the Senator from Philadelphia seems to be in error on two or three points in connection with this resolution. To begin with, we are not accepting money from the Federal Government, so to speak. This three-tenths of one per cent paid into the Federal Fund in Washington to administer the act in Pennsylvania amounts to between ten million and twelve million dollars a year on the average, and we have been getting back about seven million dollars for administrative purposes.

Now, Mr. President, every once in a while, the Chief of the Bureau of Unemployment Compensation sends down to Washington a schedule of proposed expenditures, along with the personnel, salaries, pay rolls and so forth, and that is approved by the Social Security Board and money is sent to Pennsylvania to cover that payroll. Now, Mr. President, any improper expenditures which may have been made can be taken care of the next time you go to Washington to requisition money.

Notwithstanding any disputes between Secretary Hines and the Social Security Board, the whole thing is that the resolution to become effective July 1, 1941, provides for the replacement of all monies received pursuant to section 302 of this title solely for the purpose and in the amounts found necessary by this Board in Washington for the purpose of administration of the said law.

It all comes down to a question of who is qualified to say whether or not the laws are properly administered. There is ample protection for the Social Security Board under the existing act now in effect, because if there is any such thing as improper expenditures, the next time money is requisitioned from Washington an adjustment can be made, which gives you all the protection in the world.

This replacement feature, Mr. President, is very dangerous. Suppose ten years from now we get another administration in Washington—which we may in ten years, I hope—nevertheless they can come into the Commonweauth of Pennsylvania and say way back in 1940 we improperly expended some money and they could demand replacement of that money. That could run into millions of dollars. This resolution has been passed by any number of states, in states where the Democratic Party is in control and in states where the Republican Party is in control. It seems to me rather sloppy business to agree to this sort of thing without at least putting up some kick.

How are we to know, ahead in 1950, that some administration will not insist that monies were improperly expended back in 1940 and demand replacement. We would have no redress from that, Mr. President. The Social Security Board in Washington is the sole judge of that.

It seems to me a very improper encroachment upon state rights and it also seems to me it is very foolish business for us to accept it without at least offering some objection.

Mr. EDMONDS. Mr. President, I would like to ask the gentlemen who have just taken part in the debate if I understood correctly that the three-tenths of one per cent paid by Pennsylvania for service amounts to twelve million dollars and the amount which Pennsylvania gets back again amounts to seven million dollars

Is that statement correct, Mr. President?

Mr. HEYBURN. That is correct, Mr. President.

Mr. EDMONDS. What becomes of the other five millions of dollars, Mr. President?

Mr. HEYBURN. That, Mr. President, is in this fund down in Washington for administrative purposes, and probably goes to some states that are getting more money

than they are entitled to; more than they contributed to the fund for administrative purposes.

Mr. EDMONDS. Mr. President, may I ask the Senator if we in Pennsylvania have any control over that excess fund.

Mr. HEYBURN. No, not at all, Mr. President.

Mr. EDMONDS. Do we receive any report from them as to what happens to that money?

Mr. HEYBURN. No, Mr. President, the state has no rights at all. We just requisition money and we have to submit lists of proposed expenditures, along with a list of the personnel, payroll and so forth. Of course, we have to have a civil service system, which we now have, expect to have and must have under the existing law.

Mr. EDMONDS. I think that under those circumstances. Mr. President, the Senate is right in inquiring into the matter, which makes me feel I should vote for the resolution.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Delaware.

The PRESIDENT. Will the gentleman from Delaware permit himself to be interrogated?

Mr. HEYBURN. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, is it true the three-tenths of one per cent goes to the Federal Government?

Mr. HEYBURN. That is right, Mr. President.

Mr. SHAPIRO. And, Mr. President, is it true the annual income amounts to between $75,000,000 and $85,000,000 a year from the taxes?

Mr. HEYBURN. From all the states, Mr. President?

Mr. SHAPIRO. From the State of Pennsylvania. Isn't it true the income from the State of Pennsylvania from this tax averages between $75,000,000 and $85,000,000 a year?

Mr. HEYBURN. I think that is correct, Mr. President.

Mr. SHAPIRO. Then, Mr. President, how does the gentleman from Delaware figure that three-tenths of one per cent amounts to $12,500,000 a year.

Mr. HEYBURN. It averages between ten and twelve million dollars a year, and it has since the tax reached its maximum of two and seven-tenths per cent

Mr. SHAPIRO. How could it possibly be that, Mr. President, if it is three-tenths of one per cent?

Mr. HEYBURN. Mr. President, the gentleman from Philadelphia is evidently wrong in the first figure. I am right in my figure.

Mr. SHAPIRO. I asked, Mr. President, whether it was three-tenths of one per cent or not?

Mr. HEYBURN. It is three-tenths of one per cent, Mr. President.

Mr. SHAPIRO. Mr. President, I should like to enenlighten the gentleman from Montgomery by saying there is a definite reason why some of this money does not come back to Pennsylvania. There is a Social Security Board and it is the function of the Social Security Board to see to it that social security regulations with respect to unemployment and civil service provisions of the unemployment compensation act are carried out. It has a force and it uses some of that money to pay its own expenses; it uses the money as I said before, in distribution to states irrespective of the amount of their contributions. Some states do not contribute as much as is necessary for expenses and therefore they get the expenses necessary from the general fund.

Pennsylvania, if it were in that position and probably it was in the first year of the administration of this act, when its income from the three-tenths of one per cent did not equal the amount of its expenditures—yet the federal government gave it an allowance in accordance with its justifiable requisitions, and so it goes throughout all the states of the nation.

The fund is used indiscriminately, put into one pool as to administration; the other money is regarded and belongs to Pennsylvania solely, that is, the tax itself, so that there is nothing to be alarmed about because Pennsylvania—even if the figures are true, which I doubt personally—does not get back all of its money; very few of the states get back all of their money because most of it is used for expenditures to operate the fund in Washington.

Some states, however, get more than the amount they put in because their income is not sufficient to enable them to properly administer, unless they do get it.

Mr. DENT. Mr. President, when this resolution started out it looked to me like an innocent resolution but now it seems to me we are getting into water that is pretty deep. We are now confroned with the same principle involved in the question asked by the gentleman from Montgomery.

The same principle governs all monies paid into the United States Federal Government from income or any other federal taxes. We have no separate budget set up for the various states, that they should receive a certain amount in return for a like amount paid into the federal treasury and when we get to that point in this country we are going to have the same situation that they have in Europe; that is what caused the wars and the powers that are built up, because one little nation has a set of laws or rules different from another little nation.

Mr. President, this is supposed to be a democracy. You are striking at the very fundamentals of our democracy when you say money contributed by Pennsylvania can not be expended in other states.

Mr. President, if you will notice the title of the bill, you will see that the social security act is just as fair to a Georgia cracker, just as important to other sections as it is to the coal miners in Westmoreland county and everyone in Pennsylvania.

Mr. President, I say what looked like an innocent resolution has brought forth some questions, especially to my mind, that makes me look with suspicion on this resolution. The question of whether or not the federal government gives Pennsylvania its proper amount of money for distribution in the State of Pennsylvania for expenditures that go for administrative costs should not enter into this resolution.

If what the gentleman from Delaware said is true, what he is interested in is seeing that this state does not become surcharged with monies it expends that it may not be surcharged ten years from now; he is interested in seeing to it that proper legislation is passed by the federal Congress that guarantees against the federal social security board taking that action.

I do not think this resolution is necessary, Mr. President. Once they audit the account and say to the Pennsylvania state department head that the persons you have put to work and the expenditures you have gone through

are proper and just and we send you a check for that amount they have, to my mind they have already o.k'd the expenditure and therefore you do not need this type of resolution.

However, Mr. President, I want you to look at seriously and consider the question asked by the gentleman from Montgomery, because it is a serious question and strikes at the roots of this case. If we get to a position where Pennsylvania is entitled to only what belongs to Pennsylvania you might as well say this is no longer a Congress of states, it becomes a Congress of nations.

Mr. EDMONDS. Mr. President, may I say, inspired by the remarks of the gentleman from Westmoreland, that when we pay taxes we pay taxes for appropriations by Congress and of course they appropriate them to purposes that are in various states. I would not, for one, be willing to argue that all of the money Pennsylvania pays for taxes should come back to Pennsylvania again, although as a matter of fact you could get a great deal more, but this is a social security administered by a commission and not by appropriation by Congress and it seems to me it is important to our taxpayers in Pennsylvania to know that if they pay out twelve million dollars and get only seven million dollars back, and that other five million dollars goes to other states, it seems to me if that is the fact those that pay the money have a right to know it.

I very much hope, Mr. President, there is definite information given about that as a result of this discussion.

Mr. WOODWARD. Mr. President, I should like to interrogate the gentleman from Westmoreland.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. With apprehension, Mr. President.

Mr. WOODWARD. Mr. President, I would like to ask the gentleman from Westmoreland what becomes of the money from the pay roll taxes of employers with less than eight employes. That is certainly Pennsylvania money because it is not required by federal law. Does the Senator from Westmoreland say that is money which goes into a common pot? That is certainly Pennsylvania money.

Mr. DENT. I am sorry, Mr. President, I could not understand the interrogation.

Mr. WOODWARD. Mr. President, this matter was debated two or three weeks ago and I then called attention to the fact, as you know, that receipts from taxes of employers of less than eight—the federal law begins only with employers of more than eight people. Now, that money, these payroll taxes on employers of less than eight, goes to Washington and I am trying to find out what becomes of it. That certainly is Pennsylvania money.

Mr. DENT. Mr. President, three tenths of one percent goes to Washington or rather the assessments against employers who employ less than eight certainly goes to the general fund in Washington; I agree with that, and I also agree it is wrong.

Mr. WOODWARD. I thank the gentleman, Mr. President.

Mr. DENT. Mr. President, that money specifically is taxes against those employers and he has no provision for any compensation from the Federal government.

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	Mallery,	Wade,
Becker,	Farrell,	Miller,	Walker,
Carr,	Geltz,	Snowden,	Watkins,
Chapman,	Heyburn,	Stevenson,	Wilson, H. I.,
Crider,	Homsher,	Tallman,	Wilson, T. B.,
Crowe,	James,	Taylor,	Woodward,
Deitrick,	Kephart,	Thomas,	Ziesenheim
Ealy,	Letzler,	Tyler,	

NAYS—17

Barr,	DiSilvestro,	Lanius,	Reed,
Cavalcante,	Frey,	McCreesh,	Ruth,
Coleman,	Haluska,	McQuiddy,	Shapiro,
Cox,	Jaspan,	Mundy,	Stiefel,
Dent,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 326, entitled:

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material supplies and equipment from Federal funds appropriated to vocational education for national defense to be used for training or retraining workers and prospective workers for industries essential to national defense waiving all statutory requirements as to advertising for said bids.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Tallman,
Bartlett,	Ealy,	Letzler,	Taylor,
Becker,	Edmonds,	Mallery,	Thomas,
Carr,	Farrell,	McCreesh,	Tyler,
Cavalcante,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Walker,
Coleman,	Haluska,	Mundy,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Shapiro,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Deitrick,	Jaspan,	Stevenson,	Ziesenheim,
Dent,	Kephart,	Stiefel,	

NAYS—1

Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 212, on final passage, entitled:

An Act with rerefence to trust receipts and pledges of

personal property unaccompanied by possession in the pledge and to make uniform the law with reference thereto

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RECONSIDERATION OF SENATE BILL No. 381

Mr. MILLER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 381, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes

passed third reading.

Mr. MILLER. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye."

Mr. EDMONDS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. EDMONDS. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. MILLER. Mr. President, I ask unanimous consent to amend Section 1, page 2, line 3, by striking out the word "first"; amend Section 1, page 2, line 21, by inserting after the word "Any" and before the word "county" the following: "such"; amend Section 1, page 2, line 23, by inserting after the word "due" and before the word "notice" the following: "public"; amend Section 1, page 2, line 23, by striking out after the word "notice" the following: "to and by"; amend Section 1, page 3, line 6, by inserting after the word "Any" and before the word "county" the following: "such"; amend Section 1, page 3, line 8, by inserting after the word "any" and before the word "city" the following: "such"; amend Section 1, page 3, line 12, by striking out the word "the" and inserting in lieu thereof the following: "such"; amend title, page 1, line 8, by striking out the word "first".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL POSTPONED

Mr. CROWE. Mr. President, I move that further consideration of Senate Bill No. 30, on third reading, entitled:

An Act providing for the establishment, construction, operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through, bordering or accessible to the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike to be known as the "Rim Parkway," providing for the creation of the Pennsylvania Parkway Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of parkway revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such parkway, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the parkway; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such parkway shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission; conferring powers and imposing duties on the Department of Highways; and authorizing the issuance of parkway revenue refunding bonds

be postponed for the present.

Mr. LETZLER. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. BARTLETT. Mr. President, I move that Senate Bill No. 219 on third reading, entitled:

An Act requiring prothonotaries and clerks of courts to notify officers charged with the duty of collecting taxes, of all judicial sales; and taxing the cost of such notices

be recommitted to the Committee on County Government for the purpose of further study.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILL POSTPONED

Mr. CROWE. Mr. President, I move that further consideration of Senate Bill No. 233 on third reading, entitled:

An Act to amend section one of the act approved the thirteenth day of May, one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of miners; by forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school district and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," by exempting children employed as caddies from the provisions of this act

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 378, as follows:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities co-extensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" exempting from said tax casualty insurance companies having no capital stock

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section one of the act approved the seventeenth day of June one thousand nine hundred thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities co-extensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as last amended by the act approved the nineteenth day of June one thousand nine hundred thirty-nine (P. L. 413) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that all personal property of the classes hereinafter enumerated owned held or possessed by any resident which as used in this section shall mean any person persons copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or by any joint-stock company or association limited partnership bank or corporation whatsoever formed erected or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth whether such personal property be owned held or possessed by such resident in his her their or its own right or as active trustee agent attorney-in-fact or in any other capacity except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for county purposes and in cities co-extensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) as reenacted and amended all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) as reenacted and amended all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock or franchise tax imposed by section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities yielding annually over two hundred dollars Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest bearing accounts in any bank or banking institution savings institution employes' thrift or savings association whether operated by employes or the employer or trust company nor to personal property held in the commercial department and owned in its own right by a banking institution savings institution or trust company in liquidation by a receiver trustee or other fiduciary it being the intent and purpose of this proviso that no tax be assessed or collected upon the personal property enumerated herein And provided further that the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life casualty or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and

other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholders or individual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for county purposes and in cities coextensive with counties for city and county purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth nor shall the provisions of this section apply to peronal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Bartlett,	Edmonds,	Letzler,	Tyler,
Becker,	Farrell,	Mallery,	Wade,
Carr,	Geltz,	Miller,	Watkins,
Chapman,	Heyburn,	Snowden,	Wilson, H. I.,
Crider,	Homsher,	Tallman,	Wilson, T. B.,
Crowe,	James,	Taylor,	Woodward,
Deitrick,	Kephart,	Thomas,	Ziesenheim,
Faly,			

NAYS—19

Barr,	DiSilvestro,	McCreesh,	Shapiro,
Cavalcante,	Frey,	McQuiddy,	Stevenson,
Coleman,	Haluska,	Mundy,	Stiefel,
Corr,	Jaspan,	Reed,	Walker,
Dent,	Lanius,	Ruth,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 379, as follows:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for state and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by excluding proceeds of life insurance policies from the provisions thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as last amended by the act approved the nineteenth day of June one thousand nine hundred and thirty-nine (P. L. 413) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all personal property of the classes hereinafter enumerated owned held or possessed by any resident which as used in this section shall mean any person persons copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or by any joint-stock company or association limited partnership bank or corporation whatsoever formed erected or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth whether such personal property be owned held or possessed by such resident in his her their or its own right or as active trustee agent attorney-in-fact or in any other capacity except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal proprty is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) as re-

enacted and amended all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) as reenacted and amended all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock or franchise tax imposed by section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities yielding annually over two hundred dollars Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest bearing accounts in any bank or banking institution savings institution employes' thrift or savings association whether operated by employes or the employer or trust company nor to personal property held in the commercial department and owned in its own right by a banking institution savings institution or trust company in liquidation by a receiver trustee or other fiduciary it being the intent and purpose of this proviso that no tax be assessed or collected upon the personal property enumerated herein nor shall this act apply to the proceeds of any life insurance policy held in whole or part by the insurer And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences in indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or union And provided further That corporations limited partnerships and joint-stock associations liable to tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for county purposes and in cities coextensive with counties for city and county purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth by any person or persons copartnerships unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnerships or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Bartlett,	Ealy	Letzler,	Tyler,
Becker,	Edmonds	Mallery,	Wade.
Carr,	Farrell,	Miller,	Walker.
Cavalcante,	Geltz,	Mundy,	Watkins,
Chapman,	Heyburn,	Snowden,	Wilson, S. I.,
Crider,	James,	Stevenson,	Wilson T. B.
Crowe	Jaspan,	Tallman.	Woodward
Deitrick,	Kephart,	Taylor,	Ziesenhelm
Dent,	Lanius,	Thomas,	

NAYS—13

Barr,	Frey,	McCreesh,	Ruth,
Coleman,	Haluska,	McQuiddy,	Shapiro,
Cox	Homsher,	Reed,	Stiefel,
DiSilvestro,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. T. B. WILSON. Mr. President, I ask unanimous

consent that Senate Bill No. 402, (House Bill No. 376), on third reading, entitled:

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale, exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser.

go over in its order.

The PRESIDENT. Is there objection The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 542, (House Bill No. 666), as follows:

An Act to amend section one of the act approved the twenty-sixth day of August A D one thousand nine hundred thirty-two (Pamphlet Laws 101) entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water-rents or rates in installments" by including counties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-sixth day of August A D one thousand nine hundred thirty-two (P. L. 101) entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water-rents or rates in installments" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the collector of delinquent taxes of any city except a city of the first class and of any county borough incorporated district township poor district or school district shall have the power at the request of any taxpayer to accept payment in installments of delinquent taxes or water-rents or rates both before and after the filing of liens therefor but he shall not be obliged to accept any installment of less than ten per centum (10%) of the face amount of the tax water-rent or rate when it became delinquent The acceptance of any installment or installments by any delinquent tax collector shall not prejudice the city county borough incorporated district township poor district or school district in the collection of any balance due or in any way impair the validity of any lien filed for such delinquent taxes water-rents or rates or any balance due thereon according to the provisions of any act of assembly applicable thereto nor shall any penalty be abated or diminished because of the acceptance of any such installment or installments but interest on the amount of any installment shall cease after the month in which such installment is paid

Section 2 This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL POSTPONED

Mr. FARRELL. Mr. President, I move that further consideration of Senate Bill No. 561, on third reading, entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedures for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by amplifying and changing the powers and duties of the commission its employes and commissions further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon the inspection of the records of the commission providing for appeals by the commission to appellate courts repealing and changing certain provisions of said act relating to removal notices and for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 645, as follows:

An Act to reenact and further amend the title and the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1409) entitled as amended "An act creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways and the assessment and award of benefits improvements and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes whether payable by the Commonwealth or a county authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto" by extending said act as amended to all lands easements and right of ways purchased condemned or otherwise acquired by the Commonwealth waiving vertical and lateral support therefor under certain conditions reserving the right to acquire absolute vertical and lateral support reserving the power to establish detours for the removal of coal underlying State highways renaming the Highway Mining Commission and making certain changes in its membership and rocedure providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place and further clarifying the provisions of the act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1409) entitled as amended "An act creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways and the assessment and award of benefits improvements and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes whether payable by the Commonwealth or a county authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto" as amended by the act approved the eighteenth day of July one thousand nine hundred thirty-five (P. L. 1306) and as reenacted and further amended by the act approved the twenty-sixth day of May one thousand nine hundred thirty-seven (P. L. 891) are hereby reenacted and further amended to read as follows

An Act authorizing the creation of State mining commissions with judicial powers to have exclusive jurisdiction with certain exceptions over the mining of coal within or under land easements or right of ways purchased condemned or otherwise acquired by the Commonwealth and over the assessment and award of benefits improvements and damages for coal required to be left in place by reason of the obligation to furnish support for land easements or right of ways purchased condemned or otherwise acquired by the Commonwealth whether the damages are payable by the Commonwealth or a county or a municipality authorizing counties and municipalities to enter into agreements to indemnify or reimburse the Commonwealth for damages to its lands easements or right of ways caused by the removal of coal under or adjacent thereto waiving vertical and lateral support therefor under certain conditions reserving the right to acquire absolute vertical and lateral support reserving the power to establish detours for the removal of coal underlying State highways providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the Commonwealth has heretofore acquired or may hereafter acquire lands easements or right of ways underlaid by mineable coal the State Mining Commission created in accordance with the provisions of this act upon application of the Commonwealth the county or the municipality within which such lands easements or right of ways are situated or the owner of the coal underlying such lands or the person entitled to remove the same in case the assessment of damages is desired or of the owner or person entitled to remove the coal only if the removal of the coal is desired in lieu of damages is hereby empowered to determine authorize and direct the underlying or adjacent coal if any to be left in place for the purpose of furnishing vertical or lateral support to said land easement or right of way the underlying or adjacent coal if any which may be removed and the material if any to be substituted for the coal so removed together with the method and manner of placing such material in the mine workings for the purpose of furnishing both vertical and lateral support to such land easement or right of way and the party or parties by whom the expense thereof shall be paid The application on behalf of the Commonwealth shall be made by the department board or commission of the State government having jurisdiction over the particular land easement or right of way underlaid by mineable coal The president judge of the court of common pleas of the county in which the land easement or right of way is situated who shall be the chairman thereof one member of the Public Utility Commission or an engineer designed by it the Secretary of Mines or his designated representative the head of the department board or commission of the State government owning the lands easements or right of ways in question or his designated representative and an engineer designated by the owner or person entitled to remove the coal are hereby constituted a special commission to be known as the State Mining Commission This commission shall have exclusive jurisdiction of the mining of coal under lands easements and right of ways purchased condemned or otherwise acquired by the Commonwealth and judicial powers to hear and determine all evidence which may be presented to compel the attendance of witnesses and the production of books records and other information by subpoena to conduct such investigations as it may deem necessary to make and enforce such orders decrees and rules of procedure as it may deem advisable to determine and assess damages if any for coal required by the said Commission to be left in place and benefits if any for improvements or betterments to allocate among the parties in interest the cost of its proceedings as well as any work which it may order performed and to enforce its orders and decrees through the court of common pleas of the county in which the lands easements and right of ways purchased condemned or otherwise acquired by the Commonwealth is situated The proceedings before the Commission including all notes of testimony and exhibits shall be filed and docketed in the office of the prothonotary of the said court of common pleas at the expense of the county A majority of the commission of which the chairman must be one may act for and exercise the powers of the commission All parties in interest shall have the same right of appeal from decisions orders and decrees of the State Mining Commission to the Superior and Supreme Courts as now or hereafter provided for appeals from the decisions orders and decrees of courts of common pleas Provided That in case of an appeal from an award by the commission of compensation for damages resulting from an appropriation of property under the provisions of this act the appeal shall in case any party is entitled to demand a jury trial under section eight of Article sixteen of the Constitution of this Commonwealth be to the courts of the proper county thereof

Section 2 The condemnation or acquisition of any land easement or right of way by the Commonwealth as hereinabove provided shall not be considered as including the condemnation or acquisition of any coal which may be removed under the terms of any agreement decision order or decree authorized by this act

Section 3 Any damages sustained by the owner of the coal or the person entitled to remove the same as a result of any obligation to furnish vertical and lateral support arising because of the acquisition of such land easement or right of way by the Commonwealth which

obligation did not exist prior to the date of such acquisition shall be determined by the State Mining Commission in accordance with the provisions of this act Such damages as finally determined shall be paid by the Commonwealth the county or the municipality in accordance with existing laws and the damages payable by the Commonwealth shall be payable out of funds appropriated to the department board or commission for the purchase condemnation or other acquisition of the lands easements or rights of ways under consideration Any county or municipality which may be liable for damages for coal required to be left in place for the support and safety of lands easements or right of ways owned by the Commonwealth as herein set forth shall have authority to enter into agreements to indemnify the Commonwealth for any damages or reimburse it for the replacement of any structure or other improvement which may be injured or destroyed by the removal of coal under or adjacent to lands easements or right of ways owned by the Commonwealth This act shall not be construed to create any new right of action for damages or any right of action of procedure not existing or available at the time of the original acquisition of such easement

Section 4 Except as hereinafter specifically provided by this act vertical and lateral support by underlying coal for any land easement or right of way purchased condemned or otherwise acquired by the Commonwealth is waived (1) Whenever the State Mining Commission finds that the cost of restoring any possible subsidence or replacing any damage to structures or other improvements on such land easement or right of way is less than the amount payable for damages for coal required to be left in place in order to furnish such vertical and lateral support and (2) Whenever the commission finds from the evidence before it that such waiver of support and the removal of coal will not result in loss of life or personal injury to persons properly using said land easement or right of way

Section 5 Nothing in this act shall be construed to prevent the Department of Highways from entering into agreements with the owner of the coal underlying any State highway for the establishment of detours to permit the removal of such coal and the substitution therefor of other materials for the furnishing of vertical or lateral support to such State highway

Section 6 Nothing in this act shall be construed to prevent any department board or commission of the State government from purchasing condemning or otherwise acquiring the absolute right of support for any lands easements or right of ways purchased condemned or acquired in the name of the Commonwealth and damages sustained by the owner of underlying coal or the person entitled to remove the same shall be determined and paid in accordance with existing laws relating to the purchase condemnation or other acquisition of lands easements and right of ways by the Commonwealth

Section 7 This act shall apply in all counties of the Commonwealth

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Ealy,	Letzler,	Tallman,
Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	McCreesh,	Thomas,
Carr,	Frey	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.
Crowe,	James,	Snowden,	Wilson, T. B.,
Deitrick,	Jaspan,	Stevenson,	Woodward
Dent,	Kephart,	Stiefel,	Ziesenheim,
DiSilvestro,			

NAYS—3

Cavalcante,	Lanius,	Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 32, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike heretofore constructed by said commission, to a point on the western boundary line between the Commonwealth of Pennsylvania touching on the State of Ohio; or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. MILLER. Mr. President, I sak unanimous consent that Senate Bill No. 141, on second reading, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WATKINS. Mr. President, I ask unanimous consent that Senate Bill No. 164, on second reading, entitled:

An Act to further amend section one thousand two hundred and seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership in county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of

acts relating to elections," by increasing their compensation for services rendered by constables and their deputies.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 169, entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records.

The first section was read.

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 3, line 21, by striking out the light-faced bracket before the word "registration"; amend Sec. 1, page 3, line 22, by striking out the right-faced bracket after the word "class"; amend Sec. 1, page 3, line 22, by striking out the following: "board of county commissioners"; amend Sec. 1, page 3, line 25, by striking out after the word "of" the following: "a board'; amend Sec. 1, page 3, line 26, by striking out before the word "a" the following: "of county commissioners acting as"; amend Sec. 1, page 4, line 3, by striking out the light-raced bracket before the word "in"; amend Sec. 1, page 4, line 4, by striking out the light-faced bracket after the word "each" where it appears the first time in said line; amend Sec. 1, page 4, line 4, by striking out the following: "consisting of the county commissioners in each"; amend Sec. 1, page 4, line 7, by inserting after the word "city" the following: "and county"; amend Sec. 1, page 4, line 11, by striking out the light-faced bracket at the beginning of the line; amend Sec. 1, page 4, line 12, by striking out the word "city" and inserting in lieu thereof the following: "county"; amend Sec. 1, page 4, line 23, by striking out the word "forty-one" and inserting in lieu thereof the following: "forty-five"; amend Sec. 1, page 4, line 24, by striking out the word "city" and inserting in lieu thereof the following: "county"; amend Sec. 1, page 4, line 25, by inserting after the word "city" the following: "of the second class"; amend Sec. 1, page 4, line 28, by striking out the light-faced bracket after the word "occur"; amend Sec. 1, page 5, line 1, by striking out the light-faced bracket at the beginning of the line; amend Sec. 1, page 5, line 1, by striking out the word "city" and inserting in lieu thereof the following: "county"; amend Sec. 1, page 5, line 17, by striking out the light-faced bracket at the end of the line; amend Sec. 1, page 5, lines 18 and 19, by striking out both of said lines; amend Sec. 1, page 5, line 20, by striking out the light-faced brackets before and after the letter "(g)"; amend Sec. 1, page 5, line 20, by striking out the following: "(c)"; amend Sec. 1, page 5, line 23, by striking out the light-faced brackets before and after the letter "(h)"; amend Sec. 1, page 5, line 23, by striking out the following: "(d)"; amend Sec. 1, page 5, line 24, by striking out the light-faced bracket before the word "and"; amend Sec. 1, page 5, line 25, by striking out the light-faced bracket after the word "Governor"; amend Sec. 1, page 6, line 5, by striking out the light-faced bracket before the word "with"; amend Sec. 1, page 6, line 5, by striking out the light-faced bracket after the word "commissioners"; amend Sec. 1, page 6, line 19, by striking out the light-faced bracket before the word "Compensation"; amend Sec. 1, page 6, line 21, by striking out the light-faced bracket after the word "Annum"; amend Sec. 1, page 6, line 21, by striking out the following: "The"; amend Sec. 1, page 6, lines 22 and 23, by striking out both of said lines; amend Sec. 1, page 6, line 24, by striking out the following: "tion as county solicitor"; amend Sec. 1, page 7, line 10, by striking out the light-faced bracket before the part-word "com-"; amend Sec. 1, page 7, line 11, by striking out the light-faced bracket after the word "of".

On the question,

Will the Senate agree to the amendment?

Mr. BARR. Mr. President, I find that instead of having a brother on this bill as co-sponsor I have a step-brother in Mr. Walker. The original feature of this bill was to eliminate the registration commission which we have in Pittsburgh, and similar to the one in Philadelphia, which are the only ones in the Commonwealth, where there has been major trouble at election time.

In Allegheny County, Mr. President, as I have said before on this floor, we have two commissions, one in the City of Pittsburgh and one in the County of Allegheny. The only reason we have two was that Pittsburgh and Scranton originally were the proving grounds for permanent registration.

The registration act then was set up in every county in the Commonwealth and it was under the control of the sixty-four counties by the county commissioners who are also in control of the various elections.

Now, Mr. President, these amendments offered by my step-brother, Mr. Walker, would take and abolish the county commissioners who are charged with the conduct of elections in the county and place in charge thereof in both city and county, persons who would be named by the Governor of the Commonwealth.

I do not mean to imply, Mr. President, that the Governor of the Commonwealth would not, with the recommendations he would receive from local men, try and do the best job he could, but we do know the county commissioners are answerable to the electorate of the county and these gentlemen who would be appointed in this way would not be.

I have often heard my colleague from Allegheny, Senator Walker, speak about home rule. This is the first chance he has had to demonstrate it and I think he has taken a reverse step; instead of giving us home rule in Allegheny County he wants to run it here in Harrisburg and wants to have a different setup than any other place in this state.

Mr. President, I have heard my colleague from Allegheny speak about the great State of Allegheny, but in view of the way he has changed this bill, I ask my colleagues on this side to vote down the amendments and if I have any friends on the Republican side I ask them to do likewise.

Mr. COX. Mr. President, I would like to ask that any action be postponed on this bill until the bill as amended is printed, or at least we have an opportunity to study the proposed amendments. I have heard a lot of talk about these amendments but I certainly am not in a position to do the thing for my constituents that I should unless I have an opportunity to examine them.

Mr. WALKER. Mr. President, I quite agree with my colleague from Allegheny County and to show you the charitable nature that exists, I think my colleague from Allegheny, Senator Barr, might have used the word "legitimate" instead of "step-brother". May I say that the purpose of these amendments, Mr. President—they are somewhat lengthy and it is my purpose, should the amendments be adopted, to ask that the bill go over in its order, before receiving second reading, so that the members of the Senate may have an opportunity to examine the bill as amended.

I think the amendments do this: when the bill was originally introduced the two boards, one in the City of Pittsburgh and one in the County of Allegheny, were consolidated into a new board to take jurisdiction over registration, and that was put into effect and the appointing power placed in the Board of County Commissioners.

Some of the metropolitan newspapers in the City of Pittsburgh have been advocating, not only in the news columns but also in the editorial columns, and some civic groups who profess an interest in the welfare of Allegheny County, Pittsburgh and the State of Pennsylvania, have been advocating that we should remove as far as possible from politics the appointment of a registration bureau that has so much to do with the success of an election. They felt by putting it into the hands of the county commissioners we were just laying the foundation for or paving the way for what might contribute to faulty elections, and they felt inasmuch as the Governor of Pennsylvania theoretically is removed from politics, because he no longer can succeed himself, the appointive power should be in the chief executive of the commonwealth, just as in the case of the County of Philadelphia.

If this bill were adopted, Mr. President, with the suggested amendments in it, Allegheny County would be placed on a status, as far as the registration board is concerned, similar to the appointive power for the Board in Philadelphia, and that was the purpose of the amendments.

Now, Mr. President, I wish to say in all sincerity with regard to this bill and the amendments, I want the two boards consolidated and I say to you very frankly I would prefer to have the appointive power in the Chief Executive of the Commonwealth but on the other hand, rather than lose the bill, I would be perfectly willing to have the county commissioners or the mayor of the City of Pittsburgh or anyone else make the appointments, as long as we get the boards consolidated.

That is the main thing, Mr. President. The question of who gets the jobs is secondary. Very unfortunately for this bill and very unfortunately for Pennsylvania, the Board of County Commissioners of Allegheny County for the moment is in the control of the Democrats, because they have two members on the board, and for the moment the chief executive of the Commonwealth of Pennsylvania happens to be a Republican, and that puts both myself and my colleague from Allegheny, Senator Barr, in a position where it looks as though we are arguing for jobs rather than getting the Boards consolidated, but I want to say to my colleagues that when Senator Barr advocates that the appointive power be in the individual board of county commissioners he is doing that sincerely and is not attempting to get jobs for the Democratic Party, and the mere fact he happens to be secretary of the Allegheny Democratic Party organization has absolutely nothing to do with the sincerity of his purpose. I assure the members of the Senate if they permit the bill to be amended and then allow it to go over in its order we will then have a chance to study it and then the real merits of the bill can be discussed impartially and from a non-partisan standpoint by my colleague Senator Barr and myself.

Mr. WOODWARD. Mr. President, this probably is none of my business but I do not want my colleague from Allegheny, Senator Walker, to be laboring under any misapprehension about the successful operation of the Registration Commission in Philadelphia, which is appointed by the Governor, because that is a falacy and an illusion I am trying to dispel because we all know they have done a very poor job of it. I do not know whose fault it has been, but if there is any argument about the appointive power I would propose that the Coroner of Allegheny County should have the appointive power.

Mr. MUNDY. Mr. President, may I interrogate the Senator from Allegheny, Mr. Walker?

The PRESIDENT. Will the gentleman from Allegheny, Mr. Walker, permit himself to be interrogated?

Mr. WALKER. Yes, Mr. President.

Mr. MUNDY. May I inquire of the Senator from Allegheny, Mr. Walker, if this bill should pass and the appointive power be placed in the hands of the Governor, would we have any assurance that the recommendations of Senator Frank Harris from Allegheny would be followed by the Governor?

Mr. WALKER. Mr. President, the gentleman from Luzerne is discussing some of the more intimate phases of Republican leadership and, not being a leader and not being a politician, I am unable to answer that question.

Mr. BARR. Mr. President, it seems to me the memory of my colleague from Allegheny, Senator Walker, was a little short, when he said a Governor could not succeed himself. He probably does not forget the trick he played

in 1938 when he submitted his resignation and appointed someone else to his former job.

Now, Mr. President, I am perfectly willing to have this bill lay over but I also want to tell you these amendments were brought up in committee, we had a hearing and they were turned down unanimously.

Mr. President, I suggest the bill, together with the amendments offered by the gentleman from Allegheny, be laid on the table.

The PRESIDENT. The question before the Senate is consideration of the amendments only. The Senate must first dispose of the amendments.

Mr. CAVALCANTE. Mr. President, here is another bill that raises the question that we have discussed on numerous occasions, where the members from the cities ask for something different than they are willing to give to we who come from the rural counties. Now, that reasoning or argument advanced, and a study of the bill, will show that there is no reason in the world why this bill should not be passed in its original form.

I think the gentleman from Allegheny, Mr. Walker, had the proper intention when he first introduced this bill. I think probably there are some other reasons why he now wants to change the provisions of the bill. In all the other counties of the Commonwealth, the county commissioners who are elected by the people act as the registration commission. No matter what party obtains the majority, there is always a representative of the minority on the board of county commissioners.

Now, unfortunately, in Philadelphia, and these cities of the second class, they are asking for a different law to apply to them, which firmly establishes my contention in previous arguments on this floor, that there seem to be different states here in Pennsylvania.

The people of Allegheny have the right here to be considered. I do not belong to Allegheny County, but I am a citizen of this Commonwealth and when I come to this Senate I come here to legislate for the welfare of all the people, not only the people of my particular district. I do not know what justification may be given for there being two boards of registration in Allegheny County, one for the City of Pittsburgh and one for the rest of the county. Why can not one board of registration suffice for the whole county? As the law now stands, the registration commission is appointed by the Governor. This bill was originally intended to correct that condition, to consolidate and have but one registration commission, and I thought, when I read this bill in committee and out of committee, that no power of appointment was conferred on anybody. The county commissioners were named as the board of registration in the bill. The people of Allegheny County and the City of Pittsburgh would elect their own registration commission when they would elect their county commissioners.

Mr. President, what necessity is there for duplication? The county commissioners maintain a bureau or a set up for the registration of the voters of the county. What necessity is there for a city registration committee? Why can not the same set-up that registers the voters of the county also register the voters of the City of Pittsburgh?

If we have our eyes and our purposes fixed to the welfare of the people and the taxpayers, there is nothing that we ought to do in this matter but vote down these amendments and allow the bill to stand in its original form.

It is absolutely true and, gentlemen, I want you to believe this, because the chairman of the Committee on Elections is here and he can verify it, we members of that committee were here listening to the arguments for and against this bill at one o'clock in the morning and we passed upon these amendments and the committee thought the general welfare of the people of Allegheny County, including the City of Pittsburgh, was better served and best served by the bill in its original form, eliminating this duplication and cutting down the expense of registration, and we voted down the amendments and agreed to report the bill out as Mr. Walker and his co-sponsor, Mr. Barr, had originally introduced this bill, and curses on the politics that injected themselves into the affairs of the Senate.

Certainly it is true that the bill in its original shape would take away from the Governor, whoever he may be, either of Republican or Democratic faith, the power to appoint the registration commission, but that ought to be so. The people of Allegheny County ought to have their own right to say who their registration commission ought to be, and the taxpayers of the County of Allegheny should have the right to say to do away with this duplication.

Now, Mr. President, this set up, wherein the county commissoiners elected by the people are the registration commission for the county, applies to all the counties of this Commonwealth except Philadelphia, where the City of Philadelphia is co-extensive with the county. Now, do we believe in uniformity of laws or do we not? Are we going to permit one law to govern for one part of the people, one county here, and a different law to apply to the rest of the counties?

Gentlemen, let us stick to the original purpose of this bill. I know the Governor, whoever he may be, will not have the power to appoint politicians, but let us do away with the idea for the moment. Let us try to be statesmen anyhow. Let us view this bill as men who are interested in the welfare of the people. There is no necessity for this duplication and I say there is no necessity for that same duplication in Philadelphia.

I think the county commissioners that are appointed in Philadelphia ought to be the registration commission there, the same as the county commissioners are in the rest of the state. Let us try to do away with this eternal longstanding proposition that we ned one set of laws to govern Philadelphia and Pittsburgh and Scranton, and another set of laws to govern the people of the rest of this province. Let us wipe away the State of Allegheny and the Commonwealth of Philadelphia, and let us bring them all into the Province of Pennsylvania. Let us keep this bill the way it is; it is a good bill. Let us forget about politics for awhile.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Barr.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BARR. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Allegheny state whether or not he is a member of the Elections Committee?

Mr. BARR. I am, Mr. President.

Mr. SHAPIRO. Mr. President, did the gentleman attend the meeting at which these amendments were considered?

Mr. BARR. I did, Mr. President.

Mr. SHAPIRO. Did the committee act on them?

Mr. BARR. They did.

Mr. SHAPIRO. Were they approved or disapproved by the committee?

Mr. BARR. They were disapproved.

Mr. SHAPIRO. They were disapproved.

Mr. BARR. They were, Mr. President, by unanimous vote.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Tyler,
Becker,	Farrell,	Miller,	Wade,
Carr,	Geltz,	Snowden,	Walker,
Chapman,	Heyburn,	Stevenson,	Watkins,
Crider,	Homsher,	Tallman,	Wilson, H. I.,
Crowe,	James,	Taylor,	Wilson, T. B.,
Deitrick,	Kephart,	Thomas,	Ziesenheim,
Ealy,	Letzler,		

NAYS—15

Barr,	DiSilvestro,	McCreesh,	Ruth.
Cavalcante,	Frey,	McQuiddy,	Shapiro,
Coleman,	Jaspan,	Mundy,	Stiefel,
Cox,	Lanius,	Reed,	

So the question was determined in the affirmative.

The amendment was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

BILLS OVER IN ORDER

Mr. WALKER. Mr. Presidnet, I ask unanimous consent that Senate Bill No. 169, as amended go over in its order, before second reading.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I move that all bills remaining on second reading Calendar, go over in their order, that is, Senate Bill Nos. 218, 221, 224, 294 (House Bill No. 481), 296, 316, 352, 413 (House Bill No. 692), 445, 446, 464, 489, 502 (House Bill No. 895), 514, 545, 554, 555, 574, and 649 (House Bill No. 971), appearing on Pages 15 to 20 inclusive of today's Calendar.

The PRESIDENT. Is there objection? The Chair hears none.

It was agreed to.

SENATE BILL NO. 284, ON SECOND READING POSTPONED, CALLED UP

Mr. MALLERY. Mr. President, I now call up Senate Bill No. 284, on second reading postponed, on Page 21 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 284, entitled:

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7 and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 122, entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designed as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions; and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 136, entitled:

An Act to amend section four of the act, approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127) entitled, "An act relating to adoption," permitting natural parents in certain cases to retain their rights as natural parents.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 207, entitled:

An Act to further amend subsections (a) and (b) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the employment, suspension, and retirement of professional employes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 223, entitled:

An Act to amend section four of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws, prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statues, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," changing the effective date of laws affecting budgets of political subdivisions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 241, entitled:

An Act to further amend section two thousand six hundred and four of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the audit of accounts of fourth class school districts by the borough or township controller or auditors.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 282, on first reading, entitled:

An Act to further amend section one of the act, approved the eleventh day of April, one thousand nine hundred and thirteen (P. L. 58), entitled "An act supplementary to an act, entitled 'An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products, providing penalties for the violation thereof, and providing for the enforcement thereof,' approved the eleventh day of March, Anno Domini one thousand nine hundred and nine; providing for the denaturing by kerosene of all eggs unfit for food, within the meaning of said act; and providing penalties for the violation thereof," providing for the licensing by the Department of Agriculture of persons, copartnerships, associations, and corporations, engaged in the business of breaking eggs and separating the egg content from the shell and using or disposing of the contents thereof for any purpose; authorizing the Department of Agriculture and its agents and assistants and local public health enforcement agencies to take samples of eggs for the purpose of analysis; and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 283, on first reading, entitled:

An Act to further amend section three, and to amend sections four, five and six of the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof" by further regulating sale of incubator eggs; modifying penalties; conferring powers on citizens and public health enforcement agencies of the Commonwealth; and conferring powers and duties on the Department of Agriculture.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FIRST READING

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 345, entitled:

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effect of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 494, (House Bill No. 325), entitled:

An Act authorizing boards of school directors to permit the use of vehicles used for transportation of pupils for educational trips and other school activities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 539, (House Bill No. 646), entitled:

An act establishing certain public roads and streets as a State highway, and providing for their construction, reconstruction and maintenance by the Department of Highways, subject to certain terms and conditions.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 551, entitled:

An Act to amend route 25008 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 552, entitled:

An Act to abolish and repeal route 25008 in Girard Township, Erie County, established by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 557, entitled:

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 563, entitled:

An Act to add section four hundred four and one-tenth to article four of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," directing the board to issue liquor licenses to holders of retail dispensers' licenses upon payment of fee and furnishing of bond; and providing that the issuance of liquor licenses in such cases shall not be prevented by any law limiting the number of such licenses to be granted by the board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 613, (House Bill No. 1084), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 652, (House Bill No. 1098), entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three), (Pamphlet Laws one thousand four hundred forty-nine), entitled "An act establishing a court of record in the County of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants; providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties," to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 682, (House Bill No. 1187), entitled:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania Quarantine Station property and ceding to the United States jurisdiction over said land

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 706, (House Bill No. 1021), entitled:

An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 714, entitled:

An Act to further amend section fifteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by providing for the return of a portion of moneys received for licenses to the counties for use by Societies for the Prevention of Cruelty to Animals and specifically appropriating the same for such purpose.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL INTRODUCED

Mr. KEPHART. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KEPHART read in his place and presented to the Chair Senate Bill No. 807, entitled:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting the imposition of conditions upon grants of moneys and the invasion of state rights.

Which was committed to the Committee on Federal Relations.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Warren will state his question of personal privilege.

WHAT'S WRONG WITH THE UNITED STATES

Mr. CHAPMAN. Dark clouds obscure the Heavens. Sounds of storms grow more distinct. On the horizon one hears the rumble of war. Overseas, death rides, and the gallop of the Four Horsemen echoes through the corridors of nineteen countries. Yet at home we remain complacent. On our streets men by the score in uniform pass our eyes. On their shoulders the insignia of Regiments that have won their spurs in battle. Mothers, wives and daughters walk with the young men who sturdy and strong have enlisted "for one year." They are being trained in the rudiments of war. They are being taught to kill scientifically and with precision.

Ahead of us lies the greatest blood letting that our Nation has ever experienced as the forces of dictatorship sweep through Nation after Nation, pillaging and tearing assunder governments and associations that have been erected most painstakingly, after generations of struggle.

Men who occupy official positions are appalled at the outlook. Many thinkers feel that the most awful events since the time of Christ are under way; that not in all the story of civilization has there ever been unfolded such a regime of terrorism as is now at hand. Alone throughout the world the western hemisphere remains unshaken and untottering on the brink of disaster. But for how long are we to enjoy this freedom from death, rapine, looting and subjugation?

At present the mass of the people seem wholly unaware of the dangers that beset us. The rank and file of Americans remain steadfast in the belief that our position is secure and unassailable. In the world of business, there are signs that even in the face of the defense program which daily is enlisting, plant after plant in the all-out aid for the Democracies "business as usual can be maintained." Perhaps in the hearts of the mothers, whose sons are being sent into the army camps there is a fear that their sons may become cannon fodder and may lie with their eyes turned toward the blue heavens, cold and silent as the clay on a field of battle. Mothers' hearts usually have an uncanny way of registering a forecast of what may take place.

But the awakening is coming. Slowly to be sure, but nevertheless, certain. And in our "allout" aid there must be one great governing principle—The Golden Rule. This must become the guide to our mode of living. There must be a union of strength of arm and mind and even thought, but underneath it all there must be an adhesion to the Golden Rule.

Wars are only the violation of the principle of "do unto others as ye would have others do unto you." And one has only to hastily scan the pages of the past to find that this statement is true in every sense of the word. Our President in one of his Fireside Chats coined the phrase "the forgotten man" but he applied it, as far as I can see, in a strictly political sense and it became an admirable campaign byword.

But had he scanned it closer, he would have seen that

"the forgotten man" has been the cause of all wars throughout the ages and even today. And our Nation has largely offended by "forgetting man." In the olden days, it was the downtrodden man who, forgotten by his dictator or his kind, finally arose and smote the ruler hip and thigh. England's famous Magna Carta only came when the "forgotten man" rose in his might and forced from an unwilling upper class, concessions that today still form the basis for the freedom of Englishmen. In our own land the negro emerged free after a bloody war in which our State was invaded. Gettysburg and Appomattox with its blood soaked land, today stands in my eyes as a symbol of a struggle for the forgotten man.

Today we are drawing a distinction between men and women in our own land. The rich are getting richer and the poor are getting poorer, despite the vast millions that have been poured out under a politically conceived relief plan. There must be a program dictated by heart and conscience if the class struggle fomented by those in high places is not to reach a climax, where guns will be fired and blood will flow.

In this preparation for the defense of our liberties and our nation there is offered an admirable time and place for the cementing of our peoples into one solid group.

A scanning of the war now raging across the seas discloses that the absence of the application of the "golden rule" is basically the cause of the trouble. When the victorious group surrounded the Versailles (Var'si) conference table to give to a defeated enemy its peace terms, there were men forgotten. This afforded the Austrian paper hanger the opportunity he sought and with strident tones he harangued the German people until they followed him. He became the leader of the masses and today is drunk with power overrunning the world like a scourge.

In our preparations for defending our land, we must have no forgotten men or class. There must be carefully planned efforts put forth that there will not be created any cancerous sore that will infiltrate into the blood stream of our land and kill our efforts. And thank God there is in our country, a freedom of speech which allows all to give expression to their views. There will be those who disagree with the views held by the leaders of the government. But when sincere they should be given every opportunity to speak them. I cannot help but feel that the slurring remarks made in high government circles relative to Charles Lindbergh have been mistakes and were better not uttered. While I cannot see eye to eye with Lindbergh, nevertheless, I feel that he is entitled to his views as much as I am to mine.

And in this connection, I want to pay to the fraternal orders of our land a tribute. They have done and are still doing, a great work in their teachings of patriotism in our Nation. The spirit of fraternalism of which they speak is one that must pervade our land if we are to stand brother to brother in the strife which we are facing. The fraternal orders have done a great work and have learned that liberty is a priceless heritage, that our country safeguards this spiritual treasure and that all the world looks to our leadership to uphold faith in its ideals.

With conditions abroad such as they are now, we must recognize that the application of the Golden Rule in our daily lives must be given attention. In this Senate Chamber and in every legislative hall in the nation, this shining concept of a better and fuller life must be carried at all times. And when this principle is recognized our nation will make better time in production of essential materials, will make greater strides in handling its labor disputes and will erase friction that breeds trials and tribulations.

We cannot pause too often to scan the horizon for signs or storm; we cannot pause too often for a brief prayer that our Flag may forever stand for the things that make life worth living and keep our place of abode forever "the land of the free and the home of the brave."

PERMISSION TO ADDRESS THE SENATE

Mr. GELTZ. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Allegheny will proceed.

Mr. GELTZ. Mr. President, I just want to call the attention of the few Senators who are still here to the fact that there are about twenty-six days remaining in this biennium, and to the fact that the House still has the tax and appropriation bills tied up, which means that if those tax and appropriation bills do not come over here so the Senate can consider and pass them by the first of June, which starts the new biennium, those on relief will be left without relief, and the doors of the state government will have to close.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, May 6, 1941, at 1:00 o'clock p. m., Eastern Standard Time.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:48 o'clock p. m., Eastern Standard Time, until Tuesday, May 6, 1941, at 1:00 o'clock p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, May 5, 1941.

The House met at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Almighty God, we beseech Thee to help each of us to dare to refuse the treasures of the world, to recognize the danger in the flattery of our companions, but appreciate the candor in the compliments of a friend. Help us to rejoice in the consciousness of having done our duty and to be glad when our efforts receive the reward of praise; but help us to seek Thy commendation, O God, rather than the world's, and to examine ourselves lest, when our standing is highest with our fellowmen, it be lowest with Thee.

In these troubled days may we look to Thee for leadership, for guidance, for understanding. Bless we pray Thee all men to whom authority has been given. May that trust not be betrayed. As citizens of a great State and Nation

may we come to Thee, for Thou alone can give the grace and courage that we need. Hear our prayer, O Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 1, 1941.

The Clerk proceeded to read the Journal of Thursday, May 1, 1941, when, on motion of Mr. McLANAHAN, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. FINNERTY. HOUSE BILL No. 1480.

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase services from organizations for the blind without contracts or advertisements; providing for the fixing of fair market prices for such services by a committee composed of heads of certain departments and representatives of institutions for the blind; imposing certain duties upon the Department of Property and Supplies, and the State Council for the Blind.

Referred to the Committee on Judiciary General.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 236. (HOUSE BILL No. 1481).

An Act to amend section six hundred fifty-four of article six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law; providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for appeals from any classification, rule, rate, or schedule of the Insurance Commissioner affecting insurance of employes and employers under the Workmen's Compensation Act of one thousand nine hundred and fifteen and the supplements and amendments thereto.

Referred to the Committee on Workmen's Compensation.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. RUSH and CULLEN (Concurrent)
RESOLUTION No. 90.

In the House of Representatives, April 30, 1941.

Whereas, There are a great many veterans who require hospitalization in the southeastern portion of Pennsylvania; and

Whereas, The present existing hospital facilities are inadequate to take care of the number of veterans which require hospital treatment; and

Whereas, At the present time there is a great waiting list of veterans endeavoring to get into the hospitals now available in Philadelphia and its vicinity; and

Whereas, Southeastern Pennsylvania is ideally situated from a view-point of climate, transportation and industrial and urban development, and the City of Philadelphia is one of the largest and best medical centres of the United States of America; therefore be it

Resolved (if the Senate concur), That the General Assembly hereby memorialize the Veterans Administration of the United States and the Federal Board of Hospitalization to locate as quickly as possible a hospital in southeastern Pennsylvania within a reasonable distance of Philadelphia to take care of sick or disabled war veterans; and be it further

Resolved, That copies of this resolution be sent to Veterans Administration, Federal Board of Hospitalization and representatives in Congress.

Referred to the Committee on Rules.

COMMUNICATION FROM THE GOVERNOR

The Secretary of the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 2, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate directing the Governor to issue publish and declare an appropriate proclamation to the people of Pennsylvania designating for observance this year the third day of May as Polish Day.

ARTHUR H. JAMES.

IN THE NAME AND BY AUTHORITY OF THE COMMONWEALTH OF PENNSYLVANIA GOVERNOR'S OFFICE, HARRISBURG

PROCLAMATION

May 3, 1941, has been designated as Polish Independence Day in Pennsylvania by the General Assembly of Pennsylvania through concurrent resolution of the House and Senate under date of April 30, 1941.

Pennsylvania, deeply aware of the contribution which citizens of Polish descent have given to this Commonwealth, has also marked the death of General Casimir Pulaski as General Pulaski Memorial Day on October 11th of each year. General Pulaski, Polish patriot, fought gallantly for the cause of American independence and was killed during the siege of Savannah in 1779.

I call upon all citizens to commemorate Polish Indendence Day and by appropriate observance.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this second day of May, in the year of our Lord, one thousand nine hundred and forty-one, and of the Commonwealth the one hundred and sixty-fifth. (Seal of the State).

By the Governor: (Signed) ARTHUR H. JAMES.
Secretary of the Commonwealth.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 145

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 145, Printer's No. 153, entitled, "An Act validating county treasurers' deeds where the acknowledgment of such deed or deeds was defective in any respect if in fact such acknowledgement was taken before a judge of the county."

ARTHUR H. JAMES.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

FOOD STAMP PLAN

A communication from Pennsylvania Grocers Association, addressed to the Speaker, favoring passage of House Bill No. 1078, administering federal surplus commodities on the Food Stamp Plan.

Referred to the Committee on Appropriations.

TAXES

A communication from G. H. Hubbard, Lock Haven, addressed to the Speaker, protesting increased taxation for the purpose of paying increased salaries to municipal employes and teachers.

Referred to the Committee on Appropriations.

FIREMEN

A communication from Pennsylvania Federation of Labor, Harrisburg, addressed to the Speaker, favoring passage of House Bill No. 1058, increasing salaries of firemen.

Referred to the Committee on Boroughs.

RECORDER'S CONVENTIONS

A communication from the Recorder of Deed's Office, of Lehigh County, addressed to the Speaker, favoring passage of House Bill No. 961, providing for the payment of certain expenses incurred by recorders and deputies in attending annual meetings.

Referred to the Committee on Counties.

TEACHER'S COLLEGES

A telegram from Chestnut Hill College and communications from Lehigh University and Villanova College, addressed to the Speaker, protesting passage of Senate Bill No. 598.

Referred to the Committee on Education.

HIGHWAY PROTECTION AREA

Communications from Mrs. James H. Childs, Sewickley, and Mary Wilson, Philadelphia, favoring passage of House Bill No. 711, providing for a highway protection area.

Referred to the Committee on Highways.

HIGHWAYS

A communication from Mrs. A. Boyd, addressed to the Speaker, requesting extension of Henry Avenue, Philadelphia.

Referred to the Committee on Highways.

FIRE DEPARTMENTS

A telegram from Taxpayers League addressed to the Speaker, requesting postponement of final action in Senate Bill No. 253, providing for three platoon system in fire departments in cities of the second class.

Referred to the Committee on Municipal Corporations.

STRIP MINING

Communications from: Harry M. Rimer, President Judge, Eighteenth Judicial District, Clarion; County Commissioners Clarion County; Local No. 7511, UMW of A, Sligo; Local No. 658, UMW of A., Huey; Local No. 923, UMW of A., Adrian; Local No. 1859, UMW of A., Rimersburg; Local No. 2730, UMW of A., Kittanning, addressed to the Speaker, favoring passage of House Bill No. 788.

Referred to the Committee on Mines and Mining.

EMBALMERS

A communication from Michael R. Kerwick, addressed to the Speaker, favoring passage of House Bill No. 227, providing for the licensing of embalmers.

Referred to the Committee on Professional Licensure.

OPTOMETRY

A communication from Pennsylvania Federation of Labor, opposing passage of House Bill No. 684, providing amendments to the "Optometrists Licensure Law."

Referred to the Committee on Professional Licensure.

REAL ESTATE BROKERS

A communication from Walter H. Hutzel, Philadelphia, addressed to the Speaker, opposing passage of House Bill No. 649, providing for amendments to Real Estate License Law.

Referred to the Committee on Professional Licensure.

CHIROPODY

Communications from Chropodists, Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1048.

Referred to the Committee on Professional Licensure.

NURSES

Communications from Corry Hospital Association, and The Christian H. Buhl Hospital, Sharon, favoring passage of House Bill Nos. 674 and 675.

Referred to the Committee on Professional Licensure.

COMMODORE BARRY DAY

A communication from American Association for the Recognition of the Irish Republic, addressed to the Speaker, favoring passage of Senate Bill No. 418, authorizing the setting aside of September 13th, as Commodore John Barry Day.

Referred to the Committee on State Government.

HIGHWAYS

A communication from State Association Township Supervisors, addressed to the Speaker, favoring passage of House Bill No. 828, providing for sidewalks.

Referred to the Committee on Townships.

COUNTIES

A communication from H. A. Cook, and Sons, Vicksburg, addressed to the Speaker, protesting inclusion of inmates in institutions in county population.

Referred to the Committee on Welfare.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

THE AMERICAN LEGION
Sponsored by LaFayette Post No. 51
P. O. Box 790, Uniontown, Pa.

May 1, 1941.

Hon. Elmer Kilroy,
Speaker, House of Representatives,
Harrisburg, Pa.

My Dear Comrade Kilroy:

In behalf of our Comrades of Fayette County, who were the guests of the House of Representatives yesterday, we express to you and the members of the House our deep appreciation not only for yesterday's program, but for the Joint Resolution, which made May 1st, "Americanism Day."

If at any time "Americanism" was needed it is today for, we do not know, where, and what will be the final result, from the present strife now going on in all parts of the World including our great Republic.

Our delegation was particularly interested how the legislature was operating we are very grateful for it, and having an opportunity to see it in action.

We want you to know that today, not only Uniontown and Fayette County is celebrating "Americanism Day," but it is being celebrated in Pennsylvania and in many parts of the United States.

The Legislature may be well proud that it was thru their efforts that some day "Americanism Day" will be on the Statute Books of the Congress of the United States, and that it was in Pennsylvania that gave it birth and it was thru the Legislature that recognized it as a GREAT DAY.

Sincerely yours,

JAMES H. SMITH
General Chairman.

SENATE MESSAGES

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 5, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, May 12, 1941, at 3:30 o'clock p. m., Eastern Standard Time, and when the House of Representatives adjourns this week, it reconvene on Monday, May 12, 1941, at 8 o'clock p. m., Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 666.

An Act to amend section one of the act approved the twenty-sixth day of August, A. D., one thousand nine hundred thirty-two (P. L. 101), entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments," by including counties.

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 666.

An Act to amend section one of the act approved the twenty-sixth day of August, A. D., one thousand nine hundred thirty-two (P. L. 101), entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments," by including counties.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. FLYNN for himself for tommorrow's session to attend the funeral of a very close friend.

Mr. Huntley for Mr. SORG for tonight's session on account of illness.

Mr. James for Mr. BRETHERICK for tonight's session.

Mr. Gillette for Mr. GREENWOOD for tonight and tomorrow.

Mr. Woodside for Mr. WILKINSON for the week.

Mr. Brown for Mr. HARKINS for tonight's session.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House this evening former members, Mr. Joseph F. Piole from Allegheny County; Mr. Ralph E Diefenderfer, from Lehigh County, who served in the session of 1915, and Mr. Lowell Alexander of Mifflin County, who is the guest of Mr. French.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair again reminds the members that all copies of bills and resolutions when introduced must be signed.

In a number of instances within the past two weeks where there have been co-sponsors to bills, two names have appeared on the first copy, one name on the second, and in one case none on the third.

If your name does not appear on the printed bill or calendar do not hold the Chief Clerk's Office responsible.

Please remember after a bill or resolution is presented, the copies as introduced are distributed to the committee, the printer and the press, they have been assigned a number, it is next to impossible to make corrections, and what is more important delay all bills which follow the incorrect one, trying to locate a sponsor who has failed to endorse his bill.

The Chair requests your careful co-operation.

Mr. O'NEILL IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1442, entitled:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 174, entitled:

An Act to act subsection (c) to section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted, providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure" prohibiting any public body or public agency from demanding or accepting a bond or judgment note from an indigent person for expenses of his support, maintenance, assistance or burial, before such expenses are incurred.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1097, entitled:

An Act to amend section three of the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State Government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice; and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," extending the provisions of said act to include employers who operate for charitable purposes to those who operate not for profit, and to those who secure aid from the Commonwealth or any agency or political subdivision thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1318, (Senate Bill No. 528), entitled:

An Act making a deficiency appropriation to aid certain school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 599, (Senate Bill No. 159), entitled:

An Act making an appropriation to the Department of Military Affairs for the purpose of erecting, constructing and equipping an auditorium at Indiantown Gap Military Reservation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1355, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing the conditions of eligibility for election or appointment as county, district, assistant county or district superintendent and associate superintendent, and the term of county superintendents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Lackawanna, Mr. O'Neill, for presiding.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 636, entitled:

An act to amend the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments, and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties, "as amended, redefining the powers and duties of the registration com-

mission and its employes; revising the provisions regulating the filing of removal notices and the cancellation of registrations; changing the provisions and times for registration, change of party enrollment and the cancellation of registrations; imposing duties on certain city officers; revising the procedure on appeals to the courts; providing for the manner of reckoning time; and imposing additional penalties.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ROSENFELD. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections for the purpose of a public hearing.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1338, entitled:

An Act providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons and blind persons; providing for the administration of such assistance by the Department of Welfare and county welfare boards created for this purpose, instead of by the Department of Public Assistance and the county boards of assistance; requiring the transfer of certain records and documents; and authorizing the Department of Welfare to cooperate with and to accept and dispose of moneys received from, the United States Government for assistance to such persons.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SHAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Welfare for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 504, entitled:

An Act to amend section three and clause (88) of section one hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," further providing for the position of the enacting clause; and further defining the phrase "political subdivision."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1172, entitled:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by empowering counties to acquire real estate by lease purchase gift or eminent domain for use as fairground authorizing the acquisition of property by eminent domain for certain other public purposes and authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fairgrounds including the appropriation of funds joint action with other political subdivisions the levy and collection of taxes the creation of county fair boards and the acceptance of State contributions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1435, entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national-defense activities.

The first and second sections were separately read and agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 3, page 5, lines 24 to 29, by striking out the following: "and provided further that the field of op" in line 24, and all of lines 25 to 29, both inclusive.

The amendments were agreed to.

The section was agreed to as amended.

The fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 884, entitled:

An Act to amend section one of the act approved the twenty-fourth day of April one thousand nine hundred thirteen (P. L. 114) entitled "An act regulating the time of payment of wages and earnings and providing a penalty for violation hereof" by requiring employers to fur-

nish statements to employes of all deductions made from their wages

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1275, entitled:

An Act declaring and adopting the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HABERLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. MORAN. Mr. Speaker, as House Bill 1275 is an act declaring the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania, why not have the sponsor sing this song to see whether we approve of it or not?

The SPEAKER. That is what the gentleman intends doing at the public hearing.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1439, entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 129, entitled:

An Act to add sections three hundred fourteen and three hundred fifteen to article three of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" prohibiting certain public utilities from imposing penalties by reason of the late payment of service charges by consumers and prohibiting certain public utilities from imposing minimum or meter charges

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1222, entitled:

An Act to further amend clause (j) of section two hundred and eight of the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by imposing new duties on the Secretary of Labor and Industry relative to appointments in order to prevent discrimination in such appointments because of race color or creed of eligibles

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1438, entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations; political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banning business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 847, entitled:

An Act to further amend section three hundred one and to amend section four hundred one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by further limiting the control and regulation of the commission in respect to rates services and extensions by municipal corporations

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1038, entitled:

An Act making it unlawful for any individual partnership or association to carry on or conduct any business in this Commonwealth unless there is displayed on the exterior of such establishment the identity of the owner or authorized representative and providing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 891, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring the Department of Revenue to establish a system for the permanent registration of hunters revising the provisions of said act relating to the issuance of licenses and eliminating the powers of justices of the peace magistrates and notaries public to receive applications therefore

The first to the fifth sections inclusive were separately read and agreed to.

The sixth section was read:

On the question,

Will the House agree to the section?

Mr. BRETH. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend section 6, (section 312) page 11, line 18 by underscoring the words "or tag" in said line.

Amend section 6, (section 312) page 12, line 7, by striking out the word "to" where it first appears in said line.

Amend section 6, (section 312) page 11, line 11, by inserting the word "of" after the word "or".

The amendments were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. REUBEN E. COHEN

The House resumed the consideration on second reading of House Bill No. 1245, entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," providing for the observance of Labor Day on the second Monday of September in the year one thousand nine hundred and forty-one.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Banking for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Mr. D'ORTONA. Mr. Speaker, I desire to call up House Bill No. 1401, Printer's No. 437, on page 6 of today's calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1401, entitled:

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," further regulating the establishment of standards and qualifications for assistance.

The first section was read and agreed to.

Mr. D'ORTONA. Mr. Speaker, I desire to offer the following amendment, a new section.

The amendment was read by the Clerk as follows:

Amend Bill, page 3, by adding after line 15 the following:

Section 2 Section thirteen of said act as amended by section three of the act, approved the twenty-sixth day of June, one thousand nine hundred and thirty-nine (P. L. 1091), is hereby further amended to read as follows:

Section 13. Penalties. (a) Any person who, either prior to, or at the time of, or subsequent to the application for assistance, by means of a wilfully false statement or misrepresentation, or by impersonation or other fraudulent means, secures, or attempts to secure, or aids or abets any person in securing assistance under this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00), or to undergo imprisonment not exceeding six months, or both, at the discretion of the court, and also shall be sentenced to make restitution of any moneys he has received by reason of any such false statement, misrepresentation impersonation, or fraudulent means.

(b) Any person in the employ of any county board who, either directly or indirectly, influences or endeavors to influence the vote of any person receiving or applying for any form of assistance or pension under the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred ($100) dollars, or undergo imprisonment not exceeding six months (6) or both, at the discretion of the court.

(c) Any person receiving assistance, who secures employment, and fails to notify the county board with regard thereto and the consideration, salary or wages to be received therefore, within forty-eight hours, shall be guilty of a misdemeanor, and upon summary conviction thereof, shall be sentenced to pay a fine not exceeding twenty-five dollars ($25), or to undergo five (5) days imprisonment, or both, at the discretion of the court, and also shall be sentenced to make restitution of any moneys received during the term of such employment.

On the question,

Will the House agree to the amendment?

Mr. BROWN. Mr. Speaker, It was very hard to catch the amendment, and I would like to interrogate the gentleman from Philadelphia, Mr. D'Ortona.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. D'ORTONA. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I am not certain that I caught all of the amendments, but as I understood section C it provides that the guilty party shall be sentenced to make restitution of any moneys received during the term of such employment, is that correct?

Mr. D'ORTONA. That is right, Mr. Speaker.

Mr. BROWN. Mr. Speaker, suppose the person has no money to make restitution, how long would that person be committed to jail or to the workhouse?

Mr. D'ORTONA. Mr. Speaker, the five days that are called for, for a man to be sentenced to jail and upon his release from jail, and upon receiving employment the men is supposed to make restitution.

Mr. BROWN. Mr. Speaker, in section 13, which I take it is a new section, it is provided that upon conviction thereof he shall be sentenced to pay a fine not exceeding $500 or to undergo imprisonment not exceeding six months or both at the discretion of the court. Now, so far the court has discretion as to whether to impose a fine or to impose a sentence or to do both, is that correct?

Mr. D'ORTONA. Mr. Speaker, that is in the act at the present time.

Mr. BROWN. The act provides that he shall be sentenced to make restitution, is that in the present act?

Mr. D'ORTONA. Mr. Speaker, that is in the present act, that he must make restitution.

Mr. BROWN. In the very words that are stated here in this act, "And shall be sentenced to make restitution"?

Mr. D'ORTONA. No. Mr. Speaker, the man will be sentenced to five days in jail or twenty-five dollars fine, and upon his release from jail he would be compelled to make restitution upon the time of his employment.

Mr. BROWN. Does not the gentleman from Philadelphia think he had better make that clear in the act? As I understand him now, the act makes it mandatory upon the court to impose restitution. When the court imposes restitution and the person has no money, I am asking how long would he have to be committed.

Mr. D'ORTONA. Mr. Speaker, if the man committed a

violation, and the man was employed at the time he was receiving public assistance, he would then have sufficient funds to make the restitution.

Mr. BROWN. Mr. Speaker, supposing he does not have the funds to make restitution, how long will he be committed?

Mr. D'ORTONA. Mr. Speaker, that is at the discretion of the court.

Mr. BROWN. Mr. Speaker, does the gentleman not aim to give the court discretion, and does he not have the act backwards? Should not the discretion of the court follow the last part of the sentence and not in the part giving the court discretion as to the payment of the fine and as to the imprisonment, and should not the court also have discretion so far as making restitution is concerned?

Mr. D'ORTONA. Mr. Speaker, that is part of the present assistance law, making restitution.

Mr. BROWN. Mr. Speaker, I thank the gentleman from Philadelphia. I yield to the gentleman from Allegheny, Mr. Shaw, who perhaps can explain the interrogation which I asked of Mr. D'Ortona.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Shaw.

Mr. SHAW. Mr. Speaker, ever since the Public Assistance Law was placed on the statute books of the Commonwealth, people who wrongfully received public moneys have had to make restitution. The amendment placed in House Bill 1401 by Mr. D'Ortona and Mr. Rosenfeld should really begin with Subsection C, which calls for a man to notify the County Board within forty-eight hours after securing employment. That was taken up with the Legislative Reference Bureau and they approved the amendment.

Mr. Speaker, we of the Welfare Committee feel that House Bill 1401 is a bill of a great deal of importance. We all know that the Commonwealth never has been able to give to the recipients of relief what is considered to be a decent living grant. This bill merely asks the State Board of Assistance to set up in each county, in accordance with the living costs of that county, what they consider to be a minimum decent living standard, and then permit the person on relief, who if, as is the case of Philadelphia, he is a single person receiving $4.80 a week, to earn the difference between what the state is able to give him and what the State Board has decided upon as the minimum decent living standard. That is all this bill attempts to do, and we of the Welfare Committee who have worked with the sponsors of the bill feel eventually this bill if enacted into law that the recipients of relief will prove what most of us believe them to be, basically honest, and that in addition once they start working under this proposed addition to the law, they will have an incentive to go out and look for a job themselves off the public rolls.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

The section was agreed to as amended.

The title was read:

On the question,

Will the House agree to the title?

Mr. D'ORTONA. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Title, page 1, line 1 of title, by inserting after the word "six" the following; "and to further amend section thirteen."

Amend Title, page 2, last line of title, by inserting after the word "assistance" the following "and imposing additional penalties."

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, to be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 211, Printer's No. 444, was passed over at the request of Mr. ROSENFELD.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1156 entitled:

An Act to add section one thousand six hundred and seven and one-tenth to article sixteen of the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teaching in the public schools of principles of democratic government and patriotism and imposing certain duties on the Superintendent of Public Instruction.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. GERARD. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1185, Printer's No. 359, was passed over at the request of Mr. GERARD.

BILL ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 292, as follows:

An Act to promote the safety of employes and travellers upon railroads by compelling common carriers by railroad to furnish employes with certain signal devices.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 All common carriers by railroad in this Commonwealth shall furnish all employes now using other signal devices electric white and red handlamps and all necessary batteries to replace other signal devices in order that the purpose of such other devices be fully carried out.

Any common carrier by railroad which shall violate the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than three hundred dollars ($300).

Each and every day's continuance in the violation of this act shall be a separate and distinct offense.

It shall be the duty of the Pennsylvania Public Utility Commission to supervise the enforcement of the provisions of this act.

Section 2 This act shall become effective six months after final enactment.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SHEPARD. Mr. Speaker, I want to ask the sponsor of this bill Mr. Casey Jones,—I mean Mr. Presley Jones, the gentleman has had so many bills on railroads and railroading, that I naturally made that mistake,—I would like the gentleman from Lawrence Mr. Presley N. Jones. to explain this bill to the Members of the House.

Mr. PRESLEY N. JONES. Mr. Speaker, I will be very delighted to explain this bill for the gentleman from Philadelphia the Reverend Mr. Shepard. As to his remarks, as to my being Casey Jones, I would like to correct him. I come from a long line of Presley Jones'. I am not Casey Jones, and for the information of the Reverend Shephard, I have never struck out with the bases full.

This bill, Reverend Shepard and Members of the House, I might say primarily basically, fundamentally and otherwise is meant in the light of safety.

May I interrogate, Mr. Speaker, the gentleman from Philadelphia, Mr. Shepard?

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEPARD. I shall Mr. Speaker.

Mr. PRESLEY N. JONES. Mr. Speaker, is the gentleman from Philadelphia following me in my elucidation?

Mr. SHEPARD. Not yet, Mr. Speaker.

The SPEAKER. The Chair would suggest that the gentleman from Lawrence blow his whistle going around the curve.

Mr. PRESLEY N. JONES. Mr. Speaker, I am noted as a whistler. As to this bill, as I said in the beginning and in a manner of reiteration, are you with me, Mr. Shepard? —it is primarily, basically and fundamentally a safety measure for the employes of railroads in the preservation of life, limb, and property. We hope that the pursuit of happiness will soon follow.

I realize full well, seriously, gentlemen, that it is not the intention of the sponsors of this bill or any of the Members of this House to bring any hardship upon the railroads in any manner whatsoever. They are a part of of the finest carrying system in the Commonwealth and the nation today. We realize full well that the United States government is shipping out munitions by railroad today. If by the use of these open-flame lanterns some of these men who are rather heavy on their feet should stumble at night in any manner, heavens knows what will happen to that cargo of munitions and to the property of the railroad, and to the gentleman who was carrying the lantern.

I say to the gentleman from Philadelphia and to the Members of the House that this is a very excellent bill. It is realized full well by the railroads, because just recently in a conference of the Western Carriers, eighty western railroads adopted the electric lantern as being the proper thing to have. This has been brought to the attention of the carriers of this state and to those who have traversed this state time and again in the past, but up to this time this state has never adopted it. Therefore, it is necessary that legislation be enacted to call it to their attention concretely. I say to all of you that this is a splendid bill, not because I am the sponsor of it, but from a safety standpoint which is deserved by the traveling public and the railroads themselves. Have I answered the gentleman from Philadelphia?

Mr. GEORGE E. JONES. Mr. Speaker, I don't care if they call me Casey Jones. I would like to ask the gentleman from Lawrence, Mr Presley N. Jones, if he is an authority on electrical lanterns.

The SPEAKER. Will the gentleman from Lawrence, representing the Jones boys, permit himself to be interrogated?

Mr. PRESLEY N. JONES. I deem it a privilege and pleasure to be interrogated by the gentleman from Blair.

The SPEAKER. The gentleman will proceed.

Mr. GEORGE E. JONES. Mr. Speaker, I desire to ask the gentleman if he is an authority on electric lanterns.

Mr. PRESLEY N. JONES. Cousin George, I mean Mr. Jones, I am sorry I will have to admit I am not an authority on electric lanterns, but I think that I know a little about oil lanterns.

Mr. GEORGE E. JONES. All right, Mr. Speaker, we have another one of those railroad bills here. We come along and the gentleman asks us to vote for a bill as a safety measure. In my experience I find that half the time the electric light does not light, it lights sometimes, and sometimes it does not; it might be a little brighter while it burns, but the old oil railroad lantern is always secure, it is always lit, it is always there. These big trucks on the highways most of them carry three or four oil lanterns on the rear. I am wondering whether we are voting intelligently on this bill. I would not want to vote against anything that might possibly provide safety to anybody, but I was wondering whether we can vote intelligently on it or not. I would like to have somebody who has had some real experience with electric lanterns explain the bill to us.

Mr. PRESLEY N. JONES. Mr. Speaker, I appreciate most sincerely the remarks of my cousin George Jones of Blair County. The reason I say "cousin" is because there are so many Jones' that we most all are related in some manner.

With the permission of the Chair I would like to produce, if it were at all possible samples of oil lanterns and electric lanterns, if it were permissible, on the floor of this House. However, for the benefit of the gentleman from Blair, Mr. Jones, may I say this, if the railroads do not object to this bill why does he?

Might I again call to the attention of this House the fact that not so long ago the railroads used gas flame headlights on their engines, they have now realized that is not advantageous in any manner, so they have substituted electric headlights. Why? For the same reason that electric headlamps should be supplied to the workers and under the provisions and stipulations, regulations and rules as applied by the eighty western railroads, who are cognizant of the necessity of preserving life, limb and property. I see no reason why this bill should not pass for the eastern railroads. It is a splendid bill, and for the

information of the gentleman from Blair and for the information of the Members of the House, the battery that is used in these electric hand lamps will last for a period of five weeks, whereas every night you have to fill the oil lanterns.

I yield to the gentleman from Blair, Mr. George E. Jones.

Mr. GEORGE E. JONES. Mr. Speaker, I would like to ask the gentleman from Lawrence, how many batteries these railroad gentlemen will have to carry in their pockets in order to make these electric lanterns safe?

Mr. PRESLEY N. JONES. Mr. Speaker, under the new approved type of lantern, there would not be any necessity to carry any spare batteries, because under the provisions and stipulations which would be issued by the Public Utility Commission, I am sure the lanterns will be tested in a fitting manner before they go out. Further, for the benefit of the gentleman from Blair, Mr. George E. Jones, I might state that there are two spare bulbs carried in the handle of each lantern.

Mr. GEORGE E. JONES. Mr. Speaker, I think we are going into this thing a little bit too fast. The Interstate Commerce Commission has decided to hold a hearing on this lantern question and make a decision whether it is practical or not, after May 6th. This is an interstate affair, it is not a Pennsylvania affair. I think we should hesitate a little bit before we jump into this. I might say for myself, I am not a railroad man. I am not a railroad employe, I am not opposed to anything that is a safety measure, but I am wondering whether the electric lantern would be as safe as the good old railroad oil lamp is. That is up to the House to decide. I do not think it is.

Mr. PRESLEY N. JONES. Mr. Speaker, this is positively a safety measures, and the bill is so simply drawn I cannot see why it is not easily understood by every member of the House.

The interrogation as to the extent of how many spare batteries the workmen or the flagman or the brakeman will have to carry in his hip pocket to be on the safe side might be explained by asking how much oil these gentlemen carry in their hip pocket for the old oil lantern. Now and then, in high winds, when the flagmen and brakemen give the highball sign for the train to roll, those lanterns have gone out. Just recently, and by recently I mean just the last week, if it had not been for the fact that a very wide awake young gentleman in the middle of the train had observed that the gentleman who was flagging on the front end of the train, that his lantern had gone out, there would have been a very, very serious accident, and the cost of rehabilitation to the railroad would have been considerably more than all of the batteries that would have been needed. That happened just outside of Lawrence ounty.

By passing this bill we can definately be of untold value to the people of the Commonwealth in enacting this safety measure.

Mr. LEISEY. Mr. Speaker, I desire to interrogate the gentleman from Lawrence, Mr. Jones.

The SPEAKER. Will the gentleman from Lawrence permit himself to be interrogated?

Mr. PRESLEY N. JONES. I shall, Mr. Speaker.

Mr. LEISEY. Mr. Speaker in reference to this question of lanterns is it not a matter of contract instead of law?

Mr. PRESLEY N. JONES. Mr. Speaker, contract between whom?

Mr. LEISEY. Between the railroads and their employees?

Mr. PRESLEY N. JONES. Mr. Speaker, I cannot see any reason why this should be a matter of contract whatsoever. I have made a study of this, the history of it and I find it has been passed over time and time again. As a safety measure, it is very, very necessary. The bill is not difficult or hard upon the railroads in any manner, in that it is stipulated in the bill there is six months time to make corrections: It is not a hardship. Inasmuch as much as this bill has been passed over time and time again, and the Eastern railroads have appealed for rehearings before the Interstate Commerce Commission, I see no further necessity for delay.

Mr. LEISEY. Mr. Speaker, who is to be supplied, what employees shall be supplied with these lanterns?

Mr. PRESLEY N. JONES. Mr. Speaker, will the gentleman please repeat his question?

Mr. LEISEY. Mr. Speaker, Section one of this bill says that all common-carriers operating railroads in this Commonwealth shall furnish all employes now using other signal devices. Does that mean that the bill is going to change the signals of maintenance of way men, car inspectors, and shop men, and at the stations where the train stops for flag stops,

Mr. PRESLEY N. JONES. Mr. Speaker, I would say that that would be applicable under the provisions of the regulations of the Interstate Commerce Commission and the provisions of the Public Utility Commission, to the extent that those who are now using oil lanterns should be supplied with electric lanterns.

MOTION TO RECOMMIT

Mr. LEISEY. Mr. Speaker, this bill does not cover the subject, and I move that it be recommitted to the Committee on Railroads and Railways for further consideration.

On the question,

Will the House agree to the motion,

Mr. PRESLEY N. JONES Mr. Speaker, I have in my possession the provisions that were brought forth on the necessity to bring about electric lanterns for the eighty western railroads.

For the information of the gentleman from Chester who had the pleasure of interrogating me, I might say we have one railroad in Pennsylvania, the Lehigh Valley that uses this type of lantern. Also for the information of the gentleman from Chester, if he will go down to the present depot in the city of Harrisburg he will find that the gentlemen down there use the electric lantern, as the, do not feel safe with the oil lantern. I would say that is going a little bit far . . . . .

The SPEAKER. The question before the House is on the motion to re-commit. The gentleman will please confine his remarks to that question.

Mr. PRESLEY N. JONES. I will Mr. Speaker. I ask that the motion be defeated and a roll call be had.

Mr. ACHTERMAN. I rise, Mr. Speaker, for the purpose of opposing the motion, for the simple reason that we have before this House, a safety measure that deserves comment and debate by the Members of the House. There should be no attempt to drag it behind closed doors for

the purpose of killing it. If these gentlemen are so much opposed to it, let them register their vote against it, but at least let them put themselves on record out in the open as to where they stand on this question of safety. I ask the Members to defeat this motion.

Mr. GEORGE E. JONES. Mr. Speaker, I think we should send this bill back to Committee so that we can vote intelligently on it. I doubt whether the majority leader knows whether electric lanterns are safer than oil lanterns, and I ask the Members of the House to send this bill back into committee. Let us demonstrate these lanterns at any place. It doesn't have to be behind closed doors. Let us have a hearing on this matter.

Mr. HEATHERINGTON. Mr. Speaker, I am not in favor of this bill going back to Committee to be killed. When we get down to a safety measure such as lanterns, I might say I used both types of lanterns, both oil and electric, seventeen or eighteen years ago as a brakeman on the railroad. On many a cold winter night that old oil lantern would go out .. .. ..

The SPEAKER. The merits of the bill are not before the House. The question is on the motion to re-commit

Mr. HEATHERINGTON. Mr. Speaker, I ask the members to vote down the motion to re-commit this bill.

On the question recurring will the House agree to the motion?

The yeas and nays were required by Mr. Presley M. Jones and Mr. Heatherington and were as follows:

YEAS—57

Auker,	Habbyshaw,	McMillen,	Stockham,
Boorse,	Hare,	Muir,	Taylor,
Bower,	Helm,	Nunemacher,	Thompson, R. L.,
Brunner, C. H.,	Hewitt,	O'Dare,	Trout,
Cadwalader,	Huntley,	Rank,	Turner,
Dennison,	Imbrie,	Reese, D. P.,	Van Allsburg,
Eckels,	James,	Rhea,	Voorhees,
Elder,	Jones, G. E.,	Riley,	Wagner,
Fisher,	Lee, E. A.,	Royer,	Weingartner,
Fiss,	Lee, T. H.,	Sarge,	Winner,
Fleming,	Leisey,	Serrill,	Wood, L. H.,
Foor,	Leydic,	Snyder,	Wood, N.,
Gillette,	McClester,	Sollenberger,	Woodside,
Gross,	McDowell,	Sorg,	Yeakel,
Gyger,	McKinney,		

NAYS—122

Achterman,	Falkenstein,	Malloy,	Reese, R. E.,
Allmond,	Finestone,	Marks,	Rooney,
Baker,	Finnerty,	Maxwell,	Rose, S.,
Balthaser,	Flynn,	McClanaghan,	Rose, W. E.,
Baugher,	French,	McDermott,	Rosenfeld,
Bentzel,	Gallagher,	McFall,	Rush,
Boies,	Gates,	McGrath,	Scanlon,
Bradley,	Gerard,	McIntosh,	Schwab,
Breth,	Gryskewicz,	McLanahan,	Shaffer,
Brown,	Haberlen,	McLane,	Shaw,
Brunner, P. A.,	Hamilton,	Melchiorre,	Shepard,
Burns,	Harmuth,	Mihm,	Skale,
Burris,	Harris,	Modell,	Stank,
Chervenak,	Heatherington,	Monks,	Tarr,
Chudoff,	Hering,	Mooney,	Tate,
Cochran,	Herman,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Munley,	Vincent,
Cooper,	Hirsch,	Nagel,	Vogt,
Cordier,	Jefferson,	O'Brien,	Voldow,
Corrigan,	Jones, P. N.,	O'Connor,	Watkins,
Croop,	Kenehan,	O'Mullen,	Weiss,
Cullen,	Kline,	O'Neill,	Welsh, E. B.,
Dalrymple,	Knoble,	Owens,	Welsh, M. J.,
DiGenova,	Kolankiewicz,	Petrosky,	Williams,
Dolon,	Komorofski,	Pettit,	Wolf,
D'Ortona,	Leonard,	Polaski,	Woodring,
Duffy,	Lesko,	Polen,	Wright,
Early,	Levy,	Powers,	Yester,
Elliott,	Lichtenwalter,	Prosen,	Young,
Ely,	Longo,	Rausch,	Kilroy,
	Lovett,	Readinger,	Speaker.

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows: viz:

YEAS—136

Achterman,	Finnerty,	Marks,	Reese, R. E.,
Allmond,	Fleming,	Maxwell,	Reynolds,
Auker,	Fletcher,	McClanaghan,	Rhea,
Baker,	Flynn,	McDermott,	Rooney,
Balthaser,	French,	McFall,	Rose, S.,
Baugher,	Gallagher,	McGrath,	Rose, W. E.,
Bentley,	Gates,	McIntosh,	Rosenfeld,
Bentzel,	Gerard,	McLanahan,	Rush,
Boies,	Gillan,	McLane,	Sarraf,
Boney,	Goodwin,	McSurdy,	Scanlon,
Bradley,	Gross,	Melchiorre,	Schwab,
Breth,	Gryskewicz,	Mihm,	Shaffer,
Brown,	Haberlen,	Modell,	Shaw,
Brunner, P. A.	Hamilton,	Monks,	Shepard,
Burns,	Harmuth,	Mooney,	Skale,
Burris,	Harris,	Moran,	Stank,
Chervenak,	Heatherington,	Moul,	Tarr,
Chudoff,	Hering,	Munley,	Tate,
Cochran,	Hersch,	Nagel,	Thompson, E. F.,
Cohen, M. M.,	Hirsch,	Nunemacher,	Thompson, R. L.,
Cohen, R. E.,	Jefferson,	O'Brien,	Vincent,
Cooper,	Jones, P. N.,	O'Connor,	Vogt,
Cordier,	Kenehan,	O'Dare,	Voldow,
Croop,	Kline,	O'Mullen,	Watkins,
Cullen,	Kolankiewicz,	O'Neill,	Weiss,
Dalrymple,	Komorofski,	Owens,	Welsh, E. B.,
DiGenova,	Krise,	Petrosky,	Welsh, M. J.,
Dolon,	Leonard,	Pettit,	Wolf,
Duffy,	Lesko,	Polaski,	Woodring,
Early,	Levy,	Polen,	Wright,
Elliott,	Longo,	Powers,	Yester,
Ely,	Lovett,	Prosen,	Young,
Falkenstein,	Lyons,	Rausch,	Kilroy,
Finestone,	Malloy,	Readinger,	Speaker.

NAYS—43

Boorse,	Gyger,	McDowell,	Trout,
Bower,	Habbyshaw,	McKinney,	Turner,
Brunner, C. H.,	Hall,	McMillen,	Van Allsburg,
Cadwalader,	Hare,	Muir,	Voorhees,
Dennison,	Helm,	Riley,	Wagner,
Dix,	Hewitt,	Royer,	Weingartner,
Eckels,	Jones, G. E.,	Sarge,	Winner,
Elder,	Lee, E. A.,	Snyder,	Wood, L. H.,
Fiss,	Leisey,	Sollenberger,	Wood, N.,
Foor,	Leydic,	Stockham,	Woodside,
Gillette,	McClester,	Taylor,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order.

The bill having been called up from the postponed calendar by Mr. McCLANAGHAN.

The House resumed the consideration on third reading of House Bill No. 685, as follows:

An Act to protect the public against the advertising or offering for sale at fixed prices eyeglasses spectacles putting restraint upon layman selling eyeglasses spectacles and filling prescriptions for the same similar to the restraint upon professions licensed by the state to prescribe eyeglasses and spectacles fixing a penalty for violations of this act and investing the courts with jurisdiction to prevent and restrain violations of this act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 It shall be unlawful for any person selling or

offering for sale eyeglasses or spectacles or filling prescriptions for the same to advertise fixed prices or any form of inducements and by word printed or spoken or by inference or omission to create the impression that they offer a complete service including examination of the eyes when not licensed by the state to do so or to be in collusion with or to act as cappers steerers or solicitors for any licensed practitioner concerned with the examination or treatment of the eyes.

Section 2 Any person as hereinafter defined committing any of the acts prohibited in section one of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars ($500). Proof of any violation of this act shall be prima facie evidence of a violation of this act.

Section 3 In addition to the penalties provided in this act the courts of common pleas of this Commonwealth are hereby invested with jurisdiction to prevent and restrain violations of this act in any manner whatsoever in addition to the fine as prescribed in this act and it shall be the duty of the several district attorneys in their respective districts to institute proceedings in equity to prevent and restrain violations

Section 4 Definitions The terms cappers steerers or solicitors as used in this act shall include any person advertising fixed prices for eyeglasses or spectacles who directly or indirectly for profit or any other valuable consideration endeavors by any means to obtain patronage for others. The term persons shall include every person firm, corporation or association engaged in any business or the following of any occupation in any manner relative or pertaining to the sale of eyeglasses or spectacles.

Section 5 If any section sentence or clause of this act shall for any reason be held invalid or unconstitutional such decision shall not effect the validity of the remaining parts thereof.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—126

Allmond,	Foor,	Mihm,	Schwab,
Auker,	French,	Modell,	Shaffer,
Baker,	Gallagher,	Monks,	Shaw,
Bentley,	Gerard,	Mooney,	Shepard,
Bentzel,	Gross,	Moran,	Skale,
Boies,	Gryskewicz,	Moul,	Snyder,
Boney,	Hall,	Muir,	Stank,
Bower,	Hamilton,	Nagel,	Stockham,
Bradley,	Harmuth,	Nunemacher,	Tarr,
Breth,	Heatherington,	O'Brien,	Tate,
Burns,	Hering,	O'Connor,	Taylor,
Burris,	Herman,	O'Mullen,	Thompson, E. F.,
Chudoff,	Hirsch,	Petrosky,	Thompson, R. L.,
Cochr[illegible]	James,	Pettit,	Turner,
Cohen, [illegible]	Jefferson,	Polaski,	Van Allsburg,
Cooper,	Jones, P. N.,	Polen,	Vincent,
Co[illegible]dler,	Kolankiewicz,	Powers,	Vogt,
Corrigan,	Leonard,	Prosen,	Voldow,
Croop,	Levy,	Rank,	Weingartner,
Cullen,	Lichtenwalter,	Rausch,	Weiss,
Dalrymple,	Longo,	Reese, D. P.,	Welsh, E. B.,
DiGenova,	Lovett,	Reese, R. E.,	Welsh, M. J.,
D'Ortona,	Malloy,	Reynolds,	Williams,
Duffy,	McClanaghan,	Rhea,	Wood, N.,
Eckels,	McDermott,	Rose, S.,	Woodring,
Falkenstein,	McDowell,	Rose, W. E.,	Wright,
Finestone,	McFall,	Rosenfeld,	Yeakel,
Finnerty,	McGrath,	Royer,	Yester,
Fiss,	McIntosh,	Rush,	Young,
Fleming,	McLanahan,	Sarge,	Kilroy,
Fletcher,	McLane,	Sarraf,	Speaker.
	Melchiorre,	Scanlon,	

NAYS—46

Achterman,	Fisher,	Kline,	O'Dare,
Balthaser,	Gates,	Lee, E. A.,	O'Neill,
Brunner, C. H.,	Gillette,	Lee, T. H.,	Owens,
Brunner, P. A.,	Habbyshaw,	Leisey,	Readinger,
Cadwalader,	Haines,	Lesko,	Riley,
Cohen, M. M.,	Hare,	Leydic,	Rooney,
Dennison,	Harris,	Lyons,	Trout,
Dix,	Helm,	Marks,	Voorhees,
Dolon,	Hersch,	Maxwell,	Wagner,
Early,	Hewitt,	McClester,	Watkins,
Elder,	Jones, G. E.,	McMillen,	Winner,
Ely,	Kenehan,	Munley,	Wolf,
			Wood, L. H.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MIHM.

The House resumed the consideration on third reading of House Bill No. 684, entitled:

An Act to further amend sections six and nine of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" further regulating the granting suspension and revocation of the licenses of optometrists.

On the question,

Will the House agree to the bill on third reading?

Mr. MIHM. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 16 of title, by inserting after the word "optometrists" the following: "and providing for an appeal from the action of the State Board of Optometrical Examiners in granting, suspending or revoking such licenses.

Amend Sec. 1 (Sec. 6), page 4, line 3, by striking out the light-face bracket before the word "but".

Amend Sec. 1 (Sec. 6) page 4, line 5, by striking out the light-face bracket after the word "assistants."

Amend Sec. 1 (Sec. 9), page 4, line 26, by striking out the word "other."

Amend Sec. 1 (Sec. 9), page 4, line 26, by inserting after the word "person" the following: "other then optometrists."

Amend Sec. 1 (Sec. 9) page 5, line 8, by striking out the word "unethical" and inserting in lieu thereof: "unprofessional."

Amend Sec. 1 (Sec. 9), page 5, line 11, by inserting a light-face bracket before and after the word "crime."

Amend Sec. 1 (Sec. 9), page 5, line 11, by inserting after the word "crime" the following: "felony."

Amend Sec. 1 (Sec. 9) page 6, line 2, by inserting after the word "Commonwealth" the following: "An appeal may be taken from any action of the State Board of Optometrical Examiners in granting, refusing, revoking, cancelling or suspending any license to the Court of Common Pleas of Dauphin County. The judgment of the common pleas court may be reviewed by the Superior Court on appeal."

The SPEAKER. Will the House give unanimous con-

sent to the offering of amendments at this time? Is there objections? The Chair hears none.

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1190, as follows:

An Act relating to coal stripping operations providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines requiring certain information and reports and prescribing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 For the purpose of this act a coal stripping operation shall mean any operation in which the earth and rock cover over-lying a coal vein are removed by mechanical means or by hand for the purpose of recovering mining or removing coal thereunder.

Section 2 This act shall apply to every coal stripping operation in the Commonwealth of Pennsylvania where three or more persons are employed or engaged at work The Department of Mines shall have exclusive jurisdiction over all coal stripping operations in this Commonwealth. Any mine inspector directed by the Department of Mines shall have the right to enter upon and inspect all such stripping operations for the purpose of determining the conditions of safety.

Section 3 Each operator of a coal stripping operation shall furnish the mine inspector in whose district the operation is located a map or plan on a scale of one hundred (100) feet to the inch showing the location of said operation with respect to the land lines of adjoining properties a monthly report of coal produced number of employees and days worked also reports of all fatal and non-fatal accidents. An annual report shall be furnished to the Secretary of Mines on forms provided for the purpose not later than the fifteenth day of January each year for the preceding year.

Section 4 All coal stripping operations coming within the provisions of this act shall be conducted in compliance with such reasonable rules and regulations as may be deemed necessary by the Secretary of Mines for the health and safety of those persons engaged in such work. The Secretary of Mines through the mine inspectors shall have the authority and power to enforce the provisions of this act and the rules and regulations promulgated thereunder by him.

Section 5 Any person, firm or corporation violating any of the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25.00) and costs not more than one hundred dollars ($100.00) and costs and in default of the payment of such fine and costs be imprisoned in the county jail for a period of ten (10) days.

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 7 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court as to those provisions shall not affect the validity of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision or provisions not been included herein.

Section 8 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—170

Achterman,	French,	Maxwell,	Rose, W. E.,
Allmond,	Gallagher,	McClanaghan,	Rosenfeld,
Auker,	Gates,	McDermott,	Rush,
Baker,	Gerard,	McDowell,	Sarraf,
Balthaser,	Goodwin,	McFall,	Scanlon,
Bentley,	Greenwood,	McGrath,	Schwab,
Bentzel,	Gross,	McIntosh,	Shaffer,
Boles,	Gryskewicz,	McLanahan,	Shaw,
Bradley,	Gyger,	McLane,	Shepard,
Breth,	Haberlen,	McSurdy,	Skale,
Brunner, C. H.,	Hall,	Melchiorre,	Stank,
Brunner, P. A.,	Harkins,	Mihm,	Stine,
Cadwalader,	Harmuth,	Modell,	Stockham,
Chervenak,	Harris,	Monks,	Tarr,
Chudoff,	Heatherington,	Mooney,	Tate,
Cochran,	Hering,	Moran,	Taylor,
Cohen, M. M.,	Hersch,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Hirsch,	Munley,	Thompson, R. L.,
Cook,	James,	Nagel,	Verona,
Cooper,	Jefferson,	Nunemacher,	Vincent,
Cordier,	Jones, G. E.,	O'Brien,	Vogt,
Corrigan,	Jones, P. N.,	O'Connor,	Voldow,
Croop,	Keenan,	O'Dare,	Voorhees,
Cullen,	Kenehan,	O'Mullen,	Wagner,
Dalrymple,	Kline,	O'Neill,	Watkins,
Dennison,	Knoble,	Owens,	Weingartner,
DiGenova,	Kolankiewicz,	Petrosky,	Weiss,
Dix,	Komorofski,	Pettit,	Welsh, E. B.,
Dolon,	Krise,	Polaski,	Welsh, M. J.,
Early,	Lee, E. A.,	Polen,	Wilkinson,
Eckels,	Lee, T. H.,	Powers,	Williams,
Elliott,	Leisey,	Prosen,	Winner,
Falkenstein,	Leonard,	Rausch,	Wolf,
Finestone,	Lesko,	Readinger,	Wood, L. H.,
Finnerty,	Levy,	Reese, R. E.,	Woodring,
Fisher,	Leydic,	Regan,	Wright,
Fiss,	Lichtenwalter,	Reynolds,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Foor,	Malloy,	Rose, S.,	Kilroy,
	Marks,		Speaker.

NAYS—1

Lyons,

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1270, Printer's No. 413, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 182, Printer's No. 76, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1326, as follows:

An Act to amend sections three and four of the act approved the thirtieth day of March one thousand nine hundred three (P. L. 110) entitled "A supplement to an act entitled 'An act regulating the construction maintenance alteration and inspection of buildings and party walls in cities of the second class' approved the seventh day of June Anno Domini one thousand eight hundred and ninety-five regulating the construction alteration and

ventilation of tenement-houses and providing for the safety of the inhabitants thereof and providing penalties for the violation of the same" further regulating the erection alteration and ventilation of certain tenement houses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Sections three and four of the act approved the thirtieth day of March one thousand nine hundred three (P. L. 110) entitled "A supplement to an act entitled 'An act regulating the construction maintenance alteration and inspection of buildings and party walls in cities of the second class' approved the seventh day of June Anno Domini one thousand eight hundred and ninety-five regulating the construction alteration and ventilation of tenement-houses and providing for the safety of the inhabitants thereof and providing penalties for the violation of the same" are hereby amended to read as follows:

Section 3 In any city of the second class which has enacted or may hereafter enact a zoning ordinance the provisions of the said ordinance affecting the required yards or courts for tenement houses shall be the only effective provisions for such open spaces In any city of the second class in which the open spaces about a tenement house are not regulated by a zoning ordinance the following provisions for tenement houses shall apply

Every tenement-house hereafter erected altered or [constructed in any city of the second class] occupied shall have [attached to it in the rear or at the side] an open space at the rear or the side or sides equal in area to at least twenty per centum of the entire area of the lot upon which said tenement-house is erected which open space shall be unobstructed by any overhanging structure except cornices or fire escapes [required by law] unless [however] such tenement-house [shall be] is erected upon a corner of two streets neither of which is less than twenty feet in width in which case said tenement-house shall have an open space attached to it [in] at the rear or at the side next the adjoining lot equal in area to at least ten per centum of the entire area of the lot upon which said tenement-house is erected which open space shall be unobstructed by any overhanging structure except cornices and fire escapes [required by law] and any such tenement-house which shall be erected upon a lot bounded on three sides by streets not less than twenty feet in width in which may be erected to cover the entire area of said lot provided that every window opening from the living rooms in said tenement-house shall open upon one of said streets [Such open space attached to every such tenement-house] Any open space at the side or rear of such tenement house shall be at least eight feet in width throughout its entire length No court or open space between tenement-houses or between wings of a tenement-house shall be [of a less width] less than ten feet in width If such tenement-[houses] house shall be built upon a lot which is bounded upon two opposite sides by streets [then] at least one end of every such open space shall abut upon one of such streets Every court or shaft [which shall be built] erected for the purpose of furnishing light or air to any such tenement-house shall open [upon] on one side into a street or into the yard or other open space except such shafts as may be necessary for the ventilation of water-closets or bathrooms

Section 4 Every room in [every] any such tenement-house shall have at least one window opening upon a street or upon the open space provided for in the third section of this act [And the distance from every window in every such tenement house to the wall or party line opposite to it shall be at least eight feet The halls on each floor of every such] In any city city of the second class in which a zoning ordinance has not been enacted any window opening into a yard or court shall be at least eight feet distant from the wall or party line opposite to it Any hall in a tenement-house shall have a window or windows opening either upon a street or upon the open space provided for in the third section of this act and shall have no room or other obstruction at the end unless sufficient light and ventilation is otherwise provided for said [halls] hall in a manner approved by the superintendent of the bureau of building inspection [But whenever] Whenever in the judgment of the superintendent of the bureau of building inspection it shall be possible to construct such tenement-house without corridors connecting the entrance of several tenements or suites of rooms the superintendent of the bureau of building inspection may require that such tenement-house be so constructed that it shall contain no such corridors

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

170—YEAS

Achterman,	Flynn,	McClanaghan,	Rose, W. E.,
Allmond,	Foor,	McClester,	Rosenfeld,
Auker,	French,	McDermott,	Royer,
Baker,	Gallagher,	McDowell,	Rush,
Balthaser,	Gates,	McFall,	Sarge,
Bentley,	Gerard,	McGrath,	Sarraf,
Bentzel,	Gillan,	McIntosh,	Scanlon,
Boies,	Gillette,	McLanahan,	Schwab,
Boney,	Gross,	McLane,	Shaffer,
Bower,	Gryskewicz,	McMillen,	Shaw,
Bradley,	Habbyshaw,	McSurdy,	Shepard,
Breth,	Haines,	Melchiorre,	Skale,
Bretherick,	Hall,	Mihm,	Snyder,
Brunner, C. H.,	Hamilton,	Modell,	Stank,
Brunner, P. A.,	Hare,	Monks,	Stockham,
Cadwalader,	Harmuth,	Mooney,	Tarr,
Chervenak,	Harris,	Moran,	Tate,
Chudoff,	Heatherington,	Moul,	Taylor,
Cochran,	Helm,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Nagel,	Trout,
Cooper,	Hersch,	Nunemacher,	Turner,
Cordier,	Hewitt,	O'Brien,	Van Allsburg,
Corrigan,	Hirsch,	O'Connor,	Vincent,
Croop,	James,	O'Dare,	Vogt,
Cullen,	Jefferson,	O'Mullen,	Voldow,
Dalrymple,	Jones, G. E.,	O'Neill,	Voorhees,
Dennison,	Jones, P. N.,	Owens,	Wagner,
DiGenova,	Kenehan,	Petrosky,	Watkins,
Dix,	Kline,	Pettit,	Weingartner,
Dolon,	[illegible]nkiewicz,	Polaski,	Weiss,
D'Ortona,	Lee, E. A.,	Polen,	Welsh, E. B.,
Duffy,	Lee, T. H.,	Powers,	Welsh, M. J.,
Early,	Leisey,	Prosen,	Williams,
Eckels,	Leonard,	Rank,	Winner,
Elder,	Lesko,	Rausch,	Wolf,
Ely,	Levy,	Readinger,	Wood, L. H.,
Falkenstein,	Leydic,	Reese, D. P.,	Wood, N.,
Finestone,	Lichtenwalter,	Reese, R. E.,	Woodring,
Finnerty,	Longo,	Reynolds,	Wright,
Fisher,	Lovett,	Rhea,	Yeakel,
Fiss,	Lyons,	Riley,	Yester,
Fleming,	Malloy,	Rooney,	Young,
Fletcher,	Marks,	Rose, S.,	Kilroy,
	Maxwell,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 979, Printer's No. 428, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third rading and consideration of House Bill No. 619, as follows:

An Act Imposing joint and severable liability upon cities of the first class for damages caused by arrests or imprisonments by police authorities in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 As used in this act "illegal arrest" shall mean any arrest or imprisonment involving innocent persons who are illegally charged with the commission of crime or committed on the pretext that they have committeed a crime

Section 2 Each city of the first class employing any person in its department of public safety or any person vested with the right and duty to act as a peace officer under the direction of the Director of Public Safety or any other recognized police authority shall be jointly and severally liable with such person by reason of any illegal arrest or imprisonment which is unlawfully made

Section 3 Such cities shall be liable to the same extent as individuals are now liable for false arrest and false imprisonment

Section 4 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—170

Achterman,	Foor,	McClanaghan,	Rose, W. E.,
Allmond,	French,	McClester,	Rosenfeld,
Auker,	Gallagher,	McDermott,	Royer,
Baker,	Gates,	McDowell,	Rush,
Balthaser,	Gerard,	McFall,	Sarge,
Bentley,	Gillan,	McGrath,	Sarraf,
Bentzel,	Gillette,	McIntosh,	Scanlon,
Boies,	Gross,	McLanahan,	Schwab,
Boney,	Gryskewicz,	McLane,	Shaffer,
Boorse,	Habbyshaw,	McMillen,	Shaw,
Bower,	Haines,	McSurdy,	Shepard,
Bradley,	Hall,	Melchiorre,	Skale,
Breth,	Hamilton,	Mihm,	Snyder,
Brunner, C. H.,	Hare,	Modell,	Stank,
Brunner, P. A.,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cooper,	Hersch,	Nagel,	Trout,
Cordier,	Hewitt,	Nunemacher,	Turner,
Corrigan,	Hirsch,	O'Brien,	Van Allsburg,
Croop,	James,	O'Connor,	Vincent,
Cullen,	Jefferson,	O'Dare,	Vogt,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Voorhees,
DiGenova,	Kenehan,	Owens,	Wagner,
Dix,	Kline,	Petrosky,	Watkins,
Dolon,	Kolankiewicz,	Pettit,	Weingartner,
D'Ortona,	Lee, E. A.,	Polaski,	Weiss,
Duffy,	Lee, T. H.,	Polen,	Welsh, E. B.,
Early,	Leisey,	Powers,	Welsh, M. J.,
Eckels,	Leonard,	Prosen,	Williams,
Elder,	Lesko,	Rank,	Winner,
Ely,	Levy,	Rausch,	Wolf,
Falkenstein,	Leydic,	Readinger,	Wood, L. H.,
Finestone,	Lichtenwalter,	Reese, D. P.,	Wood, N.,
Finnerty,	Longo,	Reese, R. E.,	Woodring,
Fisher,	Lovett,	Reynolds,	Wright,
Fiss,	Lyons,	Rhea,	Yeakel,
Fleming,	Malloy,	Riley,	Yester,
Fletcher	Marks,	Rooney,	Young,
Flynn,	Maxwell,	Rose, S.,	Kilroy,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1327, as follows:

An Act to amend section six and to further amend section eleven of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" restricting the right of per diem employes to join such pension system and giving peace time drafted employes credit for the time spent in the services of the United States

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" is hereby amended to read as follows

Section 6 Should any person holding position in said cities of the second class as laborer at a per diem wage he or she shall not be compelled to pay or contribute toward the pension fund herein provided for but shall have the option or choice of so doing at any time within six months after the date of their employment and in that event only of becoming entitled to the pension provided by this act

Section 2 Section eleven of said act as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 742) is hereby further amended to read as follows

Section 11 The time of service herein specified namely twenty years shall be computed from the time of the first or original employment said employment to consist of service to such city of the second class and need not be continuous Provided That in no case shall a period of more than eighteen years be credited to the service of any person who shall be employed after the passage of this act and who shall have been employed by such city prior to the passage of this act If an employe shall have enlisted or shall have been drafted to serve in the Army or Navy of the United States in time of war or shall have been drafted to serve in the Army or Navy of the United States in time of peace such service in the Army or Navy of the United States shall be credited in full to the service record of such employe as service to such city of the second class

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 170

Achterman,	Foor,	McClanaghan,	Rose, W. E.,
Allmond,	French,	McClester,	Rosenfeld,
Auker,	Gallagher,	McDermott,	Royer,
Baker,	Gates,	McDowell,	Rush,
Balthaser,	Gerard,	McFall,	Sarge,
Bentley,	Gillan,	McGrath,	Sarraf,
Bentzel,	Gillette,	McIntosh,	Scanlon,
Boies,	Gross,	McLanahan,	Schwab,
Boney,	Gryskewicz,	McLane,	Shaffer,
Bower,	Habbyshaw,	McMillen,	Shaw,
Bradley,	Haines,	McSurdy,	Shepard,
Breth,	Hall,	Melchiorre,	Skale,

Brunner, C. H.,	Hamilton,	Mihm,	Snyder,
Brunner, P. A.,	Hare,	Modell,	Stank,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chudoff,	Harris,	Mooney,	Tarr,
Cochran,	Heatherington,	Moran,	Tate,
Cohen, M. M.,	Helm,	Moul,	Taylor,
Cohen, R. E.,	Hering,	Muir,	Thompson, E. F.,
Cooper,	Herman,	Munley,	Thompson, R. L.,
Cordier,	Hersch,	Nagel,	Trout,
Corrigan,	Hewitt,	Nunemacher,	Turner,
Croop,	Hirsch,	O'Brien,	Van Allsburg,
Cullen,	James,	O'Connor,	Vincent,
Dalrymple,	Jefferson,	O'Dare,	Vogt,
Dennison,	Jones, G. E.,	O'Mullen,	Voldow,
DiGenova,	Jones, P. N.,	O'Neill,	Voorhees,
Dix,	Kenehan,	Owens,	Wagner,
Dolon,	Kline,	Petrosky,	Watkins,
D'Ortona,	Kolankiewicz,	Pettit,	Weingartner,
Duffy,	Lee, E. A.,	Polaski,	Weiss,
Early,	Lee, T. H.,	Polen,	Welsh, E. B.,
Eckels,	Leisey,	Powers,	Welsh, M. J.,
Elder,	Leonard,	Prosen,	Williams,
Ely,	Lesko,	Rank,	Winner,
Falkenstein,	Levy,	Rausch,	Wolf,
Finestone,	Leydic,	Readinger,	Wood, L. H.,
Finnerty,	Lichtenwalter,	Reese, D. P.,	Wood, N.,
Fisher,	Longo,	Reese, R. E.,	Woodring,
Fiss,	Lovett,	Reynolds,	Wright,
Fleming,	Lyons,	Rhea,	Yeakel,
Fletcher,	Malloy,	Riley,	Yester,
Flynn,	Marks,	Rooney,	Young,
	Maxwell,	Rose, S.,	Kilroy,

Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1223, as follows:

An Act to add section 654.2 to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it a crime for any officer of any labor union to discriminate because of color or creed between applicants for membership in such union or between assignments for employment of union members because of their race color or creed

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended by adding a new section to read as follows

Section 654.2 Discrimination by Officers of Labor Organizations (a) Whoever as an officer director agent or employe of any labor organization who shall solely by reason of the race color or creed of any person refuse to admit any person to membership in such labor organization or hinder or obstruct or attempt to hinder or obstruct the admission to membership of such person shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or undergo imprisonment for not less than thirty (30) days nor more than ninety (90) days or both in the discretion of the court

(b) Any officer director agent or employe of any labor organization who shall solely by reason of the race color or creed of any member of such labor organization neglect or refuse to designate such member for employment under the procedure in force in such organization for making such designation for which he is eligible to be designated or who shall hinder or obstruct or attempt to hinder or obstruct the designation of such member for employment is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or undergo imprisonment for not less than thirty (30) days nor more than ninety (90) days or both in the discretion of the court

(c) The term "labor organization" as used in this section means any organization which exists and is constituted for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances terms or conditions of employment or of other mutual aid or protection

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 170

Achterman,	Foor,	McClanaghan,	Rose, W. E.,
Allmond,	French,	McClester,	Rosenfeld,
Auker,	Gallagher,	McDermott,	Royer,
Baker,	Gates,	McDowell,	Rush,
Balthaser,	Gerard,	McFall,	Sarge,
Bentley,	Gillan,	McGrath,	Sarrai,
Bentzel,	Gillette,	McIntosh,	Scanlon,
Boles,	Gross,	McLanahan,	Schwab,
Boney,	Gryskewicz,	McLane,	Shaffer,
Boorse,	Habbyshaw,	McMillen,	Shaw,
Bower,	Haines,	McSurdy,	Shepard,
Bradley,	Hall,	Melchiorre,	Skale,
Breth,	Hamilton,	Mihm,	Snyder,
Brown,	Hare,	Modell,	Stank,
Brunner, C. H.,	Harmuth,	Monks,	Stockham,
Brunner, P. A.,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	James,	O'Connor,	Vincent,
Croop,	Jefferson,	O'Dare,	Vogt,
Cullen,	Jones, G. E.,	O'Mullen,	Voldow,
Dalrymple,	Jones, P. N.,	O'Neill,	Voorhees,
Dennison,	Kenehan,	Owens,	Wagner,
DiGenova,	Kline,	Petrosky,	Watkins,
Dix,	Kolankiewicz,	Pettit,	Weingartner,
Dolon,	Lee, E. A.,	Polaski,	Weiss,
D'Ortona,	Lee, T. H.,	Polen,	Welsh, E. B.,
Duffy,	Leisey,	Powers,	Welsh, M. J.,
Early,	Leonard,	Prosen,	Williams,
Eckels,	Lesko,	Rank,	Winner,
Elder,	Levy,	Rausch,	Wolf,
Ely,	Leydic,	Readinger,	Wood, L. H.,
Falkenstein,	Lichtenwalter,	Reese, D. P.,	Wood, N.,
Finestone,	Longo,	Reese, R. E.,	Woodring,
Finnerty,	Lovett,	Reynolds,	Wright,
Fisher,	Lyons,	Rhea,	Yeakel,
Fiss,	Malloy,	Riley,	Yester,
Fleming,	Marks,	Rooney,	Young,
Fletcher,	Maxwell,	Rose, S.,	Kilroy,
Flynn,			

Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consederation of House Bill No. 1221, as follows:

An Act to add section 654.1 to the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by making it a crime to discriminate in the selection or appointment of persons for employment in the civil service of the Commonwealth or of any political subdivision thereof because of the race, creed or color of any person.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended by adding thereto after section 654 a new section to read as follows:

Section 654.1 Discrimination in Employment (a) Whoever having authority or control over or discretion in the selection or appointment of persons for employment in the civil service of the Commonwealth or of any of its political subdivisions shall solely by reason of the race color or creed of any person deny to such person any employment or dismiss or suspend such person from employment is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or undergo imprisonment for not less than thirty (30) days nor more than ninety (90) days or both in the discretion of the court.

(b) Whenever it shall appear that a person has been denied appointment to a vacancy in any such service and that such vacancy has been filled by the appointment of another person less qualified to discharge the duties incident to such employment and that the person so appointed is of a race color or creed different from that of the person denied appointment there shall be a presumption that the person denied such appointment was so denied by reason of his race, creed or color.

(c) Whenever a person is dismissed from a position in such service or is suspended from such service such dismissal or suspension being stated to be due to reduction in the number of positions of the kind occupied by such person or to the lack of work in such position and some other person occupying a similar position and of a different race, creed or color from the person so dismissed or suspended is retained in employment and it shall appear that the person so dismissed or suspended from employment is by reason of superior qualifications for the duties incident to such employment or by reason of a better record of service or by reason of a longer service or for some or all of said reasons more deserving of retention in the said employment than the person so retained there shall be a presumption that the dismissal or suspension of the person so dismissed or suspended was due to the race color or creed of such person.

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—170

Achterman,	Foor,	McClanaghan,	Rose, W. E.,
Allmond,	French,	McClester,	Rosenfeld,
Auker,	Gallagher,	McDermott,	Royer,
Baker,	Gates,	McDowell,	Rush,
Balthaser,	Gerard,	McFall,	Sarge,
Bentley,	Gillan,	McGrath,	Sarraf,
Bentzel,	Gillette,	McIntosh,	Scanlon,
Boles,	Gross,	McLanahan,	Schwab,
Boney,	Gryskewicz,	McLane,	Shaffer,
Bower,	Habbyshaw,	McMillen,	Shaw,
Bradley,	Haines,	McSurdy,	Shepard,
Breth,	Hall,	Melchiorre,	Skale,
Brunner, C. H.,	Hamilton,	Mihm,	Snyder,
Brunner, P. A.,	Hare,	Modell,	Stank,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chudoff,	Harris,	Mooney,	Tarr,
Cochran,	Heatherington,	Moran,	Tate,
Cohen, M. M.,	Helm,	Moul,	Taylor,
Cohen, R. E.,	Hering,	Muir,	Thompson, E. F.,
Cooper,	Herman,	Munley,	Thompson, R. L.,
Cordier,	Hersch,	Nagel,	Trout,
Corrigan,	Hewitt,	Nunemacher,	Turner,
Croop,	Hirsch,	O'Brien,	Van Allsburg,
Cullen,	James,	O'Connor,	Vincent,
Dalrymple,	Jefferson,	O'Dare,	Vogt,
Dennison,	Jones, G. E.,	O'Mullen,	Voldow,
DiGenova,	Jones, P. N.,	O'Neill,	Voorhees,
Dix,	Kenehan,	Owens,	Wagner,
Dolon,	Kline,	Petrosky,	Watkins,
D'Ortona,	Kolankiewicz,	Pettit,	Weingartner,
Duffy,	Lee, E. A.,	Polaski,	Weiss,
Early,	Lee, T. H.,	Polen,	Welsh, E. B.,
Eckels,	Leisey,	Powers,	Welsh, M. J.,
Elder,	Leonard,	Prosen,	Williams,
Ely,	Lesko,	Rank,	Winner,
Falkenstein,	Levy,	Rausch,	Wolf,
Finestone,	Leydic,	Readinger,	Wood, L. H.,
Finnerty,	Lichtenwalter,	Reese, D. P.,	Wood, N.,
Fisher,	Longo,	Reese, R. E.,	Woodring,
Fiss,	Lovett,	Reynolds,	Wright,
Fleming,	Lyons,	Rhea,	Yeakel,
Fletcher,	Malloy,	Riley,	Yester,
Flynn,	Marks,	Rooney,	Young,
	Maxwell,	Rose, S.,	Kilroy,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 887, Printer's No. 427, was passed over at the request of Mr. GERARD.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1324, as follows:

An Act to further amend section thirty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto" further providing for ascertaining the change of classification of counties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section thirty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) is hereby further amended to read as follows:

Section 32 Ascertainment Certification and Effect of Change of Class The classification of counties shall be ascertained and fixed according to their population by reference from time to time to the last preceding decennial United States census deducting therefrom the number of persons residing on any lands that have been ceded to the United States. Whenever it shall appear by any such census that any county has attained a population entitling it to an advance in classification or that a county has

heretofore or hereafter decreased in population so as to recede in classification as herein prescribed it shall be the duty of the Governor under the great seal of this Commonwealth to certify that fact accordingly which certificate shall be forwarded to the recorder of deeds of the proper county and be recorded in his office.

Changes of class ascertained and certified as aforesaid shall become effective on the first day of January next following the year in which the census was taken except that salaries of county officers shall not thereby be increased or decreased during the terms for which they shall have been elected [and except further that the court of common pleas of any county which is reduced in classification may by written order filed in the office of the prothonotary fix the salaries of the county commisioners and of the district attorney at an amount not exceeding the salaries theretofore paid to said officers if in its judgment the business of the county justifies the payment of salaries higher than those fixed for counties of the lower class.]

Section 2 The provisions of this act shall become effective immediately upon its final enactment. In the event that by reason of the foregoing amendment the classification of any counties as ascertained and fixed according to their population by reference to the one thousand nine hundred and forty United States census are changed it shall be the duty of the Governor immediately after the effective date of this act under the Great Seal of this Commonwealth to certify that fact accordingly which certificate shall be forwarded to the recorder of deeds of the proper county and be recorded in his office.

And said bill having been read at length the third time, considered and agreed to.

On the question

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as folows, viz:

YEAS—170

Achterman,	French,	McClester,	Rosenfeld,
Allmond,	Gallagher,	McDermott,	Royer,
Auker,	Gates,	McDowell,	Rush,
Baker,	Gerard,	McFall,	Sarge,
Balthaser,	Gillan,	McGrath,	Sarraf,
Bentley,	Gillette,	McIntosh,	Scanlon,
Bentzel,	Gross,	McLanahan,	Schwab,
Boles,	Gryskewicz,	McLane,	Shaffer,
Boney,	Habbyshaw,	McMillen,	Shaw,
Bower,	Haines,	McSurdy,	Shepard,
Bradley,	Hall,	Melchiorre,	Skale,
Breth,	Hamilton,	Mihm,	Snyder,
Brunner, C. H.,	Hare,	Modell,	Stank,
Brunner, P. A.,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cooper,	Hersch,	Nagel,	Trout,
Cordier,	Hewitt,	Nunemacher,	Turner,
Corrigan,	Hirsch,	O'Brien,	Van Allsburg,
Croop,	James,	O'Connor,	Vincent,
Cullen,	Jefferson,	O'Dare,	Vogt,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Voorhees,
DiGenova,	Kenehan,	Owens,	Wagner,
Dix,	Kline,	Petrosky,	Watkins,
Dolon,	Kolankiewicz,	Pettit,	Weingartner,
D'Ortona,	Lee, E. A.,	Polaski,	Weiss,
Duffy,	Lee, T. H.,	Polen,	Welsh, E. B.,
Early,	Leisey,	Powers,	Welsh, M. J.,
Eckels,	Leonard,	Prosen,	Williams,
Elder,	Lesko,	Rank,	Winner,
Ely,	Levy,	Rausch,	Wolf,
Falkenstein,	Leydic,	Readinger,	Wood, L. H.,
Finestone,	Lichtenwalter,	Reese, D. P.,	Wood, N.,
Finnerty,	Longo,	Reese, R. E.,	Woodring,
Fisher,	Lovett,	Reynolds,	Wright,
Fiss,	Lyons,	Rhea,	Yeakel,
Fleming,	Malloy,	Riley,	Yester,
Fletcher,	Marks,	Rooney,	Young,
Flynn,	Maxwell,	Rose, S.,	Kilroy,
Foor,	McClanaghan,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1269, as follows:

An Act to further amend the first paragraph of section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by extending the time for filing municipal claims.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The first paragraph of section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lein and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as set forth in the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2609) and amended by the act approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1212) is hereby further amended to read as follows:

Section 9 Claims for taxes water rents or rates lighting rates power rates and sewer rates must be filed in the court of common pleas of the county in which the property is situated on or before the last day of the third calendar year after that in which the taxes or rates are first payable and other municipal claims must be filed in said court within [six months] one year from the time the work was done in front of the particular property where the charge against the property is assessed or made at the time the work is authorized within [six months] one year after the completion of the improvement where the assessment is made by the municipality upon all the properties after the completion of the improvement and within [six months] one year after confirmation by the court where confirmation is required the certificate of the surveyor engineer or other officer supervising the improvement filed in the proper office being conclusive of the time of completion thereof but he being personally liable to anyone injured by any false statement therein

Where a borough lies in more than one county any such claim filed by such borough may be filed in each of such counties in case the real estate benefitted by the improvement is sold before the municipal claim is filed the date of completion in said certificate shall determine the liability for the payment of the claim as between buyer and seller unless otherwise agreed upon or as above set forth The legal rate of interest shall be collectible on all municipal claims from the date of the completion of the work after it is filed as a lien

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—170

Achterman,	French,	McClester,	Rosenfeld,
Allmond,	Gallagher,	McDermott,	Royer,
Auker,	Gates,	McDowell,	Rush,
Baker,	Gerard,	McFall,	Sarge,
Balthaser,	Gillan,	McGrath,	Sarraf,
Bentley,	Gillette,	McIntosh,	Scanlon,
Bentzel,	Gross,	McLanahan,	Schwab,
Boies,	Gryskewicz,	McLane,	Shaffer,
Boney,	Habbyshaw,	McMillen,	Shaw,
Bower,	Haines,	McSurdy,	Shepard,
Bradley,	Hall,	Melchiorre,	Skale,
Breth,	Hamilton,	Mihm,	Snyder,
Brunner, C. H.,	Hare,	Modell,	Stank,
Brunner, P. A.,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cooper,	Hersch,	Nagel,	Trout,
Cordier,	Hewitt,	Nunemacher,	Turner,
Corrigan,	Hirsch,	O'Brien,	Van Allsburg,
Croop,	James,	O'Connor,	Vincent,
Cullen,	Jefferson,	O'Dare,	Vogt,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Voorhees,
DiGenova,	Kenehan,	Owens,	Wagner,
Dix,	Kline,	Petrosky,	Watkins,
Dolon,	Kolankiewicz,	Pettit,	Weingartner,
D'Ortona,	Lee, E. A.,	Polaski,	Weiss,
Duffy,	Lee, T. H.,	Polen,	Welsh, E. B.,
Early,	Leisey,	Powers,	Welsh, M. J.,
Eckels,	Leonard,	Prosen,	Williams,
Elder,	Lesko,	Rank,	Winner,
Ely,	Levy,	Rausch,	Wolf,
Falkenstein,	Leydic,	Readinger,	Wood, L. H.,
Finestone,	Lichtenwalter,	Reese, D. P.,	Wood, N.,
Finnerty,	Longo,	Reese, R. E.,	Woodring,
Fisher,	Lovett,	Reynolds,	Wright,
Fiss,	Lyons,	Rhea,	Yeakel,
Fleming,	Malloy,	Riley,	Yester,
Fletcher,	Marks,	Rooney,	Young,
Flynn,	Maxwell,	Rose, S.,	Kilroy,
Foor,	McClanaghan,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 812 Printer's No. 426 was passed over at the request of Mr. BAUGHER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 789, (Senate Bill No. 81), entitled

An Act to amend section one thousand one hundred and forty-seven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto", by extending the power to accept roads, streets, lanes and alleys dedicated as public highways.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—170

Achterman,	French,	McClester,	Rosenfeld,
Allmond,	Gallagher,	McDermott,	Royer,
Auker,	Gates,	McDowell,	Rush,
Baker,	Gerard,	McFall,	Sarge,
Balthaser,	Gillan,	McGrath,	Sarraf,
Bentley,	Gillette,	McIntosh,	Scanlon,
Bentzel,	Gross,	McLanahan,	Schwab,
Boies,	Gryskewicz,	McLane,	Shaffer,
Boney,	Habbyshaw,	McMillen,	Shaw,
Bower,	Haines,	McSurdy,	Shepard,
Bradley,	Hall,	Melchiorre,	Skale,
Breth,	Hamilton,	Mihm,	Snyder,
Brunner, C. H.,	Hare,	Modell,	Stank,
Brunner, P. A.,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cooper,	Hersch,	Nagel,	Trout,
Cordier,	Hewitt,	Nunemacher,	Turner,
Corrigan,	Hirsch,	O'Brien,	Van Allsburg,
Croop,	James,	O'Connor,	Vincent,
Cullen,	Jefferson,	O'Dare,	Vogt,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Voorhees,
DiGenova,	Kenehan,	Owens,	Wagner,
Dix,	Kline,	Petrosky,	Watkins,
Dolon,	Kolankiewicz,	Pettit,	Weingartner,
D'Ortona,	Lee, E. A.,	Polaski,	Weiss,
Duffy,	Lee, T. H.,	Polen,	Welsh, E. B.,
Early,	Leisey,	Powers,	Welsh, M. J.,
Eckels,	Leonard,	Prosen,	Williams,
Elder,	Lesko,	Rank,	Winner,
Ely,	Levy,	Rausch,	Wolf,
Falkenstein,	Leydic,	Readinger,	Wood, L. H.,
Finestone,	Lichtenwalter,	Reese, D. P.,	Wood, N.,
Finnerty,	Longo,	Reese, R. E.,	Woodring,
Fisher,	Lovett,	Reynolds,	Wright,
Fiss,	Lyons,	Rhea,	Yeakel,
Fleming,	Malloy,	Riley,	Yester,
Fletcher,	Marks,	Rooney,	Young,
Flynn,	Maxwell,	Rose, S.,	Kilroy,
Foor,	McClanaghan,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1405, (Senate Bill No. 286), entitled

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" prescribing the manner in which money shall be drawn from the city treasury.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—170

Achterman,	Gallagher,	McClanaghan,	Rose, W E.,
Allmond,	Gates,	McClester,	Rosenfeld,
Auker,	Gerard,	McDermott,	Royer,
Baker,	Gillan,	McDowell,	Rush,
Balthaser,	Gillette,	McFall,	Sarraf,
Bentley,	Gross,	McGrath,	Scanlon,
Bentzel,	Gryskewicz,	McIntosh,	Schwab,
Boies,	Gyger,	McLanahan,	Shaffer,
Boney,	Habbyshaw,	McLane,	Shaw,
Bradley,	Haberlen,	McMillen,	Shepard,
Breth,	Haines,	McSurdy,	Skale,
Brunner, C. H.,	Hall,	Melchiorre,	Snyder,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Cadwalader,	Hare,	Modell,	Stockham,
Chudoff,	Harmuth,	Monks,	Tarr,
Cochran,	Harris,	Mooney,	Tate,
Cohen, M. M.,	Heatherington,	Moran,	Taylor,
Cohen, R. E.,	Helm,	Moul,	Thompson, E. F.,
Cooper,	Hering,	Muir,	Thompson, R. L.,
Cordier,	Herman,	Munley,	Trout,
Corrigan,	Hersch,	Nagel,	Turner,
Croop,	Hewitt,	Nunemacher,	Van Allsburg,
Cullen,	Hirsch,	O'Brien,	Vincent,
Dalrymple,	James,	O'Connor,	Vogt,
Dennison,	Jefferson,	O'Dare,	Voldow,
DiGenova,	Jones, G. E.,	O'Mullen,	Voorhees,
Dix,	Jones, P. N.,	O'Neill,	Wagner,
Dolon,	Kenehan,	Owens,	Watkins,
D'Ortona,	Kline,	Petrosky,	Weingartner,
Duffy,	Kolankiewicz,	Pettit,	Weiss,
Early,	Lee, E. A.,	Polaski,	Welsh, E. B.,
Eckels,	Lee, T. H.,	Polen,	Welsh, M. J.,
Elder,	Leisey,	Powers,	Williams,
Ely,	Leonard,	Prosen,	Winner,
Falkenstein,	Lesko,	Rank,	Wolf,
Finestone,	Levy,	Rausch,	Wood, L. H.
Finnerty,	Leydic,	Readinger,	Wood, N.,
Fisher,	Lichtenwalter,	Reese, D. P.,	Woodring,
Fiss,	Longo,	Reese, R. E.,	Wright,
Fleming,	Lovett,	Reynolds,	Yeakel,
Fletcher,	Lyons,	Rhea,	Yester,
Flynn,	Malloy,	Riley,	Young,
Foor,	Marks,	Rooney,	Kilroy
French	Maxwell,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 896, as follows:

An Act Authorizing county commissioners to sell seated and unseated lands purchased at tax sales upon which the period of redemption has expired and validating certain sales heretofore made

The General Assembly of the Comonwealth of Pennsylvania hereby enacts as follows

Section 1 The county commissioners of each county are hereby authorized within one year from the effective date of this act to sell at public or private sale in the manner provided by law for the best price obtainable all seated and unseated lands heretofore purchased by them at tax sales and upon which the period of redemption provided by law has expired

Section 2 All sales of any such lands heretofore made by any county commissioners shall be valid and binding on the county and all deeds and conveyances given by the county for any such lands are hereby ratified confirmed and validated and the purchasers thereof and their respective heirs successors and assigns shall hold and may convey such titles and estates indefeasibly as to any rights of the county therein notwithstanding the fact that the time within which such sales were by law required to be made had expired when such sales were made

Section 3 The provisions of section seventeen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" as amended is hereby repealed in so far as the same is inconsistent with the provisions of this act

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—172

Achterman,	French,	McClester,	Rosenfeld,
Allmond,	Gallagher,	McDermott,	Royer,
Auker,	Gates,	McDowell,	Rush,
Baker,	Gerard,	McFall,	Sarge,
Balthaser,	Gillan,	McGrath,	Sarraf,
Bentley,	Gillette,	McIntosh,	Scanlon,
Bentzel,	Gross,	McLanahan	Schwab,
Boies,	Gryskewicz,	McLane,	Shaffer,
Boney,	Habbyshaw,	McMillen,	Shaw,
Bower,	Haines,	McSurdy,	Shepard,
Bradley,	Hall,	Melchiorre,	Skale,
Breth,	Hamilton,	Mihm,	Snyder,
Brunner, C. H.,	Hare,	Modell,	Stank,
Brunner, P. A.,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E F.,
Cohen, R. E.,	Herman,	Munley	Thompson, R. L.,
Cooper,	Hersch,	Nagel	Trout,
Cordier,	Hewitt,	Nunemacher	Turner,
Corrigan,	Hirsch,	O'Brien,	VanAllsburg,
Croop,	James,	O'Connor,	Vincent,
Cullen,	Jefferson,	O'Dare,	Vogt,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Voorhees,
DiGenova,	Kenehan,	Owens,	Wagner,
Dix,	Kline,	Petrosky,	Watkins,
Dolon,	Kolankiewicz,	Pettit,	Weingartner,
D'Ortona,	Lee, E. A.,	Polaski,	Weiss,
Duffy,	Lee, T. H.,	Polen,	Welsh, E. B.,
Early,	Leisey,	Powers,	Welsh, M. J.,
Eckels,	Leonard,	Prosen,	Williams,
Elder,	Lesko,	Rank,	Winner,
Ely,	Levy,	Rausch,	Wolf,
Falkenstein,	Leydic,	Readinger,	Wood, L. H.,
Finestone,	Lichtenwalter,	Reese, D. P.,	Wood, N.,
Finnerty,	Longo,	Reese, R. E.,	Woodring,
Fisher,	Lovett,	Reynolds,	Wright,
Fiss,	Lyons,	Rhea,	Yeakel,

Fleming,	Malloy,	Riley,	Yester,
Fletcher,	Marks,	Rooney,	Young,
Flynn,	Maxwell,	Rose, S.,	Kilroy,
Foor,	McClanaghan,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agrreably to order,

The House proceeded to the third reading and consideration of House Bill No. 109, as follows:

An Act To promote the safety of the traveling public and employees on steam or electric railroads by regulating the construction of caboose cars and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any steam or electric railroad company its officers or agents officers of the court receiver or any person or persons operating a railroad in whole or in part within this Commonwealth to run or permit to be run any caboose or cabin car or any other car used for the purpose unless each caboose car shall be equipped with two four wheel trucks and shall be provided with a door in each end and an outside platform across each end of car and shall be equipped with proper guard rails and steps for the safety of persons getting off and on said car.

Section 2 The Public Utility Commission of the State is hereby authorized to enforce the provisions of this act

Section 3 Any railroad company its officers or agents officers or the court receiver or any person or persons operating a railroad in whole or in part within this Commonwealth violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred ($100) dollars nor less than twenty-five ($25) dollars for each offense Each and every day's retention in service of any car in violation of this act shall constitute a separate offense

Section 4 This law shall become effective and in force January first one thousand nine hundred and forty-three

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Lawrence, Mr. Presley N. Jones.

The SPEAKER. Will the gentleman from Lwarence permit himself to be interrogated?

Mr. PRESLEY N. JONES. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Lawrence whether this provides for Beautyrest mattresses in the cabooses?

Mr. PRESLEY N. JONES. Not exactly, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman whether this bill provides for indirect lighting?

Mr. PRESLEY N. JONES. Mr. Speaker, we have not reached that stage yet.

Mr. TURNER. Mr. Speaker, does the bill provide for air-conditioning?

Mr. PRESLEY N. JONES. Not yet, Mr. Speaker.

Mr. TURNER. Mr. Speaker, does the bill provide for an electric call system?

Mr. PRESLEY N. JONES. No, Mr. Speaker.

Mr. TURNER. Mr. Speaker, does the bill provide for electric razors?

Mr. PRESLEY N. JONES. No, Mr. Speaker.

Mr. TURNER. Mr. Speaker, does it provide for shower-baths?

Mr. PRESLEY N. JONES. No, Mr. Speaker, not yet.

Mr. TURNER. Under the circumstances, Mr. Speaker, as related by the gentleman from Lawrence, Mr. Jones, I do not believe this bill ought to be passed, certainly not as a safety device and as an inducement to railroad men who work on the road to have proper accomodations. Therefore on this bill, much as I would like to vote for it, as a safety measure, I am compelled to vote against it. Any caboose that does not have Beautyrest Mattresses, safety razors, shower baths, indirect lighting, and air-conditioning, in my mind does not meet the modern requirements of the railroads, and therefore, this bill should be defeated.

Mr. PRESLEY N. JONES. Mr. Speaker, for the information of the gentleman from Delaware, Mr. Turner, may I call his attention to the fact that these cabooses do contain such features as Westinghouse AB modern air brakes, cupola seats, washing and drinking water facilities, Ajax hand brakes, Royal brake regulators, first-aid kits, AW metal running boards, Sherbourne back-up whistles, Spear cabinet stoves and Imperial coupler operating devices.

I wish to call to your attention that the present four wheel caboose cars are more out of date than the old Model T Ford Car. These caboose cars have been in use ever since the railroads began to operate freight trains.

Since their first introduction as caboose cars times have changed to a considerable extent. What I mean by considerable extent is the fact that freight trains used to have an average speed of less than 20 miles but to-day under the present stream lined conditions the majority of our fast freight trains make the same time approximately that is made by our stream lined passenger trains.

Years ago when these four wheel caboose cars came into common use the average speed of freight trains did not exceed 15 miles per hour, under the present conditions freight trains are scheduled for a speed of more than 50 miles per hour.

Now, you take one of these old four wheel caboose cars with this excessive speed the lateral of side motion is very injurious to the health of the railroad man. To be frank and give you facts in this particular case this side motion caused a continuation of shocks to the person who may be required in his line of duty to ride one of these four wheel caboose cars.

If this Legislature sees fit, which I assume they will, to tell the Railroad companies of this state that on and after Jan. 1, 1943 these caboose cars will be eliminated it will be a great factor to preserve the health and safety of the railroad employees and the traveling public, by the adoption of double truck caboose car law this side or lateral motion will be to a great extent eliminated.

Now then just a few words on the cost of this change in construction of caboose cars.

1. I want to call to your attention the fact that under the present four wheel caboose cars you have two pairs of wheels.

2. Under the present bill it will only require two additional pairs of wheels with trucks bolsters included

and body bolster which can be furnished by the railroad companies at a minimum of cost.

3. This statement is made due to the fact that the railroad in this state in scrapping of freight cars have thousands of freight car axles and wheels to supply the demand that may be needed for the enforcement of this act so far as the wheels are concerned.

4. The railroads of this state under the present interchange agreement are eliminating thousands of arch bar type of trucks which are not now permissable in interchange service but these trucks would be available to supply the necessary equipment for the trucks in so far as application of this law is concerned.

By the use of body bolster that has been and will be taken from steel freight cars that are being retired on account of age the cost of these instead of new ones will be reduced to a minimum by their use in construction of double truck caboose cars.

So therefore, it is apparent that the railroad companies of this state can without extra ordinary expense comply with the requirement of House Bill 109.

It is recognized by the Railroad Companies of this state that the four wheel caboose is not safe which is proven by the fact that approximately 60 per cent or more of their caboose cars are double truck caboose cars.

It is, also, a fact that the railroad companies of this state are not permitting the use of pushers behind the four wheel caboose cars to any great extent due to the fact of it being unsafe to the employees and the traveling public. In fact several employees have been killed or injured in four wheel caboose cars.

I, respectfully, request the members of this House to vote in favor of this bill which is a bill for the safety of the railroad employees and traveling public upon the Railroads of the State of Pennsylvania.

Mr. TURNER. Mr. Speaker, I do not like to take up the time of the House at this time of night to continue the debate on this bill, but seriously speaking it seems to me there are a number of very pertinent objections to legislation of this kind. We seem in this session to have accumulated a great number of bills that go into the regulation and the determination of all sorts of things that pertain to business, putting further restrictions and further regulations on railroads until after a while the statue books will be so cluttered that one will have to read the statutes in the morning when he gets up so that he may know whether he should put on a summer suit or a winter suit.

Mr. Speaker, there are some very serious objections as I see it to this bill. In the first place I am advised that there is a very small percentage of these old cabooses in operation by the railroad companies at the present time and that they are eliminating them as rapidly as possible. Under present conditions, with the great demand for the use of every facility for national defense it seems to me we ought not to occupy our manufacturers with things of this kind, when we know that as fast as they can be properly eliminated they will be eliminated and there is no use to have legislation of this kind on the statue books which puts further restrictions on business in the State.

In the second place, I had a call recently from five men who represented the Brotherhoods of the Railroad. I found those men intensely interested in the problem of the railroads, because they thought it was to their personal profit to be so interested. It seems to me these Brotherhoods with the strength and the intelligent leadership that they have always had, with the far-seeing outlook that they have of the problems of the railroads, their financial security and their prosperity, as affecting their jobs, if this lantern is so important as a safety device those men would take it up with the railroad management and would see that they were provided in the proper way. They have the power, they have the leadership, they have the intelligence they have the knowledge that should go into the solution of the problems of the railroads and they know best what should be done.

In the third place, the Interstate Commerce Commission is the organization in this country that regulates all of these conditions on the railroads. They have the power to enforce their regulations, and where they see it is necessary and where they feel it is essential the railroads will issue the orders. If the Brotherhood thought this regulation should be made, that the cabooses should be changed by a certain day, the Interstate Commerce would make those regulations. They have the safety of the workmen on the railroad at heart, they have the engineering force, they have the knowledge. Perhaps a few Members of the House have had experience working on the railroads, but the majority do not know all the problems concerning this very important subject. I am certain if those men were here, if we had an opportunity to talk to these Brotherhood men, they would feel it is a matter that should not be regulated by the Legislature. We should not be going into intimate detail in the management, organization and operation of business. As labor is organized today they speak with force, they have organized groups, they have leaders who receive salaries for representing the different labor groups, they know what is needed and they would come here with this legislation if it were needed. Why should we therefore in this instance place upon the statute books further regulations?

Mr. WOLF. Mr. Speaker, the gentleman from Delaware seems much disturbed about the fact that these new cabooses are not air-conditioned, do not having electric razors and all that sort of thing. For his information, he may be pleased to know that the wheels of these new cabooses will not screech because they won't be made out of pig iron.

Mr. ACHTERMAN. Mr Speaker, for the purpose of a brief reply to the gentleman from Delaware, Mr. Turner, may I say I discussed this particular legislation with the heads of the Brotherhoods and I am speaking of the Railroad Brotherhoods, and I find that contrary to his statement the Brotherhoods are very sincerely interested in the passage of this particular legislation. They feel that it is needed. It is true that most of the railroads are now operating cabooses in conformity with this particular bill. As the gentleman indicated, there are only a few that are not. It will cause no severe hardship upon the railroad. May I assure the membership of this House that this is a safety measure, badly needed in view of the tremendous length of trains today. This bill means that these trains must carry with them modern cabooses. In the absence of such modern cabooses, there is a real danger to the men who are riding on the rear of that particular train.

I say, therefore, that the gentleman is completely in error and that this legislation should be passed.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—123

Achterman,	Finestone,	Maxwell,	Readinger,
Allmond,	Finnerty,	McClanaghan,	Reese, R. E.,
Baker,	Flynn,	McDermott,	Rooney,
Balthaser,	French,	McFall,	Rose, S.,
Bentley,	Gallagher,	McGrath,	Rosenfeld,
Bentzel,	Gerard,	McIntosh,	Scanlon,
Boles,	Gryskewicz,	McLanahan,	Schwab,
Boney,	Habbyshaw,	McLane,	Shaffer,
Bradley,	Haberlen,	McSurdy,	Shaw,
Breth,	Hamilton,	Melchiorre,	Skale,
Brown,	Harmuth,	Mihm,	Stank,
Brunner, P. A.	Harris,	Modell,	Tarr,
Burns,	Heatherington,	Monks,	Tate,
Burris,	Hering,	Mooney,	Thompson, E. F.,
Chervenak,	Herman,	Moran,	Thompson, R. L.,
Chudoff,	Hersch,	Munley	Vincent,
Cochran,	Hirsch,	Nagel	Vogt,
Cohen, M. M.,	Jefferson,	Nunemacher	Voldow,
Cohen, R. E.,	Jones, P. N.,	O'Brien,	Watkins,
Cook,	Kenehan,	O'Connor,	Weingartner,
Cooper,	Kline,	O'Dare,	Weiss,
Cordier,	Kolankiewicz,	O'Mullen,	Welsh, E. B.,
Croop,	Komorofski,	O'Neill,	Welsh, M. J.,
Cullen,	Lee, T. H.,	Owens,	Williams,
DiGenova,	Leonard,	Petrosky,	Wolf,
Dolon,	Lesko,	Pettit,	Woodring,
D'Ortona,	Levy,	Polaski,	Woodside,
Duffy,	Longo,	Polen,	Yester,
Early,	Lovett,	Powers,	Young,
Elliott,	Malloy,	Prosen,	Kilroy,
Falkenstein,	Marks,	Rausch,	Speaker.

NAYS—46

Auker,	Gyger,	Leisey,	Royer,
Boorse,	Haines,	Leydic,	Serrill,
Bower,	Hall,	Lichtenwalter,	Stambaugh,
Brunner, C. H.,	Hare,	Lyons,	Stockham,
Dalrymple,	Hewitt,	McClester,	Trout,
Dennison,	Huntley,	McDowell,	Turner,
Dix,	Imbrie,	McKinney,	VanAllsburg,
Fisher,	James,	Reese, D. P.,	Winner,
Fiss,	Jones, G. E.,	Rhea,	Wood, L. H.,
Foor,	Krise,	Riley,	Wood, N.,
Gillette,	Lee, E. A.,	Rose, W. E.,	Yeakel,
Gross,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 358, Printer's No. 440, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 215, as follows:

An Act to further amend sections one and four of the act approved the sixteenth day of May one thousand nine hundred and nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at city treasurer's sales for upaid taxes and providing that in certain cases notice of the proceedings by advertisement shall be deemed a good and sufficient service

The general Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and four of the act approved the sixteenth day of May one thousand nine hundred and nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" as last amended by the act approved the eleventh day of April one thousand nine hundred and thirty-nine (P. L. 22) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where land has been heretofore or shall be hereafter sold by the sheriff on claims for unpaid taxes or municipal liens or by a county treasurer or a city treasurer for unpaid taxes under any act or acts of Assembly the purchaser including a municipality in case it be the purchaser at such sale or his or its successor in title may present his or its petition under oath to the court of common pleas of the county wherein the land is situate setting forth (a) The location of the lands by metes and bounds or if it be in a recorded plan of lots the plan number of the lot and the place of record of the plan (b) the names of the former owners reputed owners persons in possession or any other person having or claiming to have a right to interest in or claim against said land if any there be and (c) that upon diligent inquiry no person has been found who has or claims to have any right title or interest in or claim against said land unless it be those named in the petition Thereupon a rule shall be granted upon the persons named in the petition and generally upon all other persons not named in the petition who have or claim to have any right title or interest in or claim against the said land to appear within sixty days from service of the rule and show cause why the title of the petitioner to said land should not be adjudicated and decreed valid and indefeasible as against all rights or claims whatsoever The rule may be made returnable to such term or return day as may be fixed by the court and shall be entered of record in the appearance docket of said court and duly indexed therein and also in the ejectment index of said court As to persons domiciled within the county the rule shall be served and returned as writs of summons are served and returned As to those persons who do not have their domicile within the county in which the rule is issued or those whose domicile is outside the State the rule may be served by mailing a true and attested copy of the petition and rule by registered letter to his or their last known address if any In case the domicile of any person or persons named in the petition be unknown and the court is satisfied that due inquiry has been made and their whereabouts cannot be ascertained the aforesaid notice by advertisement shall be deemed to be a good and sufficient service of the rule

In addition thereto the court shall direct that notice by one advertisement in a newspaper of general circulation in the county where the land is situate be given to all persons including those named in the petition to appear on or before the return day of the rule and show cause why the title of the petitioner should not be adjudicated and decreed valid and indefeasible as against all rights or claims whatsoever The advertisement shall be made at least sixty days before the return day of the said rule

Section 4 The remedy herein provided is not intended as an exclusive method of establishing title to land acquired at a sheriff's sale on a tax claim or municipal claim or at a county treasurer's sale or a city treasurer's sale for unpaid taxes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—169

Achterman,	French,	McClester,	Rosenfeld,
Allmond,	Gallagher,	McDermott,	Rush,
Auker,	Gates,	McDowell,	Sarge,
Baker,	Gerard,	McFall,	Sarraf,
Balthaser,	Gillan,	McGrath,	Scanlon,
Bentley,	Gillette,	McIntosh,	Schwab,
Bentzel,	Gross,	McLanahan,	Shaffer,
Boies,	Gryskewicz,	McLane,	Shaw,
Boney,	Habbyshaw,	McMillen,	Shepard,
Bower,	Haines,	McSurdy,	Skale,
Bradley,	Hall,	Melchiorre,	Snyder,
Breth,	Hamilton,	Mihm,	Stank,
Brunner, C. H.,	Hare,	Modell,	Stockham,
Brunner, P. A.,	Harmuth,	Monks,	Tarr,
Cadwalader,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Munley	Turner,
Cooper,	Hersch,	Nagel	Trout,
Cordier,	Hewitt,	Nunemacher	VanAllsburg,
Corrigan,	Hirsch,	O'Brien,	Vincent,
Croop,	James,	O'Connor,	Vogt,
Cullen,	Jefferson,	O'Dare,	Voldow,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voorhees,
Dennison,	Jones, P. N.,	O'Neill,	Wagner,
DiGenova,	Kenehan,	Owens,	Watkins,
Dix,	Kline,	Petrosky,	Weingartner,
Dolon,	Kolankiewicz,	Pettit,	Weiss,
D'Ortona,	Lee, E. A.,	Polaski,	Welsh, E. B.,
Duffy,	Lee, T. H.,	Polen,	Welsh, M. J.,
Early,	Leisey,	Powers,	Williams,
Eckels,	Leonard,	Prosen,	Winner,
Elder,	Lesko,	Rank,	Wolf,
Ely,	Levy,	Rausch,	Wood, L. H.,
Falkenstein,	Leydic,	Readinger,	Wood, N.,
Finestone,	Lichtenwalter,	Reese, D. P.,	Woodring,
Finnerty,	Longo,	Reese, R. E.,	Wright,
Fisher,	Lovett,	Reynolds,	Yeakel,
Fiss,	Lyons,	Rhea,	Yester,
Fleming,	Malloy,	Riley,	Young,
Fletcher,	Marks,	Rooney,	Kilroy,
Flynn,	Maxwell,	Rose, S.,	
Foor,	McClanaghan,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1402, as follows:

An Act to add section six hundred fifty-five and one-tenth to article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth relating to discrimination against persons employed or seeking employment on contracts effecting the national preparedness program because of the race color or religion of such persons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended by adding thereto after section six hundred fifty-five a new section to read as follows

Section 655.1 Discrimination by Employers on Account of Race Color or Religion Any person in this Commonwealth performing a contract for the construction of any building machinery equipment or facility or for the furnishing of articles materials supplies or services which have in any manner any connection with the national defense program of this country and any person acting as manager agent or employe of such person who shall discriminate against any individual because of his race color or religion in the hiring tenure of employment or conditions of employment in connection with the performance of such contract shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one thousand dollars ($1,000) and not more than ten thousand dollars ($10,000) or undergo imprisonment of not more than one (1) year or both

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—169

Achterman,	French,	McClanaghan,	Rosenfeld,
Allmond,	Gallagher,	McClester,	Royer,
Auker,	Gates,	McDermott,	Rush,
Baker,	Gerard,	McDowell,	Sarge,
Balthaser,	Gillan,	McFall,	Sarraf,
Bentley,	Gillette,	McGrath,	Scanlon,
Bentzel,	Gross,	McIntosh,	Schwab,
Boies,	Gryskewicz,	McLanahan,	Shaffer,
Boney,	Habbyshaw,	McLane,	Shaw,
Bower,	Haines,	McMillen,	Shepard,
Bradley,	Hall,	McSurdy,	Skale,
Breth,	Hamilton,	Melchiorre,	Snyder,
Brunner, C. H.,	Hare,	Mihm,	Stank,
Brunner, P. A.,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chudoff,	Harris,	Mooney,	Tate,
Cochran,	Heatherington,	Moran,	Taylor,
Cohen, M. M.,	Helm,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Muir,	Thompson, R. L.,
Cooper,	Herman,	Munley	Trout,
Cordier,	Hersch,	Nagel	Turner,
Corrigan,	Hewitt,	Nunemacher	VanAllsburg,
Croop,	Hirsch,	O'Brien,	Vincent,
Cullen,	James,	O'Connor,	Vogt,
Dalrymple,	Jefferson,	O'Dare,	Voldow,
Dennison,	Jones, G. E.,	O'Mullen,	Voorhees,
DiGenova,	Jones, P. N.,	O'Neill,	Wagner,
Dix,	Kenehan,	Owens,	Watkins,
Dolon,	Kline,	Petrosky,	Weingartner,
D'Ortona,	Kolankiewicz,	Pettit,	Weiss,
Duffy,	Lee, E. A.,	Polaski,	Welsh, E. B.,
Early,	Lee, T. H.,	Polen,	Welsh, M. J.,
Eckels,	Leisey,	Powers,	Williams,
Elder,	Leonard,	Prosen,	Winner,
Ely,	Lesko,	Rank,	Wolf,
Falkenstein,	Levy,	Rausch,	Wood, L. H.,
Finestone,	Leydic,	Readinger,	Wood, N.,
Finnerty,	Lichtenwalter,	Reese, D. P.,	Woodring,
Fisher,	Longo,	Reese, R. E.,	Wright,
Fiss,	Lovett,	Reynolds,	Yeakel,
Fleming,	Lyons,	Rhea,	Yester,
Fletcher,	Malloy,	Riley,	Young,
Flynn,	Marks,	Rooney,	Kilroy,
Foor,	Maxwell,	Rose, S.,	
		Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTIONS

RECALLING HOUSE BILL No. 616 FROM THE GOVERNOR

Mr. D'ORTONA offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 5, 1941.

Resolved (if the Senate concur), that House Bill No. 616, Printer's No. 111, entitled "An act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled 'An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings' providing for admission to bail by committing magistrates and coroners in cases involving manslaughter by automobile", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 524 FROM THE GOVERNOR

Mr. BRETH offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 5, 1941.

Resolved (if the Senate concur) that House Bill No. 524, Printer's No. 130, entitled "An act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled 'An act relating to fish and amending consolidating and changing the law relating to fish in the inland waters and the boundary lake and boundary rivers of the Commonwealth' prohibiting the sale of striped bass or rock fish under eighteen inches in length.", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

TIME EXTENDED ON BILL

Mr. HABERLEN. Mr. Speaker, I move that the time on House Bill No. 124, Printer's No. 337, entitled:

An Act to reenact and amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to produce permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining prejury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by substituting the term "handler" for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase by giving certain additional rights to producers' and farmers' unions or organizations producing milk setting up a price fixing procedure providing for the division of the Commonwealth into license districts restricting powers of the Governor and providing for the payment of funds in the hands of the commission owing to producers and handlers.

on page 20 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, The Governor's Budget was given to the Legislature on February 3d of this year. Although long before that date it was known in a general way what would be suggested, from that time on the Appropriation Committee and the Ways and Means Committee of this House had in minute detail the suggestions of the Administration on the Tax Program and the appropriations to be made for the coming biennium.

The bills to re-enact the emergency taxes now in effect and adopted during the three previous regular sessions were introduced into the House on behalf of the Administration by Representative Winner on February 4th. They were given two readings and then on February 12th were recommitted to the Committee on Ways and Means, where they have remained since, without ostensible consideration.

On March 4th, Representative McDowell introduced the Administration Bill authorizing the issuance of Tax Anticipation Notes. This followed the form and practice adopted in 1937 and 1939. It was introduced to carry out the promises made not only by the Administration but by this Legislature and the Commonwealth itself to repay the special funds as early in June as possible, the sums borrowed from them.

It was the plan of the Administration to accept bids for the Tax Anticipation Notes on June 2d, with the expectation of receiving the money for them on June 5th or 6th. This bill was reported from the Committee on Ways and Means on April 10th, but after two readings, was returned, and has not been heard from since.

As previously stated, the House Appropriation Committee had the detailed recommendations of the Administration on February 3d. On February 25th I introduced the General Appropriation Bill. It is now more than three months since the Budget was submitted and nothing has been heard from the Committee. It will soon be a month since the sub-committee held its last hearing on the Bill. Still there is no General Appropriation Bill reported from the Committee.

In 1935 the Budget was considered only sixty-three days until the General Appropriation Bill was reported from Committee. In 1937 it was only sixty-three days. In 1939 it was only seventy-nine days, and this year already ninety-one days have passed and the General Appropriation Bill still not seen the light of day.

When the Governor delivered his Budget Message he said, "This is not a 'must' Budget . . . If any new ideas are brought forward I will receive them with open mind.

If they prove better than those embodied in this Message I shall be pleased to incorporate them."

What have we heard from the Democrats? First, that the Budget was full of hope, then that it was full of pessimism. Then we were advised that more taxes were necessary, and then again that less taxes were necessary Last week we were told by the Democratic Floor Leader in the Senate that the estimates of revenue made by the Department were too low, and by the Democratic Leader in the House that the estimates of revenue as made by the same Department were too high. We were advised that savings could be made, and then appropriations were increased. No tax bills have been introduced as substitutes for those suggested by the Administration. No estimates of revenue have been given us.

Noted only for their inactivity and their indecision the Democrats continue to quibble over the sponsorship of bills while the session drags on to the disgust of all of the people of this Commonwealth.

If there were ever a time that people had a right to demand prompt, efficient and expeditious action by this Legislature, it is in these trying days.

The delay in adopting a Tax Program and not passing the Tax Anticipation Notes has created a most serious situation. Had the program of the Governor been carried out, or had some acceptable substitutes been proposed and adopted, all borrowings from the Special Funds would have been repaid during the first week of June, and the firemen would then receive the money which was borrowed from the Fire Insurance Tax Fund, and the Cities and Boroughs and Townships would receive their money from the Liquor License Fund, and the Counties would receive their money borrowed from the Liquid Fuels Tax Fund, and the Highway Department would receive the money borrowed from its Motor License Fund. As it is, the inactivity and the indecision of the Democratic Party will cause a delay in all of these payments and every day the Tax Anticipation Note Bill is held, and every day the Tax Program is delayed by this House there must be a corresponding delay in the repayment of these special funds.

Nor is that all. The uncertainty in the passage of the Tax Program and the Tax Anticipation Note Bill is causing a delay in the payment of the subsidies to Second and Third Class School Districts and of the funds due the State Aided Hospitals and of the funds due the University of Pennsylvania, Pitt, Temple and State, as well as institutions under the Department of Welfare, such as Dixmont and Glenn Mills, and many others.

The firemen, the municipalities, the counties, all patriotically submitted to delay in their payments in order that relief might be carried on and the burden of taxes not increased, but it is not fair to cause them further delay while the Majority in this House paddles around in the pool of indecision and inactivity.

PERMISSION TO ADDRESS THE HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, at this hour of the night I do not expect to quote figures, but only briefly to reply to the gentleman from Dauphin. I might state that perhaps he has timed his particular message properly, because I assure him some of the tax measures will be reported for final action tomorrow.

As to the delay, Mr. Speaker, may I say that has been occasioned by his party and by his Governor alone. If the budget message which was delivered to us in February had been accurate and had been truthful, if it had contained sufficient substance that we could have relied upon it, undoubtedly there would have been action long since in this House. But may I say, Mr. Speaker, when you have budget estimates that are as much as a million and a half dollars under the amount that the present figures show have been collected, then I say to the Members of this House and the people of Pennsylvania that it has been well worth their time for this House to have awaited the investigation by our committees.

May I point out that in order to carry on a careful and complete, and let me add accurate investigation, it has been necessary to await tax collections which have been taking place in the past month and in the present month. It is only by awaiting actual collections that we have anything of accuracy to depend upon in order to legislate. I am saying to the gentleman from Dauphin and I am also saying to the Republican Party, when the report is made to this House, they will know full well the reason why we delayed, they will see that their party has been responsible for the delay, and they will ask why its Governor in his message to this House was not more accurate; why the figures that he submitted to us were not figures that we could depend upon, rather than find the multiplicity of inaccuracies, particularly in receipts, and requests for the expenditure of funds that we did. I might say to the Members of the House that the investigation which we conducted and which we have insisted upon will be well worth while the time of the people of this Commonwealth.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I am anxious to know from the gentleman from Monroe whether the tax anticipations are too high or too low, or whether the Democratic Party in the Senate and in the House have gotten together in their determination of whether the tax estimates are too high or too low? I would be interested in having the gentleman's answer.

Mr. Speaker I put that in the form of an interrogation to the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I think the gentleman from Monroe heard my question, and I would like to have an answer to it.

Mr. ACHTERMAN. Mr. Speaker, may I reply that I doubt that there has ever been any difference of opinion between the majority of this House and the minority of the Senate. We felt from the very beginning, Mr. Speaker, that the estimates of receipts that were submitted to us by the Governor of this State were inaccurate and underestimated. We know now that they are.

Mr. WOODSIDE. Mr. Speaker, last week the gentleman told this House of Representatives that the estimates made by the Department of Revenue were too optimistic

and the receipts were not coming in in accordance with the estimates.

Mr. ACHTERMAN. Mr. Speaker, I believe the gentleman misunderstood my remarks last week. While I did make particular reference to the deficit in the sum of $90,000,000, I pointed out the manner in which we arrived at those figures and I also pointed out the fact to the Members of this House that the collection of taxes for this year might warrant a certain $5,000,000 that the Governor spoke about, but I have not made any remarks in relation to the Governor's budget in reference to anticipated receipts until this evening.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I am very much interested in the remark of the gentleman that he made no reference to estimated revenue prior to tonight. The gentleman last week in setting up his alleged ninety-million dollar deficit gave as one of those items the failure of the Department of Revenue to collect the amount of revenues which was estimated. He said on the floor of the House in answer to my interrogation that this supposed item of deficit was the result of the Department of Revenue's over-estimating the amount of revenue which they expected to get in. In other words, that the amount of revenue which was being collected did not come up to the estimates. Now the gentleman on the floor of the House again says that the Department of Revenue has made its estimates too conservatively.

Mr. Speaker, do you recall what the gentleman said the day after the budget was read to this House, or immediately after the budget was read to this House? Don't you remember that famous remark of "faith, hope and charity," in which he said the budget was so full of hope that we could not realize the amount of revenue that it was hoped to obtain in this budget. Now the gentleman is saying on the floor of the House that there is no hope in this budget, it is all pessimism. His famous remark about faith, hope and charity has now turned to pessimism. It is now all pessimism now in this budget. For the sake of the people of the Commonwealth of Pennsylvania, I wish that the Democratic party would make up its mind as to whether the estimates are too optimistic or whether they are too pessimistic.

PERMISSION TO ADDRESS THE HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, in answer to the gentleman from Dauphin, when he first rose to address the House he did not have in mind the budget ending in 1943. Now he has adverted to the budget ending this month. My first remarks were addressed to the budget of 1941-1943 and that is the budget I was referring to as having an underestimate of receipts. The remarks I made last week were in reference to the budget in the year ending at the close of this month. If the gentleman will just remember his budget years and keep them apart, and confine his remarks to the respective years, he will find that there is no discrepency in my remarks whatsoever.

PERMISSION TO ADDRESS THE HOUSE

Mr. CORDIER asked and obtained unanimous consent to address the House.

Mr. SPEAKER. I am respectfully calling to the attention of the Members of the House three resolutions which I had the honor to sponsor and which I believe to be of vital interest to the people of the Commonwealth. These resolutions are reposing in the committee on rules of the House. They are House Resolution No. 61 Serial No. 117 which memorializes Congress to oppose the proposed Saint Lawrence Waterway, House Resolution No. 80 Serial No. 147 and Resolution No. 82 Serial No. 154. Resolution No. 80 provides for a ten member committee of the House and Senate to formulate and present to the General Assembly a well considered legislative program beneficial to the citizens of the Commonwealth, and to break the stalemate and bottleneck we find ourselves in mainly due to the House being Democratic and the Senate Republican. This resolution calls for an honest effort on the part of both party leaders to sit around the conference table and formulate a well rounded program without any legislative horse-trading so that the peoples interest will not be sabotaged to petty politics. We on this side are ready to sit down at any such gathering and honestly endeavor to pass a program in keeping with the needs of the Commonwealth and its citizens. Are you on the other side willing to stop talking long enough about ninety million dollars deficits, which any student of finance and accounting knows doesn't exist, and listen to the pleas of the majority of our citizens, who are disgusted no end at the petty, picayune stifling of good pieces of legislation in the various committees of this House together with the bill pilfering which leaves a raucous odor in their nostrils? I hope some estimable gentleman on the other side of the House will rise to the occasion and show a willingness to sit down with us in the interest of our citizens.

House Resolution No. 82 Memorializes Congress and the W.P.A. officials in Washington to provide sufficient funds to carry on the W.P.A. Recreational Educational Program. An order has been sent out from W.P.A. Headquarters to curtail this program in our state by 15,000 workers. In my opinion this is the best part of the W.P.A. program and can well be considered one of our first lines of defense, because the workers of these projects teach our youth and the people of the newer nationalities democracy and citizenship. With seven million dollars being spent for defense, a great portion of which will go overseas, it would appear to be the greater part of good old American commonsense to spend a few thousand dollars to keep up the morale of these people at home in trying to save Democracy. To the gentlemen of the rules committee I respectfully say "You ought to report that resolution to the floor of the House and give the Members the opportunity to vote for it and prevent these people from being thrown back on relief where they may lose their morale and self respect."

House Resolution No. 61 Memorializes Members of Congress from this Commonwealth to oppose the Saint Lawrence Waterway Scheme. Every Member of this House is acquainted with the danger that this project threatens to our mining and railroad industries. Every organization of any importance in this state is opposed to it including industry and organized labor in the mining industry. If it passes the relief rools of the Commonwealth

will mount and thousands of decent hard working miners and railroaders will find themselves on the relief rolls.

Every Pennsylvanian, proud of the position our state has attained in the industrial world, justly opposes this fantastic scheme. I am pleased to see that my Democratic colleague from Luzerne County, Mr. Komorofski, has also introduced a resolution opposing this plan. I congratulate him on his foresight. I am respectfully urging the Members of the rules committee to report these resolutions to the floor of the House for a vote. I sincerely hope the Members are not cringing with the fear of being called copperheads, because in the interest of the people they represent, they may oppose the plans of one of our most important citizens. We will live under the constitution which gives us the right to truly express ourselves and clearly reflect the wishes of our citizens. I appeal again to the rules committee to report these resolutions out. Change them, co-sponsor them, take my name off them and substitute a Democratic sponsor if you will, but in heaven's name bring them out into the light of day where we can discuss them in the good old American fashion, for I truly believe they are important to our people.

Mr. Speaker, I find upon examination of the House History that there are thirty resolutions investigating many of the bureaus and interest within and without our State Government. Many of these have been reported to the floor of the House and passed, the net result of which to date has been nil with the exception of a preliminary report on the committee investigating the sewing projects. It might have been wiser earlier in the session to pass the bill of my colleague from Lawrence County, Mr. Jones, which provides for electric signal devices to be used on all railroads which is on tonight's calendar. We might take these electric flashlights and furnish the Members of these investigating committees with them to aid them in their prowling around in the dark corners of various phases of the State Government, so they may at least before we adjourn bring in some reports. Certainly, if we can report out resolutions to investigate all these things, taking up the time of the House, in all sincerity we ought to report to the floor of the House for a vote resolutions which seek to save the jobs of many thousands of our citizens.

PERMISSION TO ADDRESS THE HOUSE

Mr. McMILLEN asked and obtained unanimous consent to address the House.

Mr. Speaker, it is rather late and if it is satisfactory to the Chair I will desist until tomorrow afternoon.

The SPEAKER. The Chair thanks the gentleman from Indiana.

COMMITTEE MEETINGS

Banking, Tuesday, May 6 at 10 a. m. in Room 330.

Cities-First Class, Tuesday, May 6 at 11 a. m. in Room 521.

Counties, Tuesday, May 6 at 11:15 a. m. in Room 521.

Judiciary General, Tuesday, May 6 at 9 a. m. in Room 246.

Judiciary Special, Tuesday, May 6 at 10:30 a. m. in Room 246.

Ways and Means, Tuesday, May 6 at 11:30 a. m. in Room 327.

PUBLIC HEARINGS

There will be a Public Hearing before the Committee on Education on House Bill No. 1054 on Tuesday, May 6, 1941, at 6:30 P. M., EST, in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 765 on Tuesday, May 6, 1941 at 7:00 P. M., EST in the Old House Caucus Room, 3d Floor.

There will be a Public Hearing before the Committee on Professional Licensure on House Bills Nos. 335 and 678 on Wednesday, May 7, 1941 at 10:30 A.M., EST, in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Wednesday, May 13, 1941, at 6:00 P. M., EST, in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Elections on House Bill No. 636 Printer's No. 425 on Friday, May 9, 1941 at 2:00 o'clock P.M., D.S.T., in room 254 City Hall, Philadelphia.

The biennial dinner of the Pennsylvania Legislative Correspondents Association will be held Wednesday, May 7 at 6:30 P.M. Eastern Daylight Time, in the Penn Harris Hotel.

The dinner is strictly informal.

Tickets can be obtained from any correspondent or in the Capitol Newsroom.

ADJOURNMENT

Mr. MATTHEW J. WELSH. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 6, 1941, at 1:30 p. m.

The motion was agreed to, and (at 11:08 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., TUESDAY, MAY 6, 1941. No. 48.

SENATE

TUESDAY, May 6, 1941.

The Senate met at 1:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the prayer was offered by the Senator from Butler, Mr. CARR.

We bow in Thy presence, our Heavenly Father, with grateful acknowledgement in our hearts for all Thou hast done for us as Thy children. Thou hast given us a beautiful world in which to live; Thou hast given us minds with which to work; Thou hast given us hearts with which to feel and understand the needs of mankind.

We would ask, Our Heavenly Father, that Thy Spirit might graciously rest upon all Thy people in these troubled times throughout the world when we feel because of the sins of men that we are in turmoil and distress. We would ask that our minds might be brought back to sanity and reason and that we might come to that time when there shall be peace upon earth among men of good will.

Bless us in our deliberations, bless our Congress, and our President and our Governor and all in authority, and help us to so strive to do those things that are right that we may at all times give evidence of our willingness to be used in the service of Thy kingdom. We ask it in His Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SCARLETT and Mr. HEYBURN, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Barr asked and obtained leave of absence for the Senator from Allegheny, Mr. McGINNIS.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellenvy, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 6, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 6, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

DAUPHIN COUNTY

Miss Blanche M. Reese, Harrisburg.

LANCASTER COUNTY

Melvin H. Lauver, Akron.

LUZERNE COUNTY

Mrs. Irene Thomas, Wilkes-Barre.

MONTGOMERY COUNTY

Lester S. Heebner, Norristown.

PHILADELPHIA COUNTY

Robert E. Goodwin, 520 East Rosalie St., Phila.

POTTER COUNTY

Mrs. June D. Booth, Coudersport.

SCHUYLKILL COUNTY

Miss Eleanor I. Radzai, Shenandoah.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 6, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

George A. Holmstrom, 715 Warrington Av., Pittsburgh May 19, 1941.

ERIE COUNTY

Miss Gertrude E. Reich, Erie, May 19, 1941.

LUZERNE COUNTY

Miss Catherine M. Grier, Pittston, May 19, 1941.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EDMONDS That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Shapiro,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Woodward,
Deitrick,	Kephart,	Stevenson,	Ziesenheim.

NAYS—0

Two-thirds of all the Senators voting voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 109, (Senate Bill No. 808), entitled:

An Act to promote the safety of the traveling public and employees on steam or electric railroads by regulating the construction of caboose cars and providing penalties.

Which was committed to the Committee on Public Utilities.

House Bill No. 215, (Senate Bill No. 809), entitled:

An Act to further amend sections one and four of the act, approved the sixteenth day of May, one thousand nine hundred and nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," extending the provisions of said act to include land acquired at city treasurer's sales for unpaid taxes.

Which was committed to the Committee on Municipal Government.

House Bill No. 292, (Senate Bill No. 810), entitled:

An Act to promote the safety of employes and travellers upon railroads by compelling common carriers by railroad to furnish employes with certain signal devices.

Which was committed to the Committee on Public Utilities.

House Bill No. 619, (Senate Bill No. 811), entitled:

An Act imposing joint and severable liability upon cities of the first class, for damages, caused by arrests or imprisonments by police authorities in certain cases.

Which was committed to the Committee on Municipal Government.

House Bill No. 685, (Senate Bill No. 812), entitled:

An Act to protect the public against the advertising or offering for sale at fixed prices eyeglasses, spectacles, etc. putting restraint upon laymen selling eyeglasses, spectacles, etc. and filling prescriptions for the same similar to the restraint upon professions licensed by the State to prescribe eyeglasses and spectacles fixing a penalty for violations of this act and investing the courts with jurisdiction to prevent and restrain violations of this act.

Which was committed to the Committee on Public Health.

House Bill No. 896, (Senate Bill No. 813), entitled:

An Act authorizing and requiring county commissioners to sell seated and unseated lands purchased at tax sales, upon which the period of redemption has expired; and validating certain sales heretofore made.

Which was committed to the Committee on County Government.

House Bill No. 1190, (Senate Bill No. 814), entitled

An Act relating to coal stripping operations; providing for the health and safety of persons employed therein: and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports; and prescribing penalties.

Which was committed to the Committee on Mines and Mining.

House Bill No. 1221, (Senate Bill No. 815), entitled:

An Act to add section 654.1 to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872), entitled "The Penal Code," by making it a crime to discriminate in the selection or appointment of persons for employment in the civil service of the Commonwealth; or of any political subdivision thereof because of the race, creed or color of any person.

Which was committed to the Committee on Judiciary General.

House Bill No. 1223, (Senate Bill No. 816), entitled:

An Act to add section 654.2 to the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," making it a crime for any officer of any labor union to discriminate because of race, color or creed between applicants for membership in such union, or between assignments for employment of union members because of their race, color or creed.

Which was committed to the Committee on Judiciary General.

House Bill No. 1269, (Senate Bill No. 817), entitled:

An Act to further amend the first paragraph of section nine of the act, aproved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law," by extending the time for filing municipal claims.

Which was committed to the Committee on Municipal Government.

House Bill No. 1324, (Senate Bill No. 818), entitled:

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hun-

dred and twenty-nine (P. L. 1278), entitled "General County Law" further providing for ascertaining the change of classification of counties.

Which was committed to the Committee on County Government.

House Bill No. 1326, (Senate Bill No. 819), entitled:

An Act to amend sections three and four of the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 110), entitled "A supplement to an act, entitled 'An act regulating the construction, maintenance. alteration, and inspection of buildings and party walls in cities of the second class,' approved the seventh day of June, Anno Domini one thousand eight hundred and ninety-five; regulating the construction, alteration and ventilation of tenement-houses, and providing for the safety of the inhabitants thereof; and providing penalties for the violation of the same," further regulating the erection, alteration and ventilation of certain tenement houses.

Which was committed to the Committee on Municipal Government.

House Bill No. 1327, (Senate Bill No. 820), entitled:

An Act to amend section six and to further amend section eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," restricting the right of per diem employes to join such pension system, and giving peace time drafted employes credit for the time spent in the services of the United States.

Which was committed to the Committee on Municipal Government.

House Bill No. 1402, (Senate Bill No. 821), entitled:

An Act to add section six hundred fifty-five and one-tenth to article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," relating to discrimination against persons employed or seeking employment on contracts effecting the national preparedness program because of the race, color or religion of such person.

Which was committed to the Committee on Judiciary General.

TIME OF NEXT MEETING

He also informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the House of Representatives, May 6, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday, May 12, 1941, at 3:30 o'clock, p. m. Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday, May 12, 1941, at 8:00 o'clock, p. m., Eastern Standard Time.

SENATE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 616

He also presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, May 6, 1941.

Resolved (if the Senate concur), That House Bill No. 616, entitled:

An Act to amend section seven of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427), entitled "Criminal Procedure Act of 1860," providing for admission to bail by committing magistrates in cases involving manslaughter by automobile

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 524

He also presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, May 6, 1941.

Resolved (if the Senate concur), That House Bill No. 524, entitled:

An Act to further amend section two hundred and ten of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," prohibiting the sale of striped bass or rock fish under eighteen inches in length

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE BILL No. 81, HOUSE BILL No. 789

He also returned to the Senate, Senate Bill No. 81, entitled:

An Act to amend section one thousand one hundred and forty-seven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by extending the power to accept roads, streets, lanes and alleys dedicated as public highways

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 286, HOUSE BILL No. 1405

He also returned to the Senate, Senate Bill No. 286, entitled:

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March, one thousand nine hundred and one, (P. L. 20), entitled "An act for the government of cities of the second class," prescribing the manner in which money shall be drawn from the city treasury

with the information that the House has passed the same without amendment.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 326, entitled:

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material, supplies and equipment from Federal funds appropriated to vocational education for national defense to be used for training or retaining workers and prospective workers for industries essential to national defense; waiving all statutory requirements as to advertising for said bids.

House Bill No. 666, entitled:

An Act to amend section one of the act approved the twenty-sixth day of August, A. D., one thousand nine hundred thirty-two (P. L. 101), entitled "An act authorizing collectors of delinquent taxes, except in cities of the first class, to accept payments of delinquent taxes or water-rents or rates in installments," by including counties.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. CARR, from the Committee on Judiciary Special reported as committed, Senate Bill No. 733, (House Bill No. 1087), entitled:

An Act to amend Clause (2) of Section 3 of the Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" by changing the definition of daily newspaper.

Mr. McCREESH, from the Committee on Municipal Government, reported as committed, Senate Bill No. 500, (House Bill No. 708), entitled:

An Act enabling city, county, poor, institution district, ward, school, borough, and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same by the expiration of the authority of their respective warrants, or by the expiration of their terms of office; extending the time for the collection of the same for a period of two years from the passage of this act; and validating collections and proceedings for collections made or commenced without previous authority.

Mr. MALLERY, from the Committee on Municipal Government, reported as amended, Senate Bill No. 499, (House Bill No. 657), entitled:

An Act to amend sections one, two, three and four of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 787), entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the nonpayment of taxes; and the reconveyance or private sale of such property," extending the provisions of said act to properties purchased by said political subdivisions at sales for municipal claims, and to the payment of such claims from the proceeds of such compromises or sales, and changing the time when such compromises may be made.

BILLS INTRODUCED

Mr. BECKER read in his place and presented to the Chair Senate Bill No. 822, entitled:

An Act to furtther amend sectioon one thousand one hundred and thirty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of district and assistant district superintendents.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair Senate Bill No. 823, entitled:

An Act to amend the act, approved the fiftenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers, by corporations: providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the powers of corporations or persons authorized to engage in a banking or fiduciary business or both; and of affiliates of such corporations or persons; and of officers, directors, trustees and employes of such corporations and persons.

Which was committed to the Committee on Banking.

He also read in his place and presented to the Chair Senate Bill No. 824, entitled:

An Act relating to the retention or purchase of shares of its own stock or stock of a subsidiary corporation by a bank and trust company or trust company or national banking association in estates of which such institution is a fiduciary or co-fiduciary.

Which was committed to the Committee on Banking.

Mr. HEYBURN read in his place and presented to the Chair Senate Bill No. 825, entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing the payment of compensation to employes and officers during

absence on accout of illness or other unavoidable circumstances.

Which was committed to the Committee on Education.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 826, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction o. certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Which was committed to the Committee on Highways.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 827, entitled:

An Act to further amend the act, approved the tenth day of June, one thousand nine hundred thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by providing for the licensing of embalmers.

Which was committed to the Committee on Education.

REQUESTING USE OF SENATE CHAMBER FOR PUBLIC HEARING ON SENATE BILLS Nos. 103, 107, 108, 189 AND 237

Mr. MALLERY offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 6, 1941.

Resolved, That the Committee on Public Utilities of the Senate of Pennsylvania be granted the use of the Senate Chamber for a public hearing on Senate Bills Nos. 103, 107, 108, 189 and 237, to be held on Wednesday, May 14, 1941, at 7:30 o'clock p. m., Eastern Standard Time.

PERMISSION TO ADDRESS SENATE

Mr. EDMONDS. Mr. President, I ask permission to make a short statement to the Senate.

The PRESIDENT. The gentleman from Montgomery will proceed.

Mr. EDMONDS. Mr. President, last week the Senate adopted a resolution calling attention of the people of the Commonwealth to the observance on Saturday next to a ceremony at Valley Forge where the dogwood groves will be dedicated in memory of George Washington. There will be present at that time the Governor of this state and a number of Governors of the thirteen original states.

Now, yesterday I received in the mail some interesting correspondence from Valley Forge which I want to make available to my colleagues in the Senate. My colleague from Philadelphia, Senator Stiefel, will be particularly interested because he helped in the work of preparing the resolution offered last week.

I might say, Mr. President, there is a bill pending in the Senate, Senate Bill No. 739, which calls for a small appropriation for the restoration of the original Valley Forge. It may not be news to the members of the Senate but originally there was a forge on Valley Creek about half a mile before it empties into the Schuylkill and that forge was taken by the British and destroyed in the Brandywine campaign. The very site of it was lost, the ruins were covered over with sediment of the river and it took a long time before the present commission were able to find the exact location of the forge. Now that location has been found and it has been inspected by several of the Senators.

It shows the charred wood, as a result of the burning of the forge by the British during the Brandywine campaign, and what I have now is a plan of restoration of the original forge together with a very elaborate series of excellent photographs which show the present condition of the forge and the work that ought to be done.

In order that they may be observed by the Senators interested in this question I have asked Senator Elby to allow me to put them on file in the office of the President pro-tempore, over there, and he has very courteously consented that his secretary shall take charge of them and I hope the members of the Senate who are interested in seeing what there is now and what there should be there will examine these things so that it may help them to understand how to vote on this legislation. Thank you.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 253, on concurrence in House amendments, entitled:

An Act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions; providing for an election on such question; and regulating hours of service hours of rest and annual vacations

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 212, as follows:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions In this act unless the context or subject matter otherwise requires

"Buyer in the ordinary course of trade" means a person to whom goods are sold and delivered for new value and who acts in good faith and without actual knowledge of any limitations on the trustee's liberty of sale including one who takes by conditional sale or under a pre-existing mercantile contract with the trustee to buy the goods delivered or like goods for cash or on credit "Buyer in the ordinary course of trade" does not include a pledgee a mortgagee a lienor or a transferee in bulk

"Document" means any document of title to goods

"Entruster" means the person who has or directly or

by agent takes a security interest in goods documents or instruments under a trust receipt transaction and any successor in interest of such a person A person in the business of selling goods or instruments for profit who at the outset of the transaction has as against the buyer general property in such goods or instruments and who sells the same to the buyer on credit retaining title or other security interest under a purchase money mortgage or conditional sales contract or otherwise is excluded

"Goods" means any chattels personal other than money things in action or things so affixed to land as to become a part thereof

"Instrument" means

(a) any negotiable instrument as defined in the Uniform Negotiable Instruments Law and amendments thereto or

(b) any certificate of stock or bond or debenture for the payment of money issued by a public or private corporation as part of a series or

(c) any interim deposit or participation certificate or receipt or other credit or investment instrument of a sort marketed in the ordinary course of business or finance of which the trustee after the trust receipt transaction appears by virtue of possession and the face of the instrument to be the owner "Instrument" does not include any document of title to goods

"Lien creditor" means any creditor who has acquired a specific lien on the goods documents or instruments by attachment levy or by any other similar operation of law or judicial process including a distraining landlord

"New value" includes new advances or loans made or new obligation incurred or the release or surrender of a valid and existing security interest or the release of a claim to proceeds under Section 10 but "new value" shall not be construed to include extensions or renewals of existing obligations of the trustee nor obligations substituted for such existing obligations

"Person" means as the case may be an individual trustee receiver or other fiduciary partnership corporation business trust or other association and two or more persons having a joint of common interest

"Possession" as used in this act with reference to possession taken or retained by the entruster means actual possession of goods documents or instruments or in the case of goods such constructive possession as by means of tags or signs or other outward marks placed and remaining in conspicuous places may reasonably be expected in fact to indicate to the third party in question that the entruster has control over or interest in the goods

"Purchase" means taking by sale conditional sale lease mortgage or pledge legal or equitable

"Purchaser" means any person taking by purchase A pledgee mortgagee or other claimant of a security interest created by contract is insofar as concerns his specific security a purchaser and not a creditor

"Security interest" means a property interest in goods documents or instruments limited in extent to securing performance of some obligation of the trustee or of some third person to the entruster and includes the interest of a pledgee and title whether or not expressed to be absolute whenever such title is in substance taken or retained for security only

"Transferee in bulk" means a mortgagee or a pledgee or a buyer of the trustee's business substantially as a whole

"Trustee" means the person having or taking possession of goods documents or instruments under a trust receipt transaction and any successor in interest of such person The use of the word "Trustee" herein shall not be interpreted or construed to imply the existence of a trust or any right or duty of a trustee in the sense of equity jurisprudence other than as provided by this act

"Value" means any consideration sufficient to support a simple contract An antecedent or pre-existing claim whether for money or not and whether against the transferor or against another person constitutes value where goods documents or instruments are taken either in satisfaction thereof or as security therefor

Section 2 What Constitutes Trust Receipt Transaction and Trust Receipt

1 A trust receipt transaction within the meaning of this act is any transaction to which an entruster and a trustee are parties for one of the purposes set forth in Subsection 3 whereby

(a) the entruster or any third person delivers to the trustee goods documents or instruments in which the entruster (i) prior to the transaction has or for new value (ii) by the transaction acquires or (iii) as the result thereof is to acquire promptly a security interest or

(b) the entruster gives new value in reliance upon the transfer by the trustee to such entruster of a security interest in instruments or documents which are actually exhibited to such entruster or to his agent in that behalf at a place of business of either entruster or agent but possession of which is retained by the trustee provided that the delivery under paragraph (a) or the giving of new value under paragraph (b) either

(i) be against the signing and delivery by the trustee of a writing designating the goods documents or instruments concerned and reciting that a security interest therein remains in or will remain in or has passed to or will pass to the entruster or

(ii) be pursuant to a prior or concurrent written and signed agreement of the trustee to give such a writing

The security interest of the entruster may be derived from the trustee or from any other person and by pledge or by transfer of title or otherwise

If the trustee's rights in the goods documents or instruments are subject to a prior trust receipt transaction or to a prior equitable pledge Section 9 and Section 3 respectively of this act determine the priorities

2 A writing such as is described in Subsection 1 paragraph (i) signed by the trustee and given in or pursuant to such transaction is designated in this act as a "trust receipt" No further formality of execution or authentication shall be necessary to the validity of a trust receipt Provided however That no trust receipt transaction shall provide for any charge interest discount bonus fees fines commissions service charges or other considerations which aggregate in excess of six per centum (6%) per year on the actual amount of the loan in such transaction

3 A transaction shall not be deemed a trust receipt transaction unless the possession of the trustee thereunder is for a purpose substantially equivalent to any one of the following

(a) in the case of goods documents or instruments for the purpose of selling or exchanging them or of procuring their sale or exchange or

(b) in the case of goods or documents for the purpose of manufacturing or processing the goods delivered or covered by the documents with the purpose of ultimate sale or for the purpose of loading unloading storing shipping transshipping or otherwise dealing with them in a manner preliminary to (necessary to their sale or

(c) in the case of instruments for the purpose of delivering them to a principal under whom the trustee is holding them or for consummation of some transaction involving delivery to a depository or registrar or for their presentation collection or renewal

Section 3 Attempted Creation or Continuance of Pledge Without Delivery or Retention of Possession

1 An attempted pledge or agreement to pledge not accompanied by delivery of possession which does not fulfill the requirements of a trust receipt transaction shall be valid as against creditors of the pledgor only as follows

(a) to the extent that new value is given by the pledgee in reliance thereon such pledge or agreement to pledge shall be valid as against all creditors with or without notice for ten days from the time the new value is given

(b) to the extent that the value given by the pledgee is not new value and in the case of new value after the lapse of ten days from the giving thereof the pledge shall have validity as against lien creditors without notice who become such as prescribed in Section 8 only

as of the time the pledgee takes possession and without relation back

2 Purchasers (including entrusters) for value and without notice of the pledgee's interest shall take free of any such pledge or agreement to pledge unless prior to the purchase it has been perfected by possession taken

3 Where under circumstances not constituting a trust receipt transaction a person for a temporary and limited purpose delivers goods documents or instruments in which he holds a plegdee's or other security interest to the person holding the beneficial interest therein the transaction has like effect with a purported pledge for new value under this section

Section 4 Contract to Give Trust Receipt

1 A contract to give a trust receipt if in writing and signed by the trustee shall with reference to goods documents or instruments thereafter delivered by the entruster to the trustee in relianace on such contract be equivalent in all respects to a trust receipt

2 Such a contract shall as to such goods documents or instruments be specifically enforceable against the trustee but this subsection shall not enlarge the scope of the entruster's rights against creditors of the trustee as limited by this act

Section 5 Validity Between the Parties

Between the entruster and the trustee the terms of the trust receipt shall save as otherwise providd by this act be valid and enforceable But no provision for forfeiture of the trustee's interest shall be valid except as provided in Subsection 5 of Section 6

Section 6 Repossession and Entruster's Rights on Default

1 The entruster shall be entitled as against the trustee to possession of the goods documents or instruments on default and as may be otherwise specified in the trust receipt

2 An entruster entitled to possession under the terms of the trust receipt or of subsection 1 may take such possession without legal process whenever that is possible without breach of the peace

3 (a) After possession taken the entruster shall subject to subdivision (b) and Subsection 5 hold such goods documents or instruments with the rights and duties of a pledgee

(b) An entruster in possession may on or after default give notice to the trustee of intention to sell and may not less than five days after the serving or sending of such notice sell the goods documents or instruments for the trustee's account at public or private sale and may at a public sale himself become a purchaser The proceeds of any such sale whether public or private shall be applied (i) to the payment of the expenses thereof (ii) to the payment of the expenes of re-taking keeping and storing the goods documents or instruments (iii) to the satisfaction of the trustee's indebtedness The trustee shall receive any surplus and shall be liable to the entruster for any deficiency Notice of sale shall be deemed sufficiently given if in writing and either (i) personally served on the trustee or (ii) sent by post-paid ordinary mail to the trustee's last known business address

(c) A purchaser in good faith and for value from an entruster in possession takes free of the trustee's interest even in a case in which the entruster is liable to the trustee for conversion

4 Surrender of the trustee's interest to the entruster shall be valid on any terms upon which the trustee and the entruster may after default agree

5 As to articles manufactured by style or model the terms of the trust receipt may provide for foreiture of the trustee's interest at the election of the entruster in the event of the trustee's default against cancellation of the trustees' then remaining indebtedness provided that in the case of the original maturity of such an indebtedness there must be cancelled not less than 80% of the purchase price to the trustee or of the original indebtedness whichever is greater or in the case of a first renewal not less than 70% or in the case of a second or further renewal not less than 60%

Section 7 General Effect of Entruster's Filing or Taking Possession

1 (a) If the entruster within the period of thirty days specified in subsection 1 of Section 8 files as in this act provide such filing shall be effective to preserve his security interest in documents or goods against all persons save as otherwise provided by Sections 8 9 10 11 14 and 15 of this act

(b) Filing after the lapse of the said period shall be valid but in such event save as provided in subdivision 2 (b) of Section 9 the entruster's security interest shall be deemed to be created by the trustee as of the time of such filing without relation back as against all persons not having notice of such interest

2 The taking of possession by the entruster shall so long as such possession is retained have the effect of filing in the case of goods or documents and of notice of the entruster's security interest to all persons in the case of instruments

Section 8 Validity Against Creditors

1 The entruster's security interest in goods documents or instruments under the written terms of a trust receipt transaction shall without any filing be valid as against all creditors of the trustee with or without notice for thirty days after delivery of the goods documents or instruments to the trustee and thereafter except as in this act otherwise provided

But where the trustee at the time of the trust receipt transaction has and retains instruments or documents the thirty days shall be reckoned from the time such instruments or documents are actually shown to the entruster or from the time that the entruster gives new value under the transaction whichever is prior

2 Save as provided in Subsection 1 the entruster's security interest shall be void as against lien creditors who become such after such thirty day period and without notice of such interest and before filing

(a) Where a creditor secures the issuance of process which within a reasonable time after such issuance results in attachment of or levy on the goods he is deemed to have become a lien creditor as of the date of the issuance of the process

(b) Unless prior to the acquisition of notice by all creditors filing has occurred or possession has been taken by the entruster (i) an assignee for the benefit of creditors from the time of assignment or (ii) a receiver in equity from the time of his appointment or (iii) a trustee in bankruptcy or judicial insolvency proceedings from the time of filing of the petition in bankruptcy or judicial insolvency by or against the trustee shall on behalf of all creditors stand in the position of a lien creditor without notice without reference to whether he personally has or has not in fact notice of the entruster's interest

Section 9 Limitations on Entruster's Protection Against Purchasers

1 Purchasers of Negotiable Documents or Instruments

(a) Nothing in this act shall limit the rights of purchasers in good faith and for value from the trustee of negotiable instruments or negotiable documents and purchasers taking from the trustee for value in good faith and by transfer in the customary manner instruments in such form as are by common practice purchased and sold as if negotiable shall hold such instruments free of the entruster's interest and filing under this act shall not be deemed to constitute notice of the entruster's interest to purchasers in good faith and for value of such documents or instruments other than transferees in bulk

(b) The entrusting (directly by agent or through the intervention of a third person) of goods documents or instruments by an entruster to a trustee under a trust receipt transaction or a transaction falling within Section 3 of this act shall be equivalent to the like entrusting of any documents or instruments which the trustee may procure in substitution or which represent the same goods or instruments or the proceeds thereof and which the trustee negotiates to a purchaser in good faith and for value

2 Where a purchaser from the trustee is not protected under Subsection 1 hereof the following rules shall govern

(a) Sales by trustee in the ordinary course of trade

(i) Where the trustee under the trust receipt transaction has liberty of sale and sells to a buyer in the

ordinary course of trade whether before or after the expiration of the thirty day period specified in Subsection 1 of Section 8 of this act and whether or not filing has taken place such buyer takes free of the entruster's security interest in the goods so sold and no filing shall constitute notice of the entruster's security interest to such a buyer

(ii) No limitation placed by the entruster on the liberty of sale granted to the trustee shall affect a buyer in the ordinary course of trade unless the limitation is actually known to the latter

(b) Purchasers other than buyers in the ordinary course of trade

In the absence of filing the entruster's security interest in goods shall be valid as against purchasers save as provided in this Section but any purchaser not a buyer in the ordinary course of trade who in good faith and without notice of the entruster's security interest and before filing either (i) gives new value before the expiration of the thirty day period specified in Subsection 1 of Section 8 or (ii) gives value after said period and who in either event before filing also obtains delivery of goods from a trustee shall hold the subject matter of his purchase free of the entruster's security interest but a transferee in bulk can take only under (ii) of this subdivision (b)

(c) Liberty of Sale

If the entruster consents to the placing of goods subject to a trust receipt transaction in the trustee's stock in trade or in his sales or exhibition rooms or allows such goods to be so placed or kept such consent or allowance shall have like effect as granting the trustee liberty of sale

3 As to all cases covered by this section the purchase of goods documents or instruments on credit shall constitute a purchase for new value but the entruster shall be entitled to any debt owing to the trustee and any security therefor by reason of such purchase except that the entruster's right shall be subject to any set-off or defense valid against the trustee and accruing before the purchaser has actual notice of the entruster's interest

Section 10 Entruster's Right to Proceeds

Where under the terms of the trust receipt transaction the trustee has no liberty of sale or other disposition or having liberty of sale or other disposition is to account to the entruster for the proceeds of any disposition of the goods documents or instruments the entruster shall be entitled to the extent to which and as against all classes of persons as to whom his security interest was valid at the time of disposition by the trustee as follows

(a) to the debts described in Section 9 (3) and also

(b) to any proceeds or the value of any proceeds (whether such proceeds are identifiable or not) of the goods documents or instruments if said proceeds were received by the trustee within ten days prior to either application for appointment of a receiver of the trustee or the filing of a petition in bankruptcy or judicial insolvency proceedings by or against the trustee or demand made by the entruster for prompt accounting and to a priority to the amount of such proceeds or value and also

(c) to any other proceeds of the goods documents or instruments which are identifiable unless the provision for accounting has been waived by the entruster by words or conduct and knowledge by the entruster of the existence of proceeds without demand for accounting made within ten days from such knowledge shall be deemed such a waiver

Section 11 Liens in Course of Business Good Against Entruster

Specific liens arising out of contractual acts of the trustee with reference to the processing warehousing shipping or otherwise dealing with specific goods in the usual course of the trustee's business preparatory to their sale shall attach against the interest of the entruster in said goods as well as against the interest of the trustee whether or not filing has occurred under this act but this section shall not obligate the entruster personally for any debt secured by such lien nor shall it be construed to include the lien of a landlord

Section 12 Entruster not Responsible on Sale by Trustee

An entruster holding a security interest shall not merely by virtue of such interest or of his having given the trustee liberty of sale or other disposition be responsible as principal or as vendor under any sale or contract to sell made by the trustee

Section 13 Filing and Refiling Concerning Trust Receipt Transactions Covering Documents or Goods

1 Any entruster undertaking or contemplating trust receipt transactions with reference to documents or goods is entitled to file with the Department of State and with the prothonotary of the county within which the principal place of business of the trustee in the Commonwealth is located a statement signed by the entruster and the trustee containing

(a) a designation of the entruster and the trustee and of the chief place of business of each within this state if any and if the entruster has no place of business within this state a designation of his chief place of business outside the state and

(b) a statement that the entruster is engaged or expects to be engaged in financing under trust receipt transactions the acquisition of goods by the trustee and

(c) a description of the kind or kinds of goods covered or to be covered by such financing

2 The following form of statement (or any other form of statement containing substantially the same information) shall suffice for the purpose of this act

"Statement of Trust Receipt Financing

"The entruster ..... Whose chief place of business within this state is at ..... or who has no place of business within this state and whose chief place of business outside this state is at .....) is or expects to be engaged in financing under trust transactions the acquisition by the trustee ..... whose chief place of business within this state is at..... .....of goods of the following description (coffee silk automobiles or the like)

(Signed) .....Entruster

(Signed) .....Trustee"

3 It shall be the duty of the filing officer to mark each statement filed with a consecutive file number and with the date and hour of filing and to keep such statement in a separate file and to note and index the filing in a suitable index indexed according to the name of the trustee and containing a notation of the trustee's chief place of business as given in the statement The fee for each such filing shall be one dollar

4 Presentation for filing of the statement described in subsection 1 and payment of the filing fee shall constitute filing under this act in favor of the entruster as to any documents or goods falling within the description in the statement which are within one year from the date of such filing or have been within thirty days previous to such filing the subject-matter of a trust receipt transaction between the entruster and the trustee

5 At any time before the expiration of the validity of the filing as specified in subsection 4 a like statement or an affidavit by the entruster alone setting out the information required by subsection 1 may be filed in like manner as the original filing Any filing of such further statement or affidavit shall be valid in like manner and for like period as an original filing and shall also continue the rank of the entruster's existing security interest as against all junior interests It shall be the duty of the filing officer to mark file and index the further statement or affidavit in like manner as the original

Section 14 Limitations on Extent of Obligation Secured

As against purchasers and creditors the entruster's security interest may extend to any obligation for which the goods documents or instruments were security before the trust receipt transaction and to any new value given or agreed to be given as a part of such transaction but not otherwise to secure past indebtedness of the trustee nor shall the obligation secured under any trust receipt transaction extend to obligations of the trustee to be subsequently created

Section 15 Act Not Applicable to Certain Transactions

This act shall not apply to single transactions of legal or equitable pledge not constituting a course of business whether such transactions be unaccompanied by delivery of possession or involve constructive delivery or delivery and redelivery actual or constructive so far as such transactions involve only an entruster who is an individual natural person and a trustee entrusted as a fiduciary with handling investments or finances of the entruster nor shall it apply to transactions of bailment or consignment in which the title of the bailor or consignor is not retained to secure an indebtedness to him of the bailee or consignee nor shall it apply to transactions of pledge evidenced by lien or encumbrance recorded and continuing of record in the Department of Revenue pursuant to The Vehicle Code approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) as amended

Section 16 Election Among Filing Statutes

As to any transaction falling within the provisions both of this act and of any other act requiring filing or recording the entruster shall not be required to comply with both but by complying with the provisions of either at his election may have the protection given by the act complied with except that buyers in the ordinary course of trade as described in subsection 2 of Section 9 and lienors as described in Section 11 shall be protected as therein provided although the compliance of the entruster be with the filing or recording requirements of another act

Section 17 Cases Not Provided For

In any case not provided for in this act the rules of law and equity including the law merchant shall continue to apply to trust receipt transactions and purported pledge transactions not accompanied by delivery of possession

Section 18 Uniformity of Interpretation

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it

Section 19 Constitutionality

If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section 20 Short Title

This act shall be known and may be cited as the Uniform Trust Receipts Act

Section 21 Inconsistent Laws Repealed

All acts or parts of acts inconsistent with this act are hereby repealed

Section 22 Effective date

This act shall take effect on September 1 1941

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. REED. Mr. President, I desire to interrogate the sponsor of this bill.

The PRESIDENT. Will the gentleman from Blair permit himself to be interrogated?

Mr. MALLERY. Yes, Mr. President.

Mr. REED. Mr. President, may I ask the gentleman from Blair to make a short explanation as to the purpose of this bill.

Mr. MALLERY. I am glad the Senator from Washington requested that I make a short statement. When this bill was introduced, it should have been stated that it was introduced by request.

This is a bill, a uniform practice bill, which has been adopted by a number of states and I think most of the states adjoining Pennsylvania have heretofore adopted such a bill.

The bill originated or was first adopted by the State of Ohio. It opens a new field for financing by banks or by other finance institutions. It does not destroy financing by chattel mortgages but opens a new field of financing by banks and other institutions engaged in the financing business.

There have been certain amendments. I just inquired of the gentleman from Philadelphia, Senator Shapiro, and there seems to have been some talk, at least among my Republican colleagues, that one of the Senator's amendments prohibited the financing of automobiles, but the Senator from Philadelphia has assured me that his amendment in no way interferes with the financing of automobiles.

Mr. REED. Mr. President, I desire to further interrogate the gentleman from Blair.

The PRESIDENT. Will the gentleman from Blair permit himself to be further interrogated?

Mr. MALLERY. Yes, Mr. President.

Mr. REED. Mr. President, would the gentleman from Blair kindly explain how this bill will enlarge the field of banking investments?

Mr. MALLERY. A typical example, Mr. President, as I understand the application of this bill, would be where an importer of hides desired some financing and hides were sold to a manufacturer of shoes, we will say, who has a large order from the government. This importer, or trustee, as he is designated under the bill, could apply to a bank, if saw fit to deal in this manner of financing, and he would give a trust receipt. The bank would be secured and the importer would be able to turn the leather over to the shoe manufacturer, who would be able to manufacture the leather into shoes. The importer would thereby be able to finance the transaction. It is believed the bill is particularly helpful and necessary at this time, when men will be called upon to engage in contracts that require a great deal of money. It is a very complicated bill and I feel possibly the gentleman from Philadelphia, Senator Shapiro, or the gentleman from Lebanon, Mr. Becker, who have represented banks—I do not represent any bankers—possibly those men would be able to give the Senator from Washington more information

Mr. REED. I wish to thank the gentleman from Blair very kindly for his explanation.

Mr. President, I have listened to the explanation of the Senator from Blair. I listened the other evening to a committee composed of big bankers from Philadelphia explain this bill. I have spent a considerable amount of time in reading and studying this bill and from my study I am inclined to believe this is not a good bill for the banks of this state.

The gentleman from Blair has explained in a short manner the outstanding purpose of this bill. He says it is a bill introduced at this time to take care of certain phases of national defense. In other words, Mr. President, it is to permit banks to loan money on unfinished material in bulk. He cites unfinished leather and those large bankers from Philadelphia, included a lot of other material in bulk, such as pig iron and copper and other materials of that kind.

Now, Mr. President, as I understand from their explanation, the banker would loan money on the material in bulk and that material would be turned over to the factory

and the factory would process that raw material and then after that raw material had been processed the manufacturer would then dispose of that finished product and then he would pay back to the banker the loan.

That sounds good when you read it on paper, but when you analyze that set of facts critically or practically you will find there are many contingencies you will have to consider along with that set of facts. Here is the labor that goes into making the finished product. What if that labor is not paid? Here are other materials that go into making the finished product. Suppose the people who furnish that material are not paid. Then you get into a very complicated state of affairs and in the end the bank may have and reasonably might have a hard time in getting back its loan.

Now, Mr. President, I know in times of distress like these there are tendencies to go a long way. I remember distinctly the banking situation back at the time of the World War and all of a sudden a collapse came and many factories went out of business and many large loans were lost just through financing of this kind.

A strong bank, Mr. President, is a bank that can get its money back quickly and in a process such as this I am reluctant to go along for the reason I am afraid at a time when the bank needed money back it might have a hard time cashing in on the loan.

I know there is a tendency to make large loans during times of stress such as we have today and the plea is it is to aid national defense. There is a group of people that we must always consider when we discuss banking legislation. It is not always the banker who sometimes is engaged on the side in manufaturing pursuits; He is to be given consideration. But there is another group of people which must always be given consideration and that is the man who puts that money into the bank. Here is a miner who goes down into the bowels of the earth and risks his life in order that he might make a little money. When he puts that money into the bank he expects to get that money back when he needs it. Here is a man who works on a farm, who works diligently all day, and when he puts his money in that bank he expects to get that money back when he needs it. Here is a man who stands before a blast furnace and when he makes his money and puts it into a bank he expects to get it back when he needs it, but if the banker is permitted to make big loans such as are contemplated by this bill and then a time of stress comes and there is a large mass of manufactured products they have not been able to sell, when that time comes and the banker goes out to get the depositors money and finds he cannot get it, then you have bank failures and there is nothing more serious to my mind in the Republic than bank failures.

I say, Mr. President, even though this is a period of war, this is a period when we talk of national defense, from my study of history I must say, "O, National Defense, how many crimes have been committed in thy name," and that is the case here.

Unless we are absolutely sure this bill will protect the depositors, will protect persons who are fundamentally and vitally interested in the money in the banks, I say we should vote this bill down. I do not believe we need this kind of legislation.

I believe if the bankers want to loan money on any kind of property there is a way to do it and to set up at this time an intricate, complicated bill such as this is, in order to give them perhaps a place to hide the making of big loans, I believe under these circumstances this bill should be voted down and I propose in order to do my duty to the people of this Commonwealth to vote against this bill.

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Lebanon.

The PRESIDENT. Will the gentleman from Lebanon permit himself to be interrogated?

Mr. BECKER. Yes, Mr. President.

Mr. HALUSKA. Mr. President, I ask the gentleman from Lebanon to state whether or not a loan made under the provisions of this bill would come under the supervision of the federal banking examiners.

Mr. BECKER. It would in the case of national banks, Mr. President.

Mr. HALUSKA. It will do what please, Mr. President,

Mr. BECKER. It will in the case of national banks, which come under the supervision of the Comptroller of the Currency.

Mr. HALUSKA. Are there any provisions in the bill, Mr. President, that a manufacturer who borrows money on raw materials must have some equity in the raw materials he is borrowing money on?

Mr. BECKER. I do not think so, Mr. President.

Mr. HALUSKA. Then, the manufacturer can borrow money on the full amount of his invoice; is that right?

Mr. BECKER. He can borrow as much money as the bank will lend him, with due prudence.

Mr. HALUSKA. Even though the manufacturer has no equity whatsoever in the plant and might have had difficulties in the past and wishes to borrow fifty thousand dollars, under this act, he might do so; is that correct?

Mr. BECKER. Mr. President, that is a commercial risk the bank will have to consider in determining whether or not it wants to loan the customer any money, yes, sir.

Mr. HALUSKA. Mr. President, I must certainly agree with the gentleman from Washington in his attitude on this bill. I think it is a very, very dangerous bill, because under this bill the banker may go out and invest our money with no possibility whatsoever of getting it back. We are speaking of war and defense programs but the war will not last forever, we hope, Mr. President, and in the event huge loans are made under this bill and the war should come to an immediate end we will find many, many banks so tied up that chaos again will come back to the banking profession.

MOTION TO RECOMMIT BILL

Mr. HALUSKA. Mr. President, I think each and every member should study this bill and I therefore move that this bill be sent back to the Committee on Banking for further study.

Mr. McCREESH. Mr. Pesident, I second the motion.

On the question,

Will the Senate agree to the motion.

Mr. GELTZ. I object, Mr. President, and ask that the roll be called.

The yeas and nays were required by Mr. GELTZ and were as follows, viz:

YEAS—12

Barr,	Frey,	McCreesh,	Reed,
Cavalcante,	Haluska,	McQuiddy,	Ruth,
Coleman,	Lanius,	Mundy,	Shapiro,

NAYS—32

Bartlett,	Ealy,	Kephart,	Taylor,
Becker,	Edmonds,	Letzler,	Thomas,
Carr,	Farrell,	Mallery,	Wade,
Chapman,	Geltz,	Miller,	Walker,
Cox,	Heyburn,	Snowden,	Watkins,
Crider,	Homsher,	Stevenson,	Wilson, H. I.,
Crowe,	James,	Stiefel,	Wilson, T. B.,
Deitrick,	Jaspan,	Tallman,	Ziesenheim,

So the question was determined in the negative.

And the question recurring.

Shall the bill pass finally?

Mr. EDMONDS. Mr. President, on the question shall the bill pass I am very free to say, while I ordinarily agree with the Senator from Washington in his conservatism, I can not agree with him at this time.

I think, Mr. President, this bill authorizes a new and legitimate method by which the banks and the manufacturers of this state should have an advantage. In the first place it comes from the Commissioners on uniform state legislation and it is well known to the gentleman from Washington that for twenty years these commissioners, three from each state, have met at the same time with the American Bar Association and have discussed issues upon which there is need of uniform legislation, relating generally to business matters.

Mr. President, I think in the past twenty years we have had probably twenty or thirty bills that have been recommended by these commissioners, who in Pennsylvania I think are Judge Hargest of Dauphin County, Mr. Schnader, a former attorney general and Mr. George Alter, formerly an attorney general, and I do not think we have ever had a bill that has provoked either an injustice on the part of the people or which has not worked as a feasible measure.

This bill proposes that banks shall have the opportunity of making loans on commodities. It is a method of bank dealing which is now being used in ten states of the nation, particularly in New York, New Jersey and Ohio, and has been used there with a great deal of success.

Mr. President, take for instance the case of a man who owns a cotton factory and, say, he has the spindles and everything else needed, including a trained personnel, but he does not have the cotton and he wants to go out and buy cotton in large quantities so that he may manufacture; he goes to his bank and the bank says it will loan him the money on a trust receipt. He then gives a trust receipt and that trust receipt is filed first with the Secretary of the Commonwealth and then with the prothonotary of the court in the particular county which is concerned.

Now, Mr. President, when that receipt is once put on file the effect of it is to give the bank a lien upon the new material which it is buying for that man. That seems to me to be entirely legitimate. Commodity financing has grown tremendously in this country in recent years and I think wherever commodity financing has come in it may have led to extravagances, but not to failure of banks in the way the gentleman from Washington refers. What happens eventually? There is labor put into that. The labor is protected in this bill because there is nothing which affects the right of labor here. There may be other commodities which are purchased in the ordinary course of business, but the bank continues with the loan on the raw material until the time comes when the raw material is worked up into a finished product and then when it is worked up into a finished product it is sold and the bank is paid back the amount of its claim and passes out of the transaction.

Now, Mr. President, we all know banks loan money on personal credit; we all know banks loan money on stocks and bonds; we all know banks loan money on balance sheets and all sorts of collaterals that are expressed in dollars. I see no reason why a bank should not also loan money on the basis of a commodity which is in general use.

I think we can feel certain the banks themselves will watch this kind of legislation with suffcient care to insure there is no looseness in the making of loans, and I think the effect of it will be that it will help a number of small manufacturers that may not have the capital to be able to purchase at the time all they may need for their business. It will enable those small manufacturers to get the raw material they need in order to work it up into a finished product.

I may say that from that point of views this bill has been very carefully studied by the committee on banking. Personally, Mr. President, I believe the bill is good legislation and I am perfectly willing to accept it, even with the amendments introduced by the gentleman from Philadelphia, Mr. Shapiro, which in general seem to me to have improved the bill on the whole.

Therefore, Mr. President, I ask my colleagues to support this bill as helpful and remedial legislation at the present time.

Mr. SHAPIRO. Mr. President, I have been opposed to this bill from the start and the fact that I offered amendments does not mean I intend to vote for it. I have been opposed to this bill because I am opposed to beginning new proceedings, giving permission to banks to do those very things which brought about the crash in banks some years ago.

I have had experience, not from representing banks but with banking transactions, and I find that banks today are engaging in business which it was never intended they should engage in.

For instance, Mr. President, some banks and large trust companies in Philadelphia today are engaged in loaning money on automobiles, in financing automobiles. Surely that never was intended as a real banking purpose. I find that in dealing in these transactions, with the desire of making money so that they can show a profit, some of the dealings they have gone into are not what they should be.

We passed laws and we allowed banks to do things in 1928 and 1929 that were legitimate. There is not any question this is a legitimate transaction but the question is as to whether or not this is the kind of a transaction in which a bank should engage; and the desire of the banks to make a profit should not carry them away from their original purpose of banking.

You must remember, Mr. President, banks today are insured, and their depositors' money is insured, but that is no reason why that fact should lull them into the belief they have a right and can with safety go into businesses which are not purely banking.

The fact that this is a uniform state law in ten states does not convince me it is a good thing. The very fact this bill required one or two amendments in order to

make it stronger indicates to me the bill is entitled to further study.

Mr. President, I want to make a comparison with what happened here a few days ago to show what we are doing on legislation. For instance, I was thinking of getting up and making a statement under a question of personal privilege, which statement I can make now, with respect to a bill that passed yesterday. Yesterday we passed a bill in which we exempted monies left with life insurance companies from the personal property tax. That bill is entitled to further study. I wonder how many members of this Senate know that bill will cost the Commonwealth of Pennsylvania five hundred thousand dollars, at least, as a minimum out of the budget for the next two years. The Department of Revenue, when I made inquiries of it this morning, told me they had already written to the House saying the bill would cost a minimum of $250,000 a year, and yet when I call attention, to that fact last week, when that bill was on second reading, yesterday the bill passed as if it had no effect on the Commonwealth or its finances.

Today it has been asked that this bill be given further study. Now, Mr. President, we all know some members of the Senate read bills as they come in. That is a colossal task which should not be asked of anybody. Most of us do not have the time, but when the bills come out they begin to engage the interest of the Senators. Here is a bill which comes out without any restriction on the amount of interest that may be charged—of course, you cannot charge more than the legal rate of interest—and so I offered an amendment which would provide that by subterfuge charges and service charges you could not increase the interest rate to more than six per cent.

Now, Mr. President, along comes another group of people, representing the Revenue Department, and they said this bill might effect titles of automobiles and so another amendment was prepared, about which the gentleman from Blair spoke. Now, Mr. President, I do not say and I did not say to the gentleman from Blair—and I hope he did not misundertand me as saying this bill will not prevent loans being made on automobiles. It will. The bill says it shall not be used for the purpose of making those transactions and titles shall be issued in accordance with the title act now in existence in the Revenue Department.

Now, Mr. President, those two things to my mind indicate this is a bill which requires further study. I challenge any member of this Senate to read that bill and say he can follow it from beginning to end and understand when a trustee gets a lien and when he does not get a lien; I challenge any member of this Senate to read that bill and say under what circumstances creditors should have prior rights to the trust certificates or will be protected against the trust certificates.

I have tried to do it and I have made a chart in committee to do it and I also say there are phrases, paragraphs and sections in this bill that cannot be followed by the ablest lawyer, whether it is a uniform law or not.

The trouble with this bill is that it has been drawn from a technical point of view and expresses merely the technical view of the person who has had experience in these things, but it does not enable the casual reader, the business man, to know what that bill will do to him; nor does it enable the creditor who deals with that business man, outside of the bank, to know what that bill will do to the rights he has acquired as prior creditor.

Mr. President, you cannot read that bill and say to yourselves, taking the illustration given by any of the members who made statements on the bill, what the manufacturer gets thru the trust certificate issued, as it goes from the seller to the manufacturer, goes through the process of manufacturing, and with the addition of certain other materials.

Mr. President, if you take a suit of clothes the first primary part of the goods is the cloth, but there are findings, buttons, cotton, and thread which must be bought and which must be used in completing the garment. I would like somebody to read that bill and say that the bill provides or intends to provide that the bank which loans money on the goods in the first instance shall, when the goods are finished, have a lien on the finished product. What about the man who furnishes the cotton; what about the man who furnishes the buttons; what about the man who furnishes the lining; those are things which are not clearly set forth in this bill, and therefore it seems to me this is a bill that does two things, first, throws banking into a new avenue which they never used before, dealing with men who have small financial responsibility, who could not otherwise get credit, and therefore are men of very small financial responsibility which makes the risk greater and puts the bank into a risky business in which it might lose a great deal of its depositors' money; secondly, it gives no assurance or knowledge to other creditors of that same man, that the money they advanced to him without this collateral security, will be assured to them in the end.

Under these circumstances, Mr. President, it seems to me there is no such cry of immediate necessity that this bill requires immediate passage, without giving the members of the Senate ample time to study the bill and to study its effects. That is why I am going to vote against the bill, even though I did put in amendments, because if it is going to be a law I think there ought to be some protection to the man who is borrowing the money.

Mr. REED. Mr. President—

Mr. CAVALCANTE. Mr. President, I will yield to the gentleman from Washington, who desires to make a rebuttal to the remarks of the gentleman from Montgomery.

Mr. REED. Mr. President, I just want to say a few words in reply to what the good gentleman from Montgomery had said, that this bill was patterned after legislation from outside the state.

Mr. President and members of the Senate, that is what put me on my guard first when I saw certain people come into the committee with certain reasons for the passage of this bill, then I learned that this bill came out of the great city of New York, and anything that comes out of the financial district of New York, among the small people of Pennsylvania, always bears watching. I saw that, as the good Senator from Philadelphia said, in the panic of 1929, I saw after the world war, that anything that comes out of New York relating to money, anything that comes out of Wall Street relating to money, I am extremely suspicious of it, and that is one of the reasons I took so much time in studying this bill.

The good Senator from Montgomery has presented his view, but he has not changed my view on the proposition this legislation is not needed and the bill should be voted down.

Mr. WADE. Mr. President, on the question of the passage of this bill, let me say in the Committee on Banking this bill was very carefully digested and analyzed———, and while the gentleman from Montgomery, Mr. Edmonds, has recently stated that ten other states now have this legislation on their books and they also report in those states this legislation is now working and is liked by both the manufacturers who make the loans and also by the banks, the fact as to whether the legislation passed there or not is not, I believe, of great import at the moment; but the fact that these laws which have been enacted are furnishing new avenues for investment by the banks and a new instrument for our national defense on the part of the manufacturers, certainly should be sufficient reason for us to support this bill.

For the moment there are some fifty-three national corporations doing a finance business, quasi governmental, on money furnished by the federal government, and that is taking away avenues which were formerly used by the banks to lend their money and to make a reasonable and proper profit for their stockholders. We are also organizing throughout Pennsylvania and throughout many other states of the nation what are known as credit unions that close in the other side for the banks. We are also forming automobile loan corporations which constantly help to take away business from the banks, so that on that angle I think we should give this bill our wholehearted support.

In answer to the question raised by the gentleman from Philadelphia regarding Senate Bill No. 379 which passed this body yesterday, I am sorry to take issue with him so often, but the bill we passed does not take one single cent away from state financing. The bill, as the gentleman knows or should know, being a lawyer, applies only to the county four mills tax, and not at all to the state four mills tax. However, as to the legislation, called emergency legislation, which did affect the state, so far the Department of Revenue advises me they have only been able to collect some $106,000 since the decision of the Supreme Court in Pennsylvania in the Biesel Case, handed down January term, 1940, which was the first time, as I understand it, that any monies have been collected from those emergency taxes.

However, Mr. President, the bill we considered yesterday and voted upon and passed does not affect in any way whatsoever the state finances.

Mr. CAVALCANTE. Mr. President, I doubt not the words of the gentleman from Montgomery, Mr. Edmonds, nor the gentleman from Cumberland, Mr. Wade, that this bill is desired and approved by bankers and manufacturers, and I doubt not the fact that we should enact legislation for the benefit of bankers and manfacturers, when laws for their benefit are needed, but it seems odd that our friends on the other side shy so far away from the points we are trying to discuss in these arguments on this bill. Although it may benefit bankers and manufacturers, what we are chiefly concerned about is how will this bill affect the people who own the money that is in the bank, and how will this bill affect other citizens of this Commonwealth who by advancing materials to the manufacturer have made it possible for him to erect his manufacturing plant and to have it now in shape to turn out finished products.

Mr. President, it is all well and good that bankers and manufacturers should be protected and I agree fully with that side of the argument here, but the money that the bankers want to deal so lavishly with is the money that belongs to the man that toils, the man that goes to the bank and deposits that money.

The point also made by the gentleman from Philadelphia, Mr. Shapiro, deserves serious consideration, because, past creditors of manufacturers are deserving of our consideration. It is our duty as members of this body to regard their interest also, but it seems that the sole argument in favor of this bill is that the bankers and the manufacturers desire it and want it.

Now, Mr. President, I only hope there is no politics behind this question. Who are these manufacturers that want this bill, who are these bankers? I must agree this bill should be defeated, because in its passage we are disregarding the interest of the people whose interests we ought to guard the most, the men and women, and probably widows and orphans, who own the money that is in the banks, and we ought to show some sensible regard for the past creditors of the manufacturer, the past creditors who may have not been paid, but the profits made from their raw materials have made it possible for the manufacturer to erect his manufacturing plant and to own it.

Gentleman, I think in all fairness this bill should be defeated.

Mr. HALUSKA. Mr. President, I have listened to the proponents of this bill, I have listened to the gentleman from Montgomery, Mr. Edmonds, I have listened to the gentleman from Cumberland, Mr. Wade, and I have also listened to the gentleman from Blair, Mr. Mallery, and all three of them have the same argument, that they think this bill should be passed because ten other states have similar legislation.

I might say, Mr. President, as a matter of record now, that during the early days of this Session I pointed out that many, many other states in this Commonwealth have increased their old age benefits; I pointed out that many states are not asking for the two thousand compulsory bond before relief can be granted; I pointed out that many other states are not asking relief recipients to cancel life insurance, but all my words were in vain. Why? Because I was speaking for the common man of Pennsylvania and now, because the bankers of New York, Ohio and Illinois want a certain bill passed, they say we want it passed because other states have the same legislation. Well think, gentlemen, about the common men of Pennsylvania who under our laws must sign away everything they have before they can be fed. Other states do not do it. Think of that argument.

Mr. MALLERY. Mr. President, I feel I am as much concerned as anyone in the Senate in seeing that the savings of the people of Pennsylvania which they have in banks are secure, but I know of no law on our statute books today that would prohibit any banker from making a loan to anyone, that would be changed should this bill pass.

The real purpose of this bill is to make their loans more safe than the loans would be if made to these very same people without this law. That is the real purpose, as I see it, why the bankers want this law, to enable them to make loans which they are doing now and which in all probability they will continue to make if this bill is not passed in Pennsylvania. That is my thought.

I want to remind my colleagues also, that in times of war money is necessary as well as guns or anything else. There has never been a war in which this country engaged but what some man or a number of men of means have rendered great public service, and sincerely I think this bill is necessary in order to supply credit and to safeguard more securely money which the banks might loan.

I think my colleagues on the left are sincere, and rightly so, but I feel this bill has been prepared by experts in the field; I make no pretense of being an expert in banking, but I do feel this bill will throw safeguards around loans which do not exist today.

Mr. DENT. Mr. President, there is one feature of this bill that kind of worries me a little, and that is on the part of the manufacturer who must go to a bank and in order to borrow money with which to produce certain manufactured products, he must give the bank a lien upon the manufactured product, although he is only borrowing money with which to buy raw materials from which to manufacture the product.

We all know if you should happen to get into a jam and have to borrow money from a bank, they do not ask many questions when it comes to the point where they must necessarily protect their interests in the matter. What happens when a manufacturer borrows fifty thousand dollars and buys raw materials from which to manufacture one hundred and fifty thousand dollars worth of manufactured products. If he gets into a quarrel with the bank because he is not getting the price and this and that to pay for the manufactured product, what stops the bank from exercising its lien on the manufactured product and selling that product for the fifty thousand dollars they have tied up in the process, thereby ruining the manufacturer who may not be able to sell his product for the amount he would like to get.

I think this is certainly a bad piece of legislation at this time, when so many persons may be in need of money.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bartlett,	Ealy,	Letzler,	Thomas,
Becker,	Edmonds,	Mallery,	Tyler,
Carr,	Farrell,	Miller,	Wade,
Chapman,	Geltz,	Ruth,	Walker,
Cox,	Heyburn,	Snowden,	Watkins,
Crider,	Homsher,	Stevenson,	Wilson, H. I.,
Crowe,	James,	Stiefel,	Wilson, T. B.,
Deitrick,	Jaspan,	Tallman,	Woodward,
DiSilvestro,	Kephart,	Taylor,	Ziesenheim

NAYS—12

Barr,	Dent,	Lanius,	Mundy,
Cavalcante,	Frey,	McCreesh,	Reed,
Coleman,	Haluska,	McQuiddy,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 286, entitled:

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March, one thousand nine hundred and one, (P. L. 20), entitled "An act for the government of cities of the second class," prescribing the manner in which money shall be drawn from the city treasury.

Senate Bill No. 81, entitled:

An Act to amend section one thousand one hundred and forty-seven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating therto," by extending the power to accept roads, streets, lanes and alleys dedicated as public highways.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. DENT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT. from the Committee on Workmen's Compensation reported as amended, Senate Bill No. 469, (House Bill No. 364) entitled:

An Act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amplifying the provisions thereof as to persons entitled to such payments.

Mr. DENT. Mr. President, I want to say today a great many volunteer fireman have come into Harrisburg because they were interested in this bill and House Bill No. 199. They met with the chairmen of those two committees, and have asked me to thank the chairmen, Senator Heyburn and also Senator Henry I. Wilson, for the courtesy extended to their committees upon the presentation of these bills and amendments.

Mr. President, I want to say this bill corrects an evil that has long been existent in a situation on workmen's compensation relative to volunteer firemen. For instance, Mr. President, there is one particular case I think the Senate should know about relative to a Cambria County volunteer fireman whose home caught fire one evening and he went into the house and saved one of his children and then made another dash into the place to save another child, and was trapped by the flames and he and his child both died.

I want to say that the borough and the insurance carrier fought the case and the court of Cambria County ruled that the widow was not entitled to workmen's com-

pensation. They ruled he was acting in the capacity of a father instead of a fireman. They could just as easily have stretched their imagination a little further, and if it would have been a neighbor's house, they could have said very easily he was acting in the capacity of a friend and not as a fireman.

Mr. President, this bill sets up workmen's compensation on the same basis as it was in the 1937 act, and the amendment does nothing more than to guarantee that they shall be paid workmen's compensation for duties performed as firemen, when such duties are authorized by the municipality or township with which they are connected.

Mr. President, I want to publicly thank the gentleman from Jefferson, Mr. Henry I. Wilson, and the gentleman from Fayette, Mr. Cavalcante, for their interest in this bill and the work they have done to get it to the floor of this Senate, and I hope all of the Senators will read the bill and give it early consideration.

Mr. SNOWDEN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SNOWDEN, from the Committee on Municipal Government, reported as amended, Senate Bill No. 497, (House Bill No. 610), entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act, approved the twenty-third of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," changing the qualification of historical societies to receive appropriations.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 381, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes by counties of the first second third fourth fifth and sixth classes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto after section four hundred and ninety-five the following sections

Section 496 Any county of the second third fourth fifth or sixth classes may acquire by lease purchase or condemnation proceedings any land lying within its territorial limits or the territorial limits of any adjoining county which in the judgment of the county commissioners may be necessary and desirable for the purpose of establishing and maintaining airdromes and/or landing fields but no such land shall be so acquired in any adjoining county without the assent of the county commissioners thereof

Section 496.1 The proceedings for the condemnation of lands under the provisions of this act and for the assessment of damages for property taken injured or destroyed shall be conducted in the same manner as now provided by law for the condemnation of land for buildings for county purposes in the county in which the land is situated The title acquired by virtue of any such condemnation shall be a title in fee simple

Section 496.2 Any such county acquiring land for any aeronautical purposes may lease the same or part thereof for an adequate consideration after due public notice and with the consent and approval of the taxing authorities of the county acquiring such land to any individual or corporation desiring to use the same for the purposes of landing or starting an airplane therefrom or for other aeronautical purposes on such terms and subject to such conditions and regulations as may be provided Any such county may enter into a contract in the form of a lease providing for the use of said land or any part thereof by the Government of the United States for air mail delivery or other aeronautical purposes upon nominal rental or without consideration

Section 496.3 Any such county acquiring land for any aviation purpose may operate and maintain said airdromes or aviation landing fields jointly with any city county borough town or township or other political subdivision upon such terms and conditions as may be agreed upon between the corporate authorities thereof and the county commissioners of the county

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. REED. Mr. President, because I think there will be some debate on this bill and due to the absence of the sponsor of the bill, Mr. McGinnis, I ask unanimous consent that Senate Bill No. 32, on third reading, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike heretofore constructed by said commission, to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio, or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike;

providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 284, on third reading, entitled:

An Act to amend section 901 of, and to add sections 901.1 901.2, 901.3, 901.4, 901.5, 901.6, 901.7, and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 402, (House Bill No. 376), entitled:

An Act to amend section eight hundred sixty-five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 402, (HOUSE BILL NO. 376)

Mr. THOMAS B. WILSON. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 402, (House Bill No. 376), passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. THOMAS B. WILSON. Mr. President, I voted "aye."

Mr. WADE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. WADE. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The first section was read.

Mr. THOMAS B. WILSON. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 21, by striking out the word "lubricant" and inserting in lieu thereof the following: "lubricants"; amend Sec. 1, page 2, line 21, by inserting after the word "mixtures" the following: "of"; amend Sec. 1, page 2, line 22, by striking out after the word "without" the following: "first having submitted a sample thereof"; amend Sec. 1, page 2, line 23, by striking out all of said line; amend Sec. 1, page 2, line 24, by striking out before the word "labeling" the following: "proval or without"; amend Sec. 1, page 3, line 12, by striking out the word "imitating" and inserting in lieu thereof the following: "similating thereon"; amend Sec. 1, page 3, line 12, by striking out the word "symbol" and inserting in lieu thereof the following: "color or combination of colors of the"; amend Sec. 1, page 3, line 12, by striking out the following: "of the equip-"; amend Sec. 1, page 3, line 13, by striking out the part word "ment" and inserting in lieu thereof the following: "symbol, sign or other distinguishing mark or device".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 122, on second reading, entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions; and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to

fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 136, entitled:

An Act to amend section four of the act, approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," permitting natural parents in certain cases to retain their rights as natural parents.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. MILLER. Mr. President, I ask unanimous consent that Senate Bill No. 141, on second reading, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 164, entitled:

An Act to further amend section one thousand two hundred and seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by increasing the compensation for services rendered by constables and their deputies.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 169, entitled:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records.

On the question,

Will the Senate agree to the bill on second reading?

Mr. CAVALCANTE. Mr. President, I want to call the attention again of this body to the defects in this bill, which show there has been some hasty second thought in order to make of this bill something that it was not intended to be. Now, I want to call attention to the sponsors of this bill that they have amended the body of the bill, but if they read the title they will see the title has reference to the registration of electors in cities of the second class and then the amendments or the changes in the bill refer to abolishing the existing registration commission in cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as the registration commission. Now, Mr. President, this is diametrically in opposition to the body of the bill.

Mr. President, the title of this bill is very faulty and if this bill is read for the second time without amending the title it will have to be amended again.

Mr. WALKER. Mr. President, I must say I agree with the gentleman from Fayette, which is a novel procedure; the suggested correction made by him is necessary.

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 169, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 207, entitled:

An Act to further amend subsections (a) and (b) of section one thousand two hundred five of the act, ap-

proved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the employment, suspension, and retirement of professional employes.

On the question,

Will the Senate agree to the bill on second reading?

Mr. MUNDY. Mr. President, I desire to interrogate the gentleman from Montgomery.

Mr. EDMONDS. With pleasure, Mr. President.

Mr. MUNDY. Mr. President, I ask the gentleman from Montgomery what is the purpose to be accomplished by this bill.

Mr. EDMONDS. The object is to bring about the time in which no one teacher will have two contracts with two school districts at the same time. It seems to me there is an anomaly in our legislation that we allow that at the present time, and I think the quicker we get rid of it the better.

Mr. MUNDY. Mr. President, I desire to further interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be further interrogated?

Mr. EDMONDS. Yes, Mr. President.

Mr. MUNDY. Mr. President, does the Senator from Montgomery feel this is a fair deal in the sense that a teacher may be suspended through no fault of her own, as by a decrease in pupil population and that after a period of five years has elapsed she should be removed from the rolls.

Mr. EDMONDS. Mr. President, I can understand there may be cases by which, through a decrease in pupil population, teachers will be suspended temporarily and I can imagine they will go into another district and in the other district they may perform their services so satisfactorily as to get a contract, and when they get a contract it is my opinion they should give up their contractual relationship in the first district.

Mr. MUNDY. Mr. President, I think the Senator from Montgomery has anticipated my next question but I do not think it was an answer to the question I propounded just now. I will ask the gentleman from Montgomery the next question, if he will permit me.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be further interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. MUNDY. Does the Senator from Montgomery believe that when a teacher is unemployed she should remain, so when she becomes unemployed through no fault of her own, and with full knowledge of the fact that a teacher has a particular training, that their training usually fits them for teaching alone and does not equip them very well for some other occupation, does the Senator from Montgomery believe it is fair to have these teachers stay home on relief and wait for the opportunity to turn up, to be recalled for employment?

Mr. EDMONDS. Mr. President, in the case of a teacher who is suspended because of curtailment in pupil enrollment, I would be very glad in that case to have the teacher ambitious enough to go into another district and get a position. I think that would be first-class but I think to have two contractual relationships with two districts is not fair and the teachers should not ask that they be given that privilege.

Mr. MUNDY. I should like to further interrogate the gentleman from Montgomery, Mr. President.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be further interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. MUNDY. Mr. President, in these days of defense, may we use the name of defense?—there will be a great many male teachers called to the service and there will be created vacancies as a result. There may be some unemployed teachers who are unemployed, as I say, through no fault of their own, who may be available to fill those vacancies but may not care to lose their contract in the original district because it will be a better contract when the contract is fulfilled. Does the Senator from Montgomery believe in temporarily filling these positions they should give up their original contract, which is the best for them.

Mr. EDMONDS. Mr. President, my recollection is that this bill provides a five year period before they have to give it up and I think at the end of the five year period it is entirely fair they should give it up.

I want to say this, Mr. President, in a way it is unfair the Senator from Luzerne started a furore over teacher's tenure—the teachers stood on their own feet and when the time came there was a shortage in pupils they looked around and got positions in communities in which they fitted.

It seems to me, Mr. President, the effect of this present thing is to convey the impression a teacher has a right to a salary whether there are pupils to teach or not. I do not believe that for an instant and I do not believe the better element among teachers wants it. It seems to me it would be a lot better for them to go out and compete and if they can get into another district and get a contract, why then let them give up the contract they have in the first district. That seems to me in the line of meritorious legislation.

Mr. MUNDY. I desire to further interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be further interrogated

Mr. EDMONDS. With pleasure, Mr. President.

Mr. MUNDY. Mr. President, I recall a little meeting we had at which were present the gentleman from Montgomery, Mr. Edmonds, the gentleman from Lancaster, Mr. Homsher, and the gentleman from Philadelphia, Mr. Shapiro, and if I recall, representatives of school boards and representatives of the school teaching profession in the 1939 Session, when we received objections from the school directors' association and we were led to believe if those amendments were put into the teacher's tenure act all the ills which they complained of would be corrected. Is that correct, Senator

Mr. EDMONDS. I recall very well that meeting, Mr. President, and I recall that was the time when the gentleman from Luzerne and the gentleman from Philadelphia signed a bill that afterwards was introduced by the four sponsors, and my recollection is that both of those gentlemen voted against the bill later on.

Mr. MUNDY. That is very true, Mr. President, because,

as has occurred in many instances here on the floor in the present Session, the original contractual relations were abrogated after the agreement had been entered into.

Let me take further issue with the Senator on that. The Senator made the statement I created a furore by introducing the teacher's tenure bill in the Senate of Pennsylvania. Let me assure you his interpretation of this furore from my point of view is incorrect; the furore was present but the Senator from Montgomery and many of my other colleagues, were far removed from the center of the conflicting and disturbing emotions, and had not felt its presence and the very fact when I introduced the bill it did invite the attention of some individuals so far removed from the situation justified that action.

Let me say too, Mr. President, that in the 1937 session when I introduced this tenure bill—while I have no pride of origin or pride of creation in this bill—but I freely admit and feel it was one of the best tenure bills introduced in any state of these United States and it seems at the end of that session everybody seemed satisfied and as a rule, Mr. President, we judge law as made by results and in the ensuing period of two years we seemed to have had a fairly good result and fine interpretation by the courts, despite the fact that the School Directors Association hired high-priced lawyers to attack it, and may I say that by each opinion of the lower court and by the Appellate Court the law itself and the phraseology that is so viciously attacked was very well voiced in the opinion of those legal experts.

May I say, Mr. President, this condition existed too: naturally some of those school directors, of which the gentleman from Montgomery has no experience, became restless immediately after the passage of the bill and they organized a pressure group to atack the Tenure Bill itself and they proceeded to think up a few vicious amendments which would destroy it.

Now, Mr. President, I do not know of any real good official in the State of Pennsylvania who wants to avail himself of unnecessary powers and may I say to the Senators, so that the Senate will have knowledge of the situation, I labored under the impression this was not on a political basis and I wanted to take the school teacher and the eminent teaching profession out of politics entirely, but I might say that the Senate has never had experience of seeing school boards as I have up in my community, when they send teachers out on election days to canvass houses from door to door, and then put policemen at either side of the street because they do not even trust the school directors.

I might further say, Mr. President, the gentleman has never had experience with school directors who absolutely exact graft for appointment and graft for continuance in office and graft for supplies and that is an abuse of power which I want to correct.

I want to say, Mr. President, up in my coal region section I would be absolutely sorry for and absolutely pity a poor good looking school teacher that came in to some of these unintelligent ignoramuses, jackasses with the name of school directors, to be judged on their ability to teach.

That is far removed from the residential district in which the Senator from Mongtomery resides and he does not have any experiences of this kind; he knows nothing of the other side of it, of this pressure group of school directors, if you please, who have been coming in here constantly telling us they would be satisfied with that and satisfied with this, but there is only one thing they are satisfied with and that is to give them power over the very body and soul so that they can exact tribute from the school teachers in the State of Pennsylvania and then they will reach the point of satisfaction and saturation. These gentlemen who are interested in the school problem, those three gentlemen who jointly sponsored this bill, I wish they would come up in the coal region section and really investigate some of the things with which the teaching profession have to put up with.

Now, Mr. President, in conclusion I want to say and I want to repeat that this is an unfair bill, it is a bill that absolutely as far as we are concerned lacks courage and lacks direction. You have seen on the floor of this Senate time and time again these pressure groups attacking one single group, the poor little innocent school marm, because they have not had the courage to become powerful voting parties, an amalgamated union that might threaten someone's seat in the Senate of Pennsylvania. Let us be frank about it, Mr. President. They have gone along in a peaceful way and these gentlemen regard the school teachers as a peaceable little citizen who raise their voices timidly in protest only to subside when some school official with power puts their thumb upon them and suppresses their emotions in an un-American way.

If this bill goes through, Mr. President, I want to get up on the floor and say this is the culmination of a series of bill that savor of fascism, if you please, emigrating from the Senate of Pennsylvania; we have witnessed here bills day after day which say they shall not do this and they shall not do that and I say to the gentlemen over there who have time after time gotten up on the floor and attacked this regimentation of the administration at Washington, who have viciously attacked that and said it was wrong, said it was wrong to regiment people, said it was wrong not to let people interpret facts as they are and have now put four or five bills on record that are the worse kind of fascist legislation that has ever gone on record in Pennsylvania and if you want to keep on thumbing the timid little school teacher I say, gentlemen, it is just like going out and instead of hunting a lion or a tiger you go out and hunt a timid little rabbit because he will not kick you in the ear.

Mr. EDMONDS. Mr. President, if that is an apology from the gentleman from Luzerne I will accept it so that the matter may be closed.

Mr. SHAPIRO. Mr. President, the answer to the question put by the gentleman from Luzerne prompts another question from me to the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. With very great pleasure, Mr. President, particularly on this subject.

Mr. SHAPIRO. Mr. President, the gentleman from Montgomery said he thinks on a question affecting a new contract there is a five year limit in the bill. As I read the bill, and I should like to read it to the gentleman, page five, beginning line twenty-three it says "No employee suspended as aforesaid shall be prevented from engaging in other occupations during the period of such suspension except that a suspended employe who accepts employment as a professional employe under contract with another school district shall thereby lose his or her status for reinstatement in the district in which suspended."

It seems to me, and I would like to ask the question, whether that does not plainly mean that a six months contract taken temporarily by a teacher on suspension would prevent her from going back again to the original district and seek her contract status. Will the gentleman answer that question?

Mr. EDMONDS. Mr. President, the gentleman from Lancaster, Senator Homsher, has just reminded me the five year clause to which I referred was in the last half of the sentence and related probably to a different subject. On the question, as now presented, as I understand it the question is: is not there an immediate cessation of one contract when you take another?

Mr. SHAPIRO. That is correct, Mr. President.

Mr. EDMONDS. Should that not be, Mr. President?

Mr. SHAPIRO. No, Mr. President.

Mr. EDMONDS. Why not?

Mr. SHAPIRO. I suggest the gentleman might explain here what the gentleman from Luzerne said, that if a school teacher has an opportunity to get temporary employment she has the choice to make of getting temporary employment and staying off the relief rolls, and it is my thought that the suggestion is in the bill to make her lose her first contractual right, which would keep her on the relief rolls, because what is the use of taking a six month's contract in another district if she loses her tenure rights in the first district?

Mr. EDMONDS. Mr. President, I understand the clause says if they are employed under a new contract with another school district they shall thereby lose—

Mr. SHAPIRO. I understand, Mr. President, a contract can be made variable, I understand a contract can be made for three months, I understand that a contract in one of these vocational schools now being sanctioned by this Legislature can be made effective for a temporary period and if a teacher took that kind of a contract wouldn't she under the provisions of this bill lose her status in the original jurisdiction?

Mr. EDMONDS. Mr. President, if she has a contract in writing, as the tenure act provides, and takes a new contract with a new district, ought not she lose here status in the first district?

Mr. SHAPIRO. Mr. President, if the new contract gives her the same status as she has under the old district, yes, but under the provisions of this bill there is no assurance that the new contract she takes comes under the terms of this bill. Now she can take any kind of a contract temporarily or otherwise and be bound to lose her status in the first instance and I am quite sure that was not the intention of the framers of this bill.

Mr. EDMONDS. Well, Mr President, I would say the intent of the framers of this bill was to end this situation in which there can be two contractual statuses for one teacher. I confess I have not looked at the wording of the bill for some little time but my own feeling is the bill itself contains an adequate statement of that desire, but if the Senator from Philadelphia has any amendments, by all means let us debate them.

Mr. SHAPIRO. Mr. President, I suggest that the bill be referred back to committee so that there may be further study on this question.

Mr. EDMONDS. No, Mr. President, I do not know that I would agree to that. Why not introduce them here on the floor and let us debate them?

Mr. SHAPIRO. Mr. President, after all this bill involves contractual rights of a large group of people and I do not think it is fair that I should suggest any amendments to the bill on the floor and then have amendments which might be questioned. I think this is sufficiently important to have the committee study the question which I have raised and which the gentleman will admit he cannot at this time answer completely.

Therefore, Mr. President, I think it would be much better to allow this bill to go back to committee and give it the consideration to which it is entitled.

MOTION TO RECOMMIT BILL

Mr. SHAPIRO. I so move, Mr. President, that Senate Bill No. 207 be recommitted and I hope in view of the importance of the situation the gentlemen will join me in that motion.

On the question,

Will the Senate agree to the motion?

Mr. EDMONDS. I appreciate the suggestion of the gentleman from Philadelphia, Mr. Shapiro, but it also reminds me of the quotation: "Timeo Danaos fet dona ferenter" which means, "I fear all Greeks even when they bear gifts," and having been burnt once on that proposition I do not propose to be burnt again and personally I shall oppose the motion to recommit this bill.

Mr. SHAPIRO. Mr. President, all my life I have been objecting to being called something but never before have I been called a Greek and I think it is carrying the matter a little too far. We are still dealing with teachers and not with Greeks.

Therefore, Mr. President, I press the motion which I made.

The PRESIDENT. Is there a seconder to the motion?

Mr. SHAPIRO. I might say further, Mr. President, I do not bear any gifts nor do I bear any grudge but I do bear a sense of responsibility for passing legislation which affects a group of people who are entitled to just as much consideration as any other group and therefore I press my motion that this bill be referred back to committee, Greek or no Greek.

Mr. COLEMAN. Mr. President, I second the motion.

Mr. COX. I second the motion, Mr. President.

Mr. WOODWARD. Mr. President, I simply want to testify that I have been emotionally stirred by the speech of the gentleman from Luzerne but I think as he approached his climax he became a little more emotional and the vibrations became somewhat faulty and I missed some of the end of the speech. However, Mr. President, I understood him to say or draw a picture of a modest little timid schoolmarm and I simply stand here to say from my experience she is far from that. I have met lobbyists in my long career here and believe me the school marm lobby is one of the most formidable of all lobbies; it surpasses in my opinion the American Legion, union labor or the anthracite bootleggers and even the blind.

Mr. RUTH. Mr. President, I intend to vote against the motion to send this bill back to committee. I know, Mr. President, that motion is not debatable but there have been misstatements or misrepresentations made which I believe should be corrected at this time.

Mr. President, under the present tenure act, if a teacher gets a position in any school district whether she has a contract or not, she has to teach two years before she can

get a contract in that district because under the rating system a superintendent must rate her for two years and if she is satisfactory at the end of two years she will get a contract.

I believe Mr. President, when a teacher has taught in one district for a period of two years and is then granted a contract that naturally and morally she should release the former district from her contract. I also believe when a teacher has been on a suspended list and has not taught for five years she should not be carried along in that district, for today most of our up to date school teachers come into their classes and teach history and geography out of the current newspapers, because the textbooks which were in use last September, as far as history and geography are concerned, are out of date, and when a teacher has been out of the profession and the work for a period of five years I do not believe any teacher is fit to go back in the schoolroom and be forced upon pupils in that district and I feel, Mr. President, we should allow this bill to go through.

In 1937, when the teacher's tenure act was passed, I doubt if there was any one member of this Senate, outside of the gentleman from Luzerne who did more and was most earnest in seeing that the teachers got a fair share in this tenure act than I was.

I might say, Mr. President, I was chairman of the Committee on Education at that time and I still believe in the tenure act, but as a school director for more than twenty years I have seen some of the bad features that have come about because of that tenure act and I shall do all in my power to help to correct the tenure act so that it will be fair to both sides. I feel this bill should stay on the floor.

Mr. MUNDY Mr. President, in answer to the statement of the Senator from Philadelphia, I want to say it was a wonderful provision on the part of the Lord to plan it so we do not all see the same thing in the same way. If it were not for this provision every one of us would picture some particular woman as being the most beautiful which would mean we would all wind up by wanting to marry the same woman.

In conclusion, Mr. President, I might join with the fly, which after having settled on a window pane and then flew away, and said, "that could be viewed from both sides."

Mr. EDMONDS. Mr. President, I might suggest before consideration is taken on the motion that this bill be recommitted, that in the Republican Caucus we agreed that this bill should go over in its order, so that there might be ample opportunity to study it. We are perfectly willing to permit the bill to go over in its order if the gentleman from Philadelphia will withdraw his motion and save the time of taking a roll call.

MOTION WITHDRAWN

Mr. SHAPIRO. Yes, certainly, Mr. President; I withdraw the motion to recommit this bill and I will be glad to have the bill go over in its order.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 207, Printer's No. 217, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

The motion was agreed to.

MOTION TO RECOMMIT BILL

Mr. COLEMAN. Mr. President, I move that Senate Bill No. 218, on second reading, entitled:

An Act to amend section three hundred and six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth, regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for fixing the number and compensation of employes of institution districts; and conferring powers and imposing duties on county officers

be recommitted to the Committee on County Government for the purpose of further study.

Mr. COX. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BARTLETT. Mr. President, I object to the motion.

The PRESIDENT. So that the Chair understands the question properly, the Senator from Lackawanna moved that Senate Bill No. 218 be recommitted to the Committee on County Government and the Senator from Northampton objected. A motion has been made to recommit this bill; is that correct?

Mr. BARTLETT. Mr. President, I objected to the motion of the gentleman from Lackawanna. I believe this bill is entitled to a fair hearing and I call for a roll call on the motion.

The yeas and nays were required by Mr. BARTLETT and were as follows, viz:

YEAS—15

Barr,	DiSilvestro,	Lanius,	Ruth,
Coleman,	Frey,	McCreesh,	Shapiro,
Cox,	Haluska,	McQuiddy,	Stiefel,
Dent,	Jaspan,	Mundy,	

NAYS—32

Bartlett,	Edmonds,	Mallery,	Tyler,
Becker,	Farrell,	Miller,	Wade,
Carr,	Geltz,	Reed,	Walke.,
Cavalcante,	Heyburn,	Snowden,	Watkins,
Chapman,	Homsher,	Stevenson,	Wilson, H. I.,
Crider,	James,	Tallman,	Wilson, T. B.,
Crowe,	Kephart,	Taylor,	Woodward,
Ealy,	Letzler,	Thomas,	Ziesenheim,

So the question was determined in the negative.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 218, entitled:

An Act to amend section three hundred and six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institutions districts and on the Commonwealth, regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for fixing the number and compensation of employes of institution districts; and conferring powers and imposing duties on county officers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. TALLMAN. Mr. President, I move that Senate Bill No. 221, on second reading, entitled:

An Act fixing the salaries of controllers of the several counties, except counties of the first and second class, wherein said office has been or hereafter may be established.

be recommitted to the Committee on County Government for the purpose of further study.

Mr. COLEMAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 223, entitled:

An Act to amend section four of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws, prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," changing the effective date of laws affecting budgets of political subdivisions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 224, entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 241, entitled:

An Act to further amend section two thousand six hundred and four of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the audit of accounts of fourth class school districts by the borough or township controller or auditors.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 294, (House Bill No. 481), entitled:

An Act to amend sections eighteen and nineteen of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," requiring the filing of local ordinances rules and regulations with the Dairy Advisory Council; re-

quiring local ordinances rules and regulations in certain cases to be consistent requiring inspectors employed by municipalities to be approved inspectors, eliminating the power of the Advisory Health Board to make rules and regulations, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon and providing for appeals to the Court of Common Pleas of Dauphin County.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 13, after the word "by" and before the word "conflicting," by taking out the words "inconsistent or" and inserting in lieu thereof the following words: "the application of"; Amend Section 1, page 3, line 14, after the word "regulations" and before the word "the", by taking out the word "of" and inserting in lieu thereof the word: "or"; Amend Section 1, page 3, line 15, after the word "thereof" and before the word "the", by inserting the following words: "with regard to physical conditions of dairy farms or milk plants including structures and equipment thereon"; Amend Section 1, page 3, line 16, after the word "with" and before the word "and", by inserting the following words: "to properly protect the public health"; Amend Section 1, page 4, line 27, after the word "employed" and before the word "by", by inserting the following words: "and paid"; Amend Section 1, page 6, line 13, after the word "County" and before the word "No", by inserting the following words: "or of the County in which such person resides or has his principal place of business".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. KEPHART. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title, page 2, lines 7 and 8 of the title, by taking out after the word "Pleas" the following words: "of Dauphin County".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

BILL OVER IN ORDER

Mr. KEPHART. Mr. President, I move that Senate Bill No. 294, go over in its order, as amended, before passing second reading.

MOTION TO RECOMMIT BILL

Mr. COLEMAN. Mr. President, I move that Senate Bill No. 294 be recommitted to the Committee on Agriculture.

Mr. SHAPIRO. Mr. President, I think the motion of the gentleman from Lackawanna is made as an objection to the motion that the bill go over in its order. I ask for a roll call on that motion.

The PRESIDENT. The gentleman from Philadelphia, Mr. Kephart, requested that the bill go over in its order.

What was the motion of the gentleman from Lackawanna?

Mr. COLEMAN. Mr. President, I desire to have the bill recommitted to the Committee on Agriculture.

Mr. COX. I second the motion of the gentleman from Lackawanna, Mr. President.

POINT OF ORDER

Mr. KEPHART. I rise on a point of order, Mr. President.

The PRESIDENT. The gentleman from Philadelphia will state his point of order.

Mr. KEPHART. Mr. President, I believe my motion that this bill go over in its order takes precedence over the motion of the gentleman from Lackawanna.

The PRESIDENT. That is correct.

Mr. SHAPIRO. Then, in that event, Mr. President, I shall call up Senate Bill No. 294. What is the difference? We are not getting anywhere and I think we might as well act on the motion.

The PRESIDENT. The question before the Senate now is on the motion of the Senator from Philadelphia, Mr. Kephart, to which the Chair heard no seconder.

Mr. BARTLETT. I second the motion, Mr. President.

The PRESIDENT. The motion is that Senate Bill No. 294 go over in its order. Is there objection?

Mr. COLEMAN. I ask that roll be called, Mr. President.

The yeas and nays were required by Mr. COLEMAN and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Mallery,	Tyler,
Becker,	Geltz,	Miller,	Wade,
Carr,	Haluska,	Ruth,	Walker,
Chapman,	Heyburn,	Snowden,	Watkins,
Crider,	Homsher,	Stevenson,	Wilson, H. I.,
Crowe,	James,	Tallman,	Wilson, T. B.,
DiSilvestro,	Kephart,	Taylor,	Woodward,
Ealy,	Letzler,	Thomas,	Ziesenheim,
Edmonds,			

NAYS—14

Barr,	Dent,	McCreesh,	Reed,
Cavalcante,	Frey,	McQuiddy,	Shapiro,
Coleman,	Jaspan,	Mundy,	Stiefel,
Cox,	Lanius,		

So the question was determined in the affirmative.

The PRESIDENT. The motion prevails and the bill goes over in its order.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 296, entitled:

An Act to re-enact and amend the title and act approved the twenty-fourth day of June, one thousand nine hundred thirty-nine, (P. L. 748), entitled "For the registration and

regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," providing for the regulation and registration of persons and entities engaged in the business of investment advisers, and for the revocation and suspension of such registrations; conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 18, line 3 by inserting before the word "or" the word: "solicitor"; amend Section 1, page 19, line 8 by inserting before the word "or" the word: "solicitor"; amend Section 1, page 20, line 12 by inserting after the word "days" the following: "after receipt of the application"; amend Section 1, page 20, line 13 by striking out the words "after the receipt of the"; amend Section 1, page 20, line 14 by striking out the word "application" at the beginning of the line; amend Section 1, page 24, line 26 by striking out the word "of" and inserting in lieu thereof the word: "or"; amend Section 1, page 36, line 8 by striking out the word "or" after the word "dealer"; amend Section 1, page 36, line 17 by inserting heavy faced brackets before and after the word "in" before the word "brief" thus "[in]"; amend Section 1, page 41, line 19 by striking out the word "an" before the word "investment"; amend Section 1, page 42, line 24 by inserting before the word "without" the following: "or solicitor"; amend Section 1, page 51, line 1 by inserting after the word "advisers" the following: "and solicitors".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections were read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. EDMONDS. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title, page 2, line 8 by inserting after the word "advisers" the following: "and of solicitors of investment advisers".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

BILL RECOMMITTED

Mr. EDMONDS. Mr. President, I move that Senate Bill No. 296, be recommitted to the Committee on Banking, for the purpose of further study.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Mr. EDMONDS. I might say, Mr. President, when this bill came out of Committee it was understood we would perfect the English as much as we could, with these corrections, and then send it back to the Committee on Banking for further consideration.

SENATE BILL No. 294 CALLED UP FOR ACTION

Mr. SHAPIRO. Mr. President, I call up for consideration Senate Bill No. 294, (House Bill No. 481), on page twelve of today's calendar, which just went over in its order. Some business having been transacted, my motion to call it up is now in order.

Mr. COLEMAN. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion.

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 294, (House Bill No. 481), entitled:

An Act to amend sections eighteen and nineteen of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties," requiring the filing of local ordinances, rules and regulations with the Dairy Advisory Council; requiring local ordinances, rules and regulations in certain cases to be consistent requiring inspectors employed by municipalities to be approved inspectors, eliminating the power of the Advisory Health Board to make rules and regulations, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon and providing for appeals to the Court of Common Pleas of Dauphin County.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

MOTION TO RECOMMIT BILL

Mr. COLEMAN. Mr. President, I move that Senate Bill No. 294, (House Bill No. 481), be recommitted to the Committee on Agriculture.

Mr. COX. I second the motion, Mr. President.

Mr. SHAPIRO. I second the motion, Mr. President.

Mr. SHAPIRO. Mr. President, I should like to state my reasons for asking that this bill go back, and they are very brief. This bill has been amended and reamended on several occasions and it now looks no more like the child we prepared here in the first instance than does Senator Chapman's grandchild look mine and I therefore think it ought to be referred back to the Committee for further study.

Mr. KEPHART. Mr. President, I do not think the Senator from Philadelphia, Mr. Shapiro, prepared any bill in the first instance in this Senate

Mr. CAVALCANTE. Mr. President, it is my frank opinion that the bill ought to remain on this Senate floor. This bill has been amended so many times that it is not even funny, as we popularly say, and this bill now ought to remain on the Senate Calendar.

We ought to pass it because in its present state it is absolutely certain the House will never concur in any amendments we have made and when they refuse to concur that will throw it into a conference committee and you will then get some kind of a bill. but if you keep on sending it back to committee you will never get to the point of a conference committee. I honestly and sincerely believe we ought to keep this bill on the Senate floor and pass it with any kind of amendments, because the House will never concur in them and then the bill will be ready for a conference committee where it will finally be moulded into whatever kind of child of whatever particular race or religious sect they want to make of it.

Mr. SHAPIRO. Mr. President, I would like to call attion of the members of this Senate that there are some limitations upon the powers of a conference committee and that a conference committee can not mould this bill into a new bill and can not change the sense of the Senate amendments. There may be some amendments in this bill when it gets to a conference committee, and I am not ready to answer just what are the limitations of a conference committee that will preclude the conference committee from acting on any kind of a bill, but I do not believe in the procedure of just putting amendments into a bill for the purpose of throwing it into conference. I do not agree with that kind of legislative action and therefore I think now that this bill has been amended, I hope for the last time unless somebody else inspires the gentleman from Philadelphia with another set of amendments, I think we ought to take it back to committee, look at it, discuss it and see what it is we are acting on. I do not believe we can act on it intelligently in one day's time, to have a bill amended today and consider it again tomorrow. I know the votes are going to be against me but I am making a record of my position on this bill.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. COLEMAN and Mr. SHAPIRO and were as follows, viz:

YEAS—8

Barr,	Cox,	McCreesh,	Shapiro,
Coleman,	Frey,	Mundy,	Stiefel,

NAYS—39

Bartlett,	Edmonds,	Letzler,	Thomas,
Becker,	Farrell,	Mallery,	Tyler,
Carr,	Geltz,	McQuiddy,	Wade,
Cavalcante,	Haluska,	Miller,	Walker,
Chapman,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Deitrick,	Jaspan,	Stevenson,	Woodward,
DiSilvestro,	Kephart,	Tallman,	Ziesenhelm,
Ealy,	Lanius,	Taylor,	

So the question was determined in the negative.

BILLS OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 294, (House Bill No. 481), on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 316, on second reading, entitled:

An Act to amend clause (b) of section five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergenry Relief Board," by providing that the judge of the court of common pleas, the president of the board of county commissioners, and the coroner shall constitute the county board of assistance in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 345, entitled:

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualifications, jurisdiction, powers and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 352 entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fourth and fifth classes; imposing certain charges on counties, and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 413, (House Bill No. 692), entitled:

An Act to amend clauses (k) and (l), and to add clause (n) to section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers College; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the leasing of Indiantown Gap Military Reservation to the United States.

On the question,

Will the Senate agree to the bill on second reading?

Mr. SHAPIRO. Mr. President, some time ago there was some amendments offered to this bill and I objected then on the ground that they changed the original purpose of the bill. I am informed the purpose of amending this bill is to conform with the procedure which we have established some years ago, to take all amendments to the codes and treat them in one bill and while it is true that it may be somewhat confusing as a matter of legislative procedure, I think it has been established to be a better way of handling the bills.

OBJECTION TO AMENDMENTS WITHDRAWN

Mr. SHAPIRO. Therefore, Mr. President, I withdraw my objection to the amendments introduced several days ago, which are now on the table but suggest however, that this bill be held until all of the amendments to the code—well, I am informed these are all the amendments to be prepared to the code—and therefore we can take them up at one time. I therefore withdraw the objection and I think the amendments should be offered.

QUESTION OF PARLIAMENTARY INFORMATION

Mr. CAVALCANTE. Mr. President I rise on a matter of parliamentary inquiry.

The PRESIDENT. The gentleman from Fayette will state his query.

Mr. CAVALCANTE. Do we now have before us Senate Bill No. 413, Printer's No. 101?

The PRESIDENT. That is correct.

Mr. CAVALCANTE. The copy of that bill, Printer's No. 101, on my desk, Mr. President, does not contain the amendments proposed.

The PRESIDENT. That is correct. A point of order was raised by the gentleman from Philadelphia several days ago and the amendments lay on the table pending a decision by the Chair on that point of order. Now the gentleman from Philadelphia has withdrawn that objection and the amendments have just been taken from the table.

AMENDMENTS TAKEN FORM TABLE AND ADOPTED

Mr. GELTZ. Mr. President, I move that the amendments proposed to Senate Bill No. 413, Printer's No. 101, be taken from the table and given immediate consideration.

Mr. EALY. I second the motion, Mr. President.

It was agreed to.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I desire to offer amendments, taken from the table.

The Clerk read the amendments as follows: amend section 1, page 2, line 1 by striking out at the end of the line, with boldface brackets, the following: "[Clause (k) of section two thousand four]"; amend section 1, page 2, line 2 by striking out at the beginning of the line, with boldface brackets, the following: "[hundred two]"; and inserting in lieu thereof the following: "Section five hundred fourteen"; amend section 1, page 3, line 8 by striking out at the end of the line, with boldface brackets, the following: "[added by the act approved the twenty-first]"; and inserting in lieu thereof the following: "last amended by the act approved the twenty-second day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred forty-one) and the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws seven hundred ninety-one) is hereby further amended to read as follows:"

Section 514. Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Comonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place upon in or over any dry or submerged land or bridge of or maintained by the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or if such line is necessary for the service of [persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line] the public and it is necessary or reasonably required to cross the Commonwealth's land to afford such service or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line. Every such license shall be revocable for reasonable cause upon six months' written notice by the Commonwealth and [upon] also after like notice for violation of such [other] proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe when the license issues [and unless] Unless any such line is primarily for the benefit of a State building or State institution the license shall provide for the payment to the Commonwealth of compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

But nothing herein contained shall authorize the Commonwealth to impose and collect from any municipality or township any compensation for a license granted to such municipality or township for the running of a public service line over any such bridge

This section shall be deemed the exclusive system for the granting of licenses consents and permits to place public service lines upon in or over any dry or submerged lands of the Commonwealth In the case of submerged lands such licenses shall be granted only by the Water and Power Resources Board and the permit shall prescribe such terms and conditions as shall be deemed necessary by the board to protect the interests of the public In the case of dry lands licenses shall be issued by the department board or commission having the management of such lands

(b) Any department board or commission having control over lands of the Commonwealth underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonwealth Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

(c) Any department board or commission having control over any water supply serving any State institution or sanitorium may with the approval of the Governor permit and authorize the public authorities of any political subdivision to which no other source of supply is available under suitable regulations to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanitorium and may impose reasonable charges payable periodically by such political subdivision for the water so furnished. All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue

(d) In the event that the facilities of any corporation heretofore created under the act, approved the twenty-ninth day of April one thousand eight hundred seventy-four (Pamphlet Laws seventy-three) section two clause eleven as amended by the act approved the eighth day of May one thousand eight hundred eighty-nine (Pamphlet Laws one hundred thirty-six) are located by virtue of a permanent easement right of way upon across over under or along lands of the Commonwealth which lands were acquired by it subject to such easement or right of way and in the interest of National Defense such corporation consents or is required to remove or dispose of such facilities and abandon such easement or right of way any department board or commission having control over such lands of the Commonwealth may with the approval of the Governor and upon the surrender to the Commonwealth of the easement or right of way pertaining to such facilities grant to such corporation a permanent easement or right of way upon across over under or along other lands of the Commonwealth in the same locality Every such department board or commission is hereby authorized and empowered to execute and deliver and to receive deeds or other legal instruments necessary to effectuate such grant and surrender which deeds or instruments shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

Section 2 Paragraph (j) of section seven hundred one of the said act which was added to said section by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1865) is hereby amended to read as follows:

Section 701 The Governor The Governor shall have the power and it shall be his duty:

* * * * *

(j) To grant to pilots, engaged in [the] aeronautical work [of the Department of Revenue] under the provisions of The Aeronautical Code of May twenty-five one thousand nine hundred thirty-three (P. L. 1001) and its amendments commissions of such grades as the Governor may prescribe

Section 3 Paragraph (f) of section one thousand three hundred nine of the said act is hereby amended to read as follows:

Section 1309 Pennsylvania Historical Commission Subject to any inconsistent provisions of this act contained the Pennsylvania Historical Commission shall have the power:

* * * * *

(f) To assume the preservation care and maintenance of historical buildings grounds monuments or antiquities committed to its custody by the General Assembly and to make and enforce rules and regulations for the visitation of such places by the public and at its discretion to charge admission fees therefor such fees to be paid into the State Treasury through the Department of Revenue and credited to the General Fund.

Amend section 1, page 3, by adding between lines 8 and 9 the following:

Section 4 Paragraph (a) of section two thousand four hundred two of the said act as amended by the act approved the sixteenth day of May one thousand nine hundred forty (Act No. 7) is hereby further amended to read as follows paragraph (i) of said section is hereby amended to read as follows paragraph (k) of said section as added by the act approved the twenty-first

Amend section 1, page 3, line 11 by striking out after the following "lows:" and before "(1)" the word: "[clause]" and inserting in lieu thereof the word: "paragraph"; amend section 1, page 3, line 15 by striking out after the word "new" and before the word "to" the word: "[clause]" and inserting in lieu thereof the word: "paragraph"; amend section 1, page 3, by inserting between lines 19 and 20 the following:

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol Building and the public grounds and buildings connected with the State Capitol including the State Arsenal any building or buildings that may have been devised or may hereafter be devised to the Commonwealth within the City of Harrisburg the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and the Executive Mansion and to make or supervise the making of all repairs alterations and improvements in and about such grounds and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided.

* * * * *

(i) To rent to individuals, firms, or corporations or the Government of the United States or any branch or agency thereof such real estate owned by the Commonwealth as is not being used in connection with the work of any department board or commission thereof upon such terms and conditions as the Secretary of Property and Supplies may prescribe with the approved of the Governor in writing Provided however That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year.

Amend section 1, page 4 by inserting between lines 8 and 9 the following:

Section 5 Article five of the said act is hereby amended by adding at the end thereof a new section to be known

as section five hundred twenty-five and to read as follows:

Section 525 Any administrative department board or commission may with the approval of the Executive Board have micro film records made of any correspondence records or other papers for the purpose of protecting and safeguarding the original correspondence records or other papers or for the purpose of conserving filing space and such micro film reproduction shall when properly identified be admitted in evidence in any proceedings in place of the original correspondence records or other papers.

Section 6 All acts or parts of acts inconsistent herewith are hereby repealed.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend section 2, page 4, line 9 by striking out after the word "Section" and before the word "The" the figure: "[2]" and inserting in lieu thereof the figure "7".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read,

On the question,

Will the Senate agree to the title?

Mr. MILLER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend page 1, line 1 of the title, by striking out at the end of the line, with boldface brackets, the following: "[clauses (k) and (l) and to add clause (n)]"; amend page 2, line 2 of the title, by striking out at the beginning of the line, with boldface brackets, the following: "[to section two thousand four hundred two of]"; amend page 2, line 9 of the title, by inserting after the word "determined'" and before the word "authorizing" the following: "as amended by making further provision for the granting of easements or rights-of-way upon across over under or along lands and waters of the Commonwealth making further provision for the granting of commissions to certain air pilots authorizing the Pennsylvania Historical Commission to charge certain admission fees conferring power upon the Department of Property and Supplies to control and supervise certain buildings devised to the Commonwealth authorizing the micro filming of records in the various administrative departments boards or commissions and"; amend page 2, line 10 of the title, by inserting after the word "Reservation" and before the word "to" the following: "and certain other real estate of the Commonwealth".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. MILLER. Mr. President, on behalf of Senator Mundy and myself, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. MILLER and MUNDY read in place and presented to the Chair Senate Bill No. 828, entitled:

An Act authorizing and directing the Department of Highways to erect, construct, and maintain a free bridge over the Susquehanna River connecting the city of Wilkes-Barre and the borough of Kingston in the County of Luzerne; and to provide the necessary approaches and connections with state highways; providing for the acceptance of Federal aid; empowering counties to pay certain damages and making an appropriation.

Which was committed to the Committee on Highways.

RESOLUTION MEMORIALIZING PHILADELPHIA COUNCIL TO INVESTIGATE CIVIL SERVICE COMMISSION

Mr. SHAPIRO and Mr. WOODWARD offered the following resolution which was twice read.

In the Senate, May 6, 1941.

Whereas, The evidence produced during the recent trial in the Courts of Philadelphia of criminal charges against a member and a former member of the Civil Service Commission of the City of Philadelphia revealed that irregularities existed in the work of the Commission; and

Whereas, The public criticism of the action of the court in discharging the defendants in that case on the grounds that the civil service lists were illegally made up and the evidence produced at the trial and the discussion of the circumstances surrounding the case in the public press has convinced the public that a borough investigation should be made of the Civil Service Commission, its staff and the administration of the system; and

Whereas, The members of the Commission being appointees of the Council of the City of Philadelphia and not employes or officers of the Commonwealth, such investigation should not be made at this time by the Commonwealth unless action is not taken by the authorities of the City of Philadelphia; therefore be it

Resolved, That the Council of the City of Philadelphia is hereby requested to at once investigate or appoint a competent committee of its members or of citizens of Philadelphia to investigate the conduct of the Civil Service Commission of the said city, its staff and the administration by the Commission of the system of examinations and appointments thereunder.

Mr. SHAPIRO. Mr. President, I want to say on behalf of myself and my colleague from Philadelphia, Dr. Woodward, this is an important matter, and we think the City of Philadelphia should be given an opportunity to clear its own household. If it does not, then it may be proper for us to act.

MOTION TO SUSPEND RULE 39

Messrs. SHAPIRO and WOODWARD, Mr. President, asked unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on Municipal Government.

ERRATUM

Mr. STIEFEL. Mr. President, I should like to have corrected a reference appearing in the Legislative Journal, page 1571, April 22, 1941, pertaining to my definition of the word "gerrymander." Instead of spelling the word "gerrymander" it was spelled "j-e-r-r-y-m-a-n-d-e-r". I want to correct it so that it is spelled with a "g."

The PRESIDENT. The correction will be noted.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 4:30 o'clock, p m., E. S. T.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President I ask unanimous consent that Senate Bill No. 445, on second reading, entitled:

An Act to amend section one thousand one hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claim against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating the making of resettlements by the Department of Revenue

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President I ask unanimous consent that Senate Bill No. 446, on second reading, entitled:

An Act to amend section six of the act, approved the sixteenth day of May, one thousand nine hundred and thirty-five (P. L. 208), entitled, as amended "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," authorizing the Department of Revenue to grant an additional extension of time for the filing of reports under the provisions of said act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 464 on second reading, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051) entitled, "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repeaing laws relating to Mothers' Assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by changing the residence requirement for general assistance

be recommitted to the Committee on Welfare, Public Assistance and Pensions for the purpose of further study.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 489, entitled:

An Act authorizing the Department of Property and Supplies to acquire by gift from the Pennsylvania State College, on behalf of the Commonwealth of Pennsylvania, that certain tract of land in Northumberland Borough, County of Northumberland, upon which is located the home of Joseph Priestley, and now the property of the Pennsylvania State College; providing for the control, management and maintenance thereof by the said department and the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to accept in trust from the American Chemical Society and other interested societies or individuals, such moneys as they may see fit to present to the Commonwealth to assist in the maintenance and development of this property as a permanent memorial; authorizing the Pennsylvania Historical Commission to accept as gifts or loan, such books, manuscripts, pamphlets, relics and furniture as interested societies or individuals may provide for the permanent utilization of the property as a museum of science; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 489, the bill just read, be recommitted to the Committee on Appropriations.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 494, (House Bill No. 325) on second reading, entitled:

An Act authorizing boards of school directors to permit the use of vehicles used for transportation of pupils, for educational trips and other school activities

be recommitted to the Committee on Education.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 502, (House Bill No. 895) on second reading, entitled:

An Act to authorize counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts, to file tax and municipal claims, not filed within the time specified by law and to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 514, entitled:

An Act to further amend subsection (b) of section eight hundred one of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay licenses fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further prescribing the time within which the Department of Revenue shall make settlements of taxes and bonus due the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 539, (House Bill No. 646), entitled:

An Act establishing certain public roads and streets as a State highway, and providing for their construction, reconstruction and maintenance by the Department of Highways, subject to certain terms and conditions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 545, on second reading, entitled:

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth

go over in its order for the purpose of amendment.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 551, entitled:

An Act to amend route 25008 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 552, entitled:

An Act to abolish and repeal route 25008 in Girard Township, Erie County, established by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 554 on second reading, entitled:

An Act to amend section two and clause (b) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by redefining assistance and eliminating the requirements that fresh fluid milk shall be furnished to relief recipients, or their children

be recommitted to the Committee on Public Health.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 555, on second reading, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief of; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 557, entitled:

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations, and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 563, entitled:

An Act to add section four hundred four and one-tenth to article four of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," directing the board to issue liquor licenses to holders of retail dispensers' licenses upon payment of fee and furnishing of bond; and providing that the issuance of liquor licenses in such cases shall not be prevented by any laws limiting the number of such licenses to be granted by the board.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 574, entitled:

An Act to amend section twenty of the act approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, bee keeping, horticulture, and other allied occupations; and providing penalties," by limiting exemptions of and by further exempting certain classes of associations formed under such act from State, county and municipal taxation, and from the duty of filing certain tax reports with State, county or municipal agencies.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President. I ask unanimous consent that Senate Bill No. 613, (House Bill No. 1084), on second reading, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 649, (House Bill No. 971), on second reading, entitled:

An Act to further amend sections fifteen and fifteen and three-tenths, and to repeal sections fifteen and one-tenth and fifteen and two-tenths, of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing for the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in certain cases, reviving, validating, preserving and extending liens

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 652, (House Bill No. 1098) on second reading, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 682, (House Bill No. 1187) on second reading, entitled:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania, Quarantine Station property, and ceding to the United States jurisdiction over said land.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 706, (House Bill No. 1021) on second reading, entitled:

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 714, on second reading, entitled:

An Act to further amend section fifteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to livestock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by providing for the return of a portion of moneys received for licenses to the counties for use by Societies for the Prevention of Cruelty to Animals and specifically appropriating the same for such purpose

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION TO RECONSIDER ACTION OF SENATE IN RECOMMITTING BILL

Mr. COLEMAN. Mr. President, I move that the action of the Senate be reconsidered whereby Senate Bill No. 554 was recomitted to the Committe on Public Health.

Mr. COX. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. COX. Mr. President, the Chair is performing his work so diligently that this slipped by me without having an opportunity at the time to state my opposition to the bill.

I feel personally, and I know the gentleman from Lackawanna joins with me and many more colleagues in the Senate, that the provision in connection with relief recipients is improper and I would like to be in a posistion to wipe that provision out. We of course do not know what the purpose of the gentleman on the right is in sending the bill back to committee but we want to be in a position, as far as the record is concerned, to show our protests against this procedure against this motion to recommit the bill.

Mr. GELTZ. Mr. President, I object to the motion and ask that the roll be called.

The yeas and nays were required by Mr. GELTZ and were as follows, viz:

YEAS—13

Barr,	Cox,	McCreesh,	Ruth,
Bartlett,	DiSilvestro,	McQuiddy,	Stiefel,
Cavalcante,	Jaspan,	Reed,	Walker,
Coleman,			

NAYS—28

Becker,	Edmonds,	Kephart,	Thomas,
Carr,	Farrell,	Letzler,	Tyler,
Chapman,	Geltz,	Mallery,	Wade,
Crider,	Haluska,	Snowden,	Watkins,
Crowe,	Heyburn,	Stevenson,	Wilson, H. I.,
Deitrick,	Homsher,	Tallman,	Wilson, T. B.,
Ealy,	James,	Taylor,	Woodward,

So the question was determined in the negative.

POINT OF PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. President, I rise on a point of parliamentary inquiry.

The PRESIDENT. The gentleman from Lackawanna will state his question.

Mr. COLEMAN. Mr. President, I understand the result of this action is that the bill remains committed?

The PRESIDENT. That is correct.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 177, entitled:

An Act regulating and limiting the rights of slayers in real ad personal property and in the benefits from insurance policies, arising out of or as a result of the death of the person slain; protecting and saving the rights of purchasers and insurers dealing with slayers without notice of the slaying, and repealing certain legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 282, entitled:

An Act to further amend section one of the act, approved the eleventh day of April, one thousand nine hundred and thirteen (P. L. 58), entitled "An act supplementary to an act, entitled 'An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof,' approved the eleventh day of March, Anno Domini one thousand nine hundred and nine; providing for the denaturing by kerosene of all eggs unfit for food, within the meaning of said act; and providing penalties for the violation thereof," providing for the licensing by the Department of Agriculture of persons, copartnerships, associations and corporations, engaged in the business of breaking eggs and separating the egg content from the shell and using or disposing of the contents thereof for any purpose; authorizing the Department of Agriculture and its agents and assistants and local public health enforcement agencies to take samples of eggs for the purpose of analysis; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 283, entitled:

An Act to further amend section three, and to amend sections four, five and six of the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," by further regulating sale of incubator eggs; modifying penalties; conferring powers on citizens and public health enforcement agencies of the Commonwealth; and conferring powers and duties on the Department of Agriculture.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 339, (House Bill No. 475), entitled:

An Act to further amend section seven of the act, approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred twelve), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," as amended, to extend the original jurisdiction of the Superior Court to include mandamus and prohibition in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, May 7, 1941 at 10:30 o'clock, a. m. Eastern Standard Time.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:16 p. m. Eastern Standard Time until Wednesday, May 7, 1941, at 10:30 o'clock, a. m. Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, May 6, 1941

The House met at 1:30 p. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Dear God, increase our faith. Help us to believe that faith is the victory that overcomes the world. Help us to see that it is the men and women of faith who have done most for the world. Warm our hearts toward those who have lived for duty rather than desire, and may we never set up idols of worldly achievement that shall lead astray those of thy children who are weak. Keep us and our loved ones ever close to Thee, our Heavenly Father, we pray in the name of Christ, Thy Son. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. RAUSCH, unanimously agreed to, the further reading was dispensed with and the Journal approved.

The SPEAKER. The Chair would inquire of the gentleman from Delaware where his carnation is today.

Mr. TURNER. Mr. Speaker, there comes a time in the day's occupation, the children's hour, and this one of the times I must plead guilty of childishly having forgotten my flower this morning and left it on the drainboard in the kitchen.

Mr. Speaker, I was undecided as to whether I should buy a fresh flower, or return to my apartment for the one I forgot. I decided to do neither, because I thought some one would ask just that question.

The SPEAKER. The Chair does not have a white carnation, but he would like to present the gentleman from Delaware with a red rose.

Mr. TURNER. Mr. Speaker, I suppose every man in his life time is entitled to one whim. I have always worn the white carnation for purity. Today I will walk in grace and put a little dash of red on.

The SPEAKER. That is the Democratic way, the red rose for hope.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. GERARD for himself for the remainder of the week after today's session.

Mr. Weingartner for Mr. SORG for today's session on account of illness.

Mr. Cordier for Mr. KNOBLE for the remainder of the week on account of illness.

Mr. TURNER for himself for the remainder of the week because of court engagements.

BILLS INTRODUCED AND REFERRED

By Messrs. McINTOSH and BAUGHER.

HOUSE BILL No. 1482.

An Act to amend section four hundred eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations, or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connections with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by imposing additional limitations on public utilities where a bona fide cooperative corporation has been organized to furnish light or power service in a given area to its stockholders or members.

Referred to the Committee on Public Utilities.

By Mr. PROSEN. HOUSE BILL No. 1483.

An Act to repeal the act approved the sixteenth day of January, one thousand seven hundred and ninety-nine (Sm. Laws, page 338), entitled "An act to declare Frankford creek, a public highway."

Referred to the Committee on Highways.

By Mr. MARKS. HOUSE BILL No. 1484.

An Act to amend section one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the

United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by extending provisions to include provisional employes of the Commonwealth of Pennsylvania in its civil service.

Referred to the Committee on State Government.

By Messrs. NAGEL and GATES.
HOUSE BILL No. 1485.

A Joint Resolution proposing an amendment to section four of article two of the Constitution of the Commonwealth of Pennsylvania, prescribing procedure to be followed at regular sessions of the General Assembly and the publication of legislative histories thereat.

Referred to the Committee on Constitutional Amendments.

By Mr. HAMILTON. HOUSE BILL No. 1486.

An Act providing for the tenure of members of the faculty and teaching staffs of state-aided educational institutions as herein defined and providing procedure for dismissal, demotion, or suspension in such institutions.

Referred to the Committee on State Government.

By Messrs. LOVETT and PETROSKY.
HOUSE BILL No. 1487.

An Act providing for the construction and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission, of a Bushy Run Museum Building on land owned by the Commonwealth in Westmoreland County; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. SKALE. HOUSE BILL No. 1488.

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States, under licenses or registrations issued by the Department of Public Instruction and the Department of Insurance to practice professions or to work at trades or occupations; and providing for renewals after discharge from such service.

Referred to the Committee on State Government.

By Mr. BAUGHER. HOUSE BILL No. 1489.

An Act to amend sections six, eleven, twelve, sixteen and twenty-one of the act, approved the twenty-first day of April, one thousand nine hundred and thirty-seven (P. L. 318), entitled "An act relating to the protection of agriculture and horticulture, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or products thereof, from plant pests; and revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties; and repealing present laws," further regulating the business of dealing in, and the transportation and sale of nursery stock coming from without the Commonwealth.

Referred to the Committee on Agriculture.

By Mr. BRETH. HOUSE BILL No. 1490.

An Act authorizing the tax assessment records of lands, buildings and minerals be admissible as evidence in any action of law or equity where damages are claimed.

Referred to the Committee on Judiciary Special.

By Mr. JAMES. HOUSE BILL No. 1491.

An Act to amend clauses (a) and (b) of section three of the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1198), entitled "An act relating to employes and organizations thereof; defining labor disputes; prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes, and the scope thereof; declaring certain undertakings and promises between employers and employes contrary to public policy and void; prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associations; prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions; prescribing the procedure in case of appeal from granting injunctions; limiting the duration of temporary and permanent injunctions in case of labor disputes; and providing for the payment of costs; and repealing all acts or parts of acts inconsistent herewith," redefining the circumstances when a case shall be held to involve a labor dispute and when a person or association shall be held to be participating or interested in a labor dispute.

Referred to the Committee on Labor.

By Messrs. BALTHASER and PAUL A. BRUNNER.
HOUSE BILL No. 1492.

An Act to encourage the protection and development of forest resources in the Commonwealth in the interest of the owner and general public; providing for the creation of various local advisory committees by the Secretary of Forests and Waters, and the establishing of minimum standards of forest practice and regulation, which, upon approval by the Governor and the Forest Commission shall have the force of law.

Referred to the Committee on Forestry.

By Messrs. READINGER and HAINES.
HOUSE BILL No. 1493.

An Act to amend the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes; employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time or war or contemplated war; prohibiting the removal from their offices or employments or such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by providing for the payment into the State Employes' Retirement Fund of certain amounts of the salaries or wages of such officers or employes under certain circumstances.

Referred to the Committee on State Government.

By Messrs. READINGER and HAINES.

HOUSE BILL No. 1494.

A supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), as amended, entitled, "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties."

Referred to the Committee on State Government.

By Messrs. READINGER and HAINES.

HOUSE BILL No. 1495.

A supplement to the act approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (P. L. 2423), as amended, entitled, "An act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses from the State Employes' Retirement Fund, under the administration of the State Employes' Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the members or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties."

Referred to the Committee on State Government.

By Mr. NORMAN WOOD. HOUSE BILL No. 1496.

An Act authorizing the Department of Property and Supplies to construct, erect, and dedicate on the Capitol grounds at Harrisburg, Pennsylvania, a memorial to the memory of James Buchanan; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 1497.

An Act defining claim adjusters employed by insurance companies, associations or exchanges transacting business in Pennsylvania; providing for the qualification and licensure of such claim adjusters; regulating the taking or securing of statements or releases from certain ill or injured persons and the effect of such statements; imposing certain additional duties upon the Insurance Commission; and providing penalties.

Referred to the Committee on Insurance.

By Mr. SKALE. HOUSE BILL No. 1498.

An Act abolishing the Milk Control Commission and transferring all its powers and duties to the Department of Agriculture.

Referred to the Committee on Dairy-Industries.

By Mr. SKALE. HOUSE BILL No. 1499.

An Act to reenact and amend the title and the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," transferring functions of Pennsylvania Securities Commission to the Department of Banking and abolishing such commission.

Referred to the Committee on Banking.

By Mr. FALKENSTEIN. HOUSE BILL No. 1500.

An Act prohibiting the dissemination of sketches concerning crime or of anything morally derogatory, and providing penalties.

Referred to the Committee on Judiciary Special.

By Messrs. TAYLOR and HABBYSHAW.

HOUSE BILL No. 1501.

An Act authorizing the Secretary of the Department of Forests and Waters to lease a tract of land in Jackson Township, Dauphin County to the Susquehannock Indian Tribe.

Referred to the Committee on State Government.

By Mr. MALLOY. HOUSE BILL No. 1502.

An Act to further amend section thirteen of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which state employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties." increasing the amount of superannuation retirement allowance in certain cases.

Referred to the Committee on State Government.

By Messrs. WEISS and MAXWELL.

HOUSE BILL No. 1503.

An Act to amend section six of the act approved the day of , one thousand nine hundred and forty-one, (Act No.), entitled "An act abating certain tax penalties and interest on unpaid delinquent city taxes in cities of the first and second class, on unpaid delinquent school taxes in school districts of the first class, and on unpaid delinquent poll, poor district, institution district and county taxes in counties of the second class; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; preserving certain tax liens, and providing for the extension thereof," authorizing the sale of real property within the prohibited time for such sales, upon consent of the owner thereof.

Referred to the Committee on Municipal Corporations.

By Mr. DiGENOVA. HOUSE BILL No. 1504

An Act to amend sections six hundred one and six hundred two of the act, approved the twenty-fourth day

of June, one thousand nine hundred thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by providing for summary convictions in crimes involving lotteries, and traffic in lottery tickets; and changing penalties.

Referred to the Committee on Judiciary Special.

By Mr. SCANLON. HOUSE BILL No. 1505.

An Act to further amend sections four hundred eleven and six hundred ten of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeitures of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," permitting hotel and restaurant licensees to sell by the bottle at certain times for consumption off the premises; regulating such sales; and changing penalties.

Referred to the Committee on Liquor Control.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 379 (HOUSE BILL No. 1506).

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by excluding proceeds of life insurance policies from the provisions thereof.

Referred to the Committee on Ways and Means.

SENATE BILL No. 378. (HOUSE BILL No. 1507).

An Act to further amend section one of the act approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes" exempting from said tax casualty insurance companies having no capital stock.

Referred to the Committee on Ways and Means.

SENATE BILL No. 645. (HOUSE BILL No. 1508).

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

Referred to the Committee on State Government.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. D'ORTONA and SHAW. Resolution No. 91.

In the House of Representatives, May 5, 1941.

Whereas, The Banking Board and Building and Loan Board were created by the Legislature in the Department of Banking for the purpose of having such boards supervise the activities of officers, directors, trustees, attorneys or employes of banking institutions and building and loan associations; and

Whereas, Vacancies have existed in both boards for a considerable length of time; and

Whereas, The failure to fill such vacancies by the Governor has interfered with the efficient operation of both these boards; and

Whereas, It is in the best interest of the Commonwealth of Pennsylvania and all of its financial institutions that these vacancies be filled as quickly as possible, therefore be it

Resolved, That the House of Representatives request the Governor to fill the vacancies in the Banking Board and Building and Loan Board as quickly as possible in order that these boards may be unhampered in operating in accordance with the powers vested in them by the General Assembly in Pennsylvania.

Referred to the Committee on Banking.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 15, 1941.

Whereas, The Federal Government recognized in the original Social Security Act that the administration of unemployment compensation laws is properly a function of the various states and accordingly designed the act as an inducement to the adoption of the program by the states themselves; and

Whereas, The funds received from the Federal Government for the expenses of administering the state acts have in the first instance been taken from employers of the states themselves; and

Whereas, The Social Security Act has prior to and since

its amendment August 10, 1939, required the state acts to meet a prescribed standard as a condition to the eligibility of such states for the refund of their expenses of administration; and

Whereas, By amendment of August 10, 1939, clauses (8) and (9) were added to subsection (a) of section 303 requiring as further conditions to the refund of such administrative expenses, the following:

"(8) Effective July 1, 1941, the expenditure of all moneys received pursuant to section 302 of this title solely for the purpose and in the amounts found necessary by the Board for the proper and efficient administration of such state law; and

"(9) Effective July 1, 1941, the replacement, within a reasonable time, of any moneys received pursuant to section 302 of this title, which, because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of, those found necessary by the Board for the proper administration of such state law;" and

Whereas, Said clauses (8) and (9) are unnecessary for the reason that ample protection is afforded the interests of the Federal Government by the existing requirement for approval and certification of state laws by the Federal Social Security Board; and

Whereas, Said clauses are improper for the reason that they attempt to give the Federal Government power to encroach upon the domain of the states in determining their own questions of procedure and administration in which, because of geographical locations, peculiar governmental procedures and processes, and other differentials, there must necessarily exist wide variations among the several states which cannot be standardized, nor can a particular state efficiently adopt a procedure in regard to one of its functions which would be out of harmony with its general practices; and

Whereas, Clause (9) makes possible by a single act of the Federal Social Security Board the upsetting of established precedents existing under present state unemployment compensation laws already approved and accepted by the Federal Board and requiring the repayment of funds heretofore legally expended, nor does said clause have any limitation either as to the scope of the inquiry or as to the time in which demand for repayment must be made; and

Whereas, The enforcement of said clauses will have the effect of giving the Federal Government complete and arbitrary control over the administration of the unemployment compensation program which the Federal Act itself recognizes as a proper function of the states themselves; and

Whereas, If said clauses are allowed to become effective they will grant to the Federal Government control of the administration of any state or local law wherein the benefit of Federal funds is or may be obtained; therefore be it

Resolved (if the House concur), That the General Assembly of the Commonwealth of Pennsylvania hereby respectfully memorialize and petition the President of the United States and the Congress of the United States to cause said clauses (8) and (9) of subsection (a) of section 303, of the Social Security Act, as amended August 10, 1939, to be repealed prior to its effective date; and be it further

Resolved, That copies of this resolution be immediately transmitted to the President of the United States and to each Senator and Representative in Congress from the Commonwealth of Pennsylvania.

Referred to the Committee on Rules.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk:

Commonwealth of Pennsylvania,
Department of Health, Harrisburg, May 6, 1941

Hon. Elmer Kilroy
Speaker of the House of Representatives
Session of 1941
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

Dear Mr. Speaker:

We are in receipt of a copy of resolution No. 18 adopted by the House of Representatives on April 29, 1941 stating that it is the sense of the House of Representatives that the proper authorities of this Commonwealth take immediate steps to pump or to arrange for the pumping of the water in the distressed coal mines of the Herminie Coal District in Westmoreland County, and to pay for the cost of such work for the express purpose of providing employment for the coal miners of said district.

The addressing of this resolution to the Departments of Health and Mines is assumed to indicate that the House of Representatives is of the opinion that these Departments can and should undertake the proposed dewatering. Therefore, it appears proper to call to your attention the following facts:

The Mines located in and near Heminie, Westmoreland County, were last operated by the Ocean Coal Company and the Keystone Coal Company with a combined tonnage of approximately 57,108 tons. In 1938 these companies abandoned their properties and stripped both the underground workings and the surface properties of all mining equipment, for the reason that the companies could not operate the properties at a profit. As the situation now stands, the water in the Keystone Shaft workings, which are connected with the Ocean Coal Company Mines, would have to be pumped in order to dewater the mine of the Ocean Coal Company.

Although facilities are not available for the making of an accurate estimate of the cost of dewatering the aforesaid properties, a conservative estimate by the Department of Mines indicates that the cost of this dewatering to the bottom of the Ocean Coal Company Shaft would approximate $180,000. Inasmuch as the mines have been generally worked to the dip, there would be the further expense of dewatering these dip workings, thus materially increasing the above estimate.

After the workings had been dewatered, there would arise the question of a responsible party to rehabilitate these workings and thereafter operate them before reemployment of mine workers could be made effective.

Although Secretary of Mines Richard Maize, interviewed banking interests in Herminie in an effort to contact a party who might be interested in operating the mines and was told the bank would have such parties contact him, to date no one has shown any inclination to undertake the operation of the workings. In view of the fact that the Ocean Coal Company could not operate the workings when they were in going condition, it appears all the more improbable that these mines could be operated at a profit even at the present market for bituminous coal.

But even assuming that profitable operation of the mines were possible, there are no funds available, either to the Department of Health or the Department of Mines, which could be used for this purpose. The funds credited to the Department of Health for the dewatering of flooded coal mines are entirely inadequate for the proposed dewatering, and furthermore cannot under existing laws be used for such purpose, inasmuch as they are specifically limited to dewatering of mines flooded directly or indirectly by the high waters of March 1936.

Therefore, the Department of Mines and the Department of Health respectfully call your attention to the fact that although they have genuine sympathy for the situation of the unemployed miners of the Herminie District, neither Department is in a position to undertake the dewatering of these mines under present conditions.

Very truly yours,

JOHN J. SHAW, M.D.,
Secretary of Health.
RICHARD MAIZE,
Secretary of Mines.

LOWER MERION HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Lower Merion High School State Championship Basketball team together with their coaches and managers. They are the guests of the gentleman from Montgomery, Mr. Cadwalader.

LADIES' AUXILIARY 37th WARD WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Ladies' Auxiliary of the Thirty-seventh Ward, Philadelphia, who are the guests of the gentleman from Philadelphia, Mr. Hersch.

REPORTS FROM COMMITTEES

Mr. PAUL A. BRUNNER, from the Committee on Judiciary Special, reported as committed, House Bill No. 1427, entitled:

An Act requiring lock-ups to be attended at all times, except when entirely unoccupied, and imposing liabilities.

Mr. EARLY, from the Committee on Counties, reported as committed, House Bill No. 943, entitled:

An Act to reenact and amend section 441 of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" by authorizing boards of county commissioners to appropriate county moneys for the support of charitable hospitals.

Mr. LONGO, from the Committee on Counties, reported as committed, House Bill No. 724, entitled:

An Act to further amend section 363 of the act approved May second, one thousand nine hundred twenty-nine (P. L. 1278) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" and further regulating the form and contents of county auditors reports.

Mr. SKALE, from the Committee on Ways and Means, reported as committed, House Bill No. 430, entitled:

An Act to further amend section 2 of the act approved the twenty-eighth day of June, one thousand eight hundred and ninety-five, (Pamphlet Laws 408) entitled, "A supplement to the twenty-fourth section of an act, entitled 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth," as variously amended so to provide for the payment of the entire amount of said tax on premiums of foreign fire insurance companies to cities, boroughs and townships and for the use of said moneys; by providing for the payment by the State Treasurer of the tax on certain premiums paid by foreign insurance companies to the treasurers of the several cities, boroughs, towns and townships, and for the payment thereof into police pension funds, and in certain cases into the State Employes' Fund for certain purposes.

Mr. HAMILTON, from the Committee on Counties, reported as committed, House Bill No. 1072, entitled:

An Act to amend section five hundred and nineteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for the payment of the costs of viewers by the Commonwealth in certain cases.

Mr. FRENCH, from the Committee on Counties, reported as committed, House Bill No. 1284, entitled:

An Act requiring owners and lessees of real property, whenever making any improvements thereon, or additions thereto costing more than five hundred dollars ($500) to file a report of such improvements or additions with the county board for the assessment and revision of taxes, and providing penalties.

Mr. FRENCH, from the Committee on Cities—First Class, reported as committed, House Bill No. 1458, entitled:

An Act to enable the governing bodies of cities of the first, second and second class A to establish by ordinance the requirements of responsible bidders for city printing and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Mr. TATE, from the Committee on Judiciary General, reported as committed, House Bill No. 1386, (Senate Bill No. 295), entitled:

An Act to amend sections seven and eight of the act approved the twelfth day of June, one thousand eight hundred and seventy-eight, (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," requiring the publication of advance sheets of such reports, requiring printing and publication in this Commonwealth by a responsible person havng a plant and facilities and place of business therein; and further regulating the basis upon which bids shall be submitted and the provisions of the contract for publication of such reports and advance sheets.

Mr. SAMUEL ROSE, from the Committee on Judiciary General, reported as amended, House Bill No. 1036, entitled:

An Act to amend subsection (b) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 429), entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the orphans' court in connection therewith, and the fees therefor," by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent, the natural parent shall retain his or her status as such, and shall, for purposes of inheritance and devolution, be regarded as an adopting parent.

Mr. GATES, from the Committee on Banking, re-reported as amend, House Bill No. 567, entitled:

An Act to reenact and amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise

providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," by providing for the registration and regulation of investment advisers and their solicitors; further defining "dealers" and further regulating dealers and salesmen; providing for service on registrants under provisions of this act; and imposing penalties.

Mr. MIHM, from the Committee on Ways and Means, re-reported as amended, House Bill No. 228, entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, three hundred forty-one), entitled, as amended, "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined; requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel subject to regulations of the Secretary of War and Secretary of the Navy of the United States and persons engaged in making such sales.

Mr. LONGO, from the Committee on Judiciary Special, re-reported as amended, House Bill No. 365, entitled:

An Act to further amend section one of the act approved the ninth day of July, one thousand nine hundred and nineteen (P. L. 794), entitled, "An act providing that estates in buildings, ground, books, curios, pictures, statuary and other works of art, passing by will to any municipality, corporation, or unincorporated body, for free exhibition within Pennsylvania, shall not be subject to collateral inheritance tax, and, in certain instances, the date when such tax shall become due," providing for additional exemptions and for exemptions from collateral inheritance and transfer taxes; and extending the provisions of said act to property, money and funds, passing before or after the effective date of this act, including property, money and funds passing to any public educational institution, museum or gallery of art of or under control of and wholly or partially maintained or supported by the Federal Government.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1254, entitled:

An Act regulating, in cities of the first class, the enforcement of any provisions in any ordinance relating to building codes, in connection with the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures and the erection encroachment, extension, repair, inspection, and use of party walls, as provided for in any ordinance, and providing penalties.

The first section was read.

The first, second, third, fourth, fifth, sixth, seventh and eighth sections were separately read and agreed to.

The ninth section was read.

On the question,

Will the House agree to the section?

Mr. MODELL. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 9, page 7, lines 4 and 5 by striking out the following: "One Hundred and Fifty (150) Dollars" and inserting in lieu thereof: "forty-five dollars ($45)".

Amend Sec. 9, page 7, lines 14 and 15, by striking out the following: "Fifty (50) Dollars" and inserting in lieu thereof: "fifteen dollars ($15)".

Amend Sec. 9, page 7, lines 15 and 16, by striking out the following: "One Hundred and Fifty (150) Dollars" and inserting in lieu thereof: "forty-five dollars ($45)".

The amendments were agreed to.

The section was agreed to as amended.

The tenth, eleventh and twelfth sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1166, entitled:

An Act to amend section two of the act, approved the twenty-sixth day of May, one thousand nine hundred and twenty-one (P. L. 1172), entitled "A supplement to the act, approved the seventeenth day of May, one thousand nine hundred seventeen (Pamphlet Laws, two hundred and eight), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the works "drug" and "poison"; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law, and providing for the purchase of samples of drugs for determining their quality, strength, and purity' requiring permits to conduct pharmacies providing for the revocation thereof and prescribing penalties" further regulating the issuance of permits to conduct pharmacies.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 174, entitled:

An Act to add subsection (c) to section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" prohibiting any public body or public agency from demanding or accepting a bond or judgment note from an indigent person for expenses of his support maintenance assistance or burial before such expenses are incurred.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1318, (Senate Bill No. 528), entitled:

An Act making a deficiency appropriation to aid certain school districts.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 599, (Senate Bill No. 159), entitled:

An Act making an appropriation to the Department of Military Affairs for the purpose of erecting, constructing and equipping an auditorium at Indiantown Gap Military Reservation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1355, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing the conditions of eligibility for election or appointment as county district assistant county or district superintendent and associate superintendent and the term of county superintendents.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 211, as follows:

An Act to further amend section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" by prescribing certain additional bank holidays

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as last amended by the acts approved the thirteenth day of April one thousand nine hundred and thirty-three (P. L. 45) and the seventh day of May one thousand nine hundred and thirty-seven (P. L. 601) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following days and half days namely the first day of January commonly called New Year's Day the twelfth day of February known as Lincoln's Birthday the twenty-second day of February known as Washington's Birthday Good Friday the thirtieth day of May known as Memorial Day the fourteenth day of June known as Flag Day the fourth of July called Independence Day the first Monday of September known as Labor Day the twelfth day of October known as Columbus Day the first Tuesday after the first Monday of November Election Day the eleventh day of November known as Armistice Day the twenty-fifth day of December known as Christmas Day and every Saturday after twelve o'clock noon until twelve o'clock midnight each of which Saturdays is hereby designated a half holiday and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fastings and prayer or other religious observance and in the event of a financial crisis in the State or Nation any day or days appointed by the Governor of this State or the President of the United States as a bank holiday shall for all purposes whatever as regards the presenting for payment or acceptance and as regard the protesting and giving notice of the dishonor of bills of exchange checks drafts and promissory notes made after the passage of this act be treated and considered as the first day of the week commonly called Sunday and as public holidays and half holidays and all such bills checks drafts and notes otherwise presentable for acceptance or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday except checks drafts bills of exchange and promissory notes payable at sight or on demand which would otherwise be payable on any half holiday Saturday shall be deemed to be payable at or before twelve o'clock noon of such half holiday Provided however That for the purpose of protesting or otherwise holding liable any party to any bill of exchange check draft or promissory note and which shall not have been paid before twelve o'clock noon of any Saturday designated a half holiday as aforesaid a demand for acceptance or payment thereof shall not be made and notice of protest or dishonor thereof shall not be given until the next succeeding secular or business day And provided further That when any person firm corporation or company shall on any Saturday designated a half holiday receive for collection any check bill of exchange draft or promissory note such person firm corporation or company shall not be deemed guilty of any neglect or omission of duty nor incur any liability in not presenting for payment or acceptance or collection such check bill of exchange draft or promissory note on that day And provided further That in construing this section every Saturday designated a half holiday shall until twelve o'clock noon be deemed a secular or business day and the days and half days aforesaid so designated as holidays and half holidays shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business except that any day or days appointed as a bank holiday shall be regarded as secular or business days for all other purposes than those mentioned in this act And provided further That nothing herein contained shall be construed to prevent or invalidate the entry issuance service or execution of any writ summons confession or judgment or other legal process whatever on any of the holidays or half holidays herein designated as holidays nor to prevent any bank from keeping its doors open or transacting its business on any of the said Saturday afternoons if by a vote of its directors it shall elect to do so unless such Saturday is appointed as a bank holiday under the provisions of this act And provided further That every bank shall observe each Saturday during the months of July and August and the first Saturday of September as full holidays with like effect hereunder as though such days had been designated as full holidays by the provisions of this act

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Mr. McFALL. Mr. Speaker, I am going to oppose this bill because I think it is very bad. In the first place this bill seeks to set up a Saturday holiday for a special group. This group, of course, is made up of bankers and those who are employed in banks. This to my mind is a small group of people who will get the benefit of a Saturday holiday. Compare this to the thousands of people that are

inconvenienced or that are really made to suffer a great deal because banks are being closed on Saturday, so that they cannot do any business.

Mr. Speaker, I refer to the large group of working men and women who work all week and who are paid on a Friday night in checks, and that is the method of paying men and women who work in my district. There are twenty-three banks in Northampton County, and not one of these banks wants this bill passed. I think, therefore, this is a fair percentage of what the rural sections want, pertaining to this bill. I do not think any of them want it. If we are going to make holidays for special groups of workers, why not take in every group of workers?

I am sure the farmers would welcome a Saturday and a Sunday holiday; men who must feed stock every day of the year, men who must milk twice a day for seven days a week; they would welcome a holiday, but they do not get it. The fact of the matter is it would be impossible.

I say to you this bill is nothing more nor less than a bill that gives a special group of workers special privilege. Banks are not only business places, but banks are bordering very closely on being public utilities. They are the life-blood of business; you stop the flow of money and everything stops.

When these men and women get their pay on Friday night, our banks are open for an hour in order to accommodate as many as possible who want their checks cashed, but most of them are held over until Saturday, and these men and women make a line reaching out to the doors where for three hours they receive their Saturday's pay.

I want to picture to you if I possibly can the inconvenience to these people, doing without money, going without proper goods, or special enjoyments, that they would have if they had money, but who must wait until Monday. The clerks of banks tell me this would in no way assist them in their work, because the work they now get on Saturday would be carried over into the next week, so I say to you, give this bill your consideration and have a heart for the working people, and for the small business people who would be harmed if this bill were passed. It is very nice, I will admit, to be in a position to close your desk on a Friday afternoon and go to Atlantic City and stay there until Sunday and come home Sunday night. Many of us would like to enjoy that privilege, and I do not want to deny the bankers the privilege of this holiday, but I am trying to tell you people, you Members of this House, just what harm you would do to the rural sections. Saturday is the big business day for the small business man, and if the people do not have money to spend, they probably will not get their bills paid and there will not be the amount of business that is being done now. I say in all fairness to those of you who live in rural sections, give this bill the consideration to which it is entitled, and I call upon the members of this House on both sides to vote "no."

Mr. TURNER. Mr. Speaker, I am rather amazed that anyone from the other side of this House should rise and oppose a bill which is for the benefit of a large group of employes in banks. It is not for the benefit of the bankers, they can leave their office on Friday afternoon and go away over the weekend, but the employes of the bank must not only stay until 12 o'clock Saturday, but many of them must work throughout the afternoon balancing their books and doing the different duties that fall to employes of a bank.

The gentleman from Northampton has said this gives a special group of employes a Saturday holiday. Remember, the bill only applies to the summertime. Remember also that all of the departments of the State Government are closed on Saturday, so that a group of employes having the opportunity of a day off on Saturday, or to work a five day week has been approved by the state government over a long period of time.

In addition to that there are any number of peole who are employed only five days a week under the present law and do not work on Saturday. I find that in my community most of the men who work in our industries and in other places of business within the community are on their way home in the afternoon long before I leave my office. As a matter of fact most of them are through at half past four in the afternoon and are on their way home.

Today in all the modern and up to date communities during the summertime there is either a closing at noon on Wednesday or the stores are closed on Saturday. In the city of Philadelphia the large department stores are all closed all day Saturday, as well as almost all of the retail shops in the center of Philadelphia. That has spread, I have found, into many of the smaller communities where they are up to the modern idea that Saturday closing is proper, giving the people who work in the stores an opportunity to enjoy a Saturday holiday the same as those who work in the mills.

The question of getting checks cashed in my community, in the city of Chester where I have my office, the large industries there do not pay on Friday night. The banks do not want long lines of people cashing checks in the banks on Saturday morning, because they want to attend to their regular customers, so they have their payrolls during the week. They have special days for the Sun Shipbuilding Company, for the Ford Motor Company and other large industries when their employes are paid and they can go to the banks and get their checks cashed .

There is no reason why, because there has been a certain custom existing in a community, that the custom cannot be changed. I remember during the first World War I had working for me a woman who came to this country from Hungary. She owned a couple of small properties in Philadelphia, and whenever she wanted to pay her taxes or water rent, she took a day off and went to the city of Philadelphia and paid her taxes and water rent. She could have just as well gone to the post office and bought a money order or she could have gotten someone to send that money in for her, but because that was her custom she went personally to the office and paid her money.

That is true of many of our people. I remember when I started to practice law in the city of Chester there was hardly a law office that was not open every night in the week and also on Saturday. In fact about the only time lawyers ever got a holiday was on the Fourth of July and Christmas. Those were the only two days they ever took off. Today you cannot find any law office opened at night and you won't find many lawyers during the summer time in their office on Saturday. It is more a question of custom, it is more a question of adjusting yourself to the conditions as they exist.

Why shouldn't we do this for the thousands of employes of banks who during the summer time cannot go away on

Saturday like many other people do. This is an opportunity of giving employes of banks a day of rest and recreation, the opportunity of going out into the open spaces, going to different resorts, or to some small place in the country where they can have the advantage of outdoor life which they cannot have in the wintertime. If employes of banks could stay around some night in the week, for instance Friday night, to accommodate these people, certainly the employes would be far better off. It is so universal. Closing on Saturday seems universal not only in industry, not only in the state government, not only in many of our local goverment offices, but in the offices of utilities, insurance companies and many other large corporations. This is particularly during the summertime. If the merchants want to deposit money all the modern banks have night depositories where anybody can deposit money without any trouble.

Somebody suggested they would have to keep on hand a large amount of money over the week-end. There is no reason why they cannot make a deposit in a night depository. There is no reason why arrangements cannot be made to give the merchants the change they need. The change could be handed to him. For the sake of the people who will not change their customs and habits, they are going to inconvenience quite a number of people. This bill, it seems to me is modern, it is up to date, it gives an opportunity to thousands of employes to enjoy those modern things which thousands of other employes are enjoying today. If they must work on Saturday then certainly a lot of other people who work in the mills should also work on Saturday. If the five days a week are good for one group of people why not for this group?

Mr. LOVETT. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I shall, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, would the gentleman from Delaware like to have an amendment to this bill to include the law officers and the attorneys in the state?

Mr. TURNER. Mr. Speaker, I would be very happy to have such an amendment. I tried to convince my brother attorneys in Delaware County to this effect that in justice to our secretarys and stenographers who everyone knows, work, Mr. Speaker, in my office does work seven days a week. This would not benefit me, but I tried to close the office in the summer time on Saturday to give the girls a week-end off. I would be very happy to have all the law offices closed on Saturday because a lot of fellows who take particular delight in putting in a lot of motions and a lot of proceedings during the summer time, might take pity on some of the rest of us and give us a day off.

Mr. LOVETT. Mr. Speaker, I find in my particular community the law offices at least are open, and if the attorneys are not there the girls are. I agree with my friend, Mr. Turner, if he would like to include the law offices in the state there may be a possibility that I would vote in favor of this bill. If not, I will have to vote against it.

Mr. TROUT. Mr. Speaker, it is my impression that the banks from the standpoint of holidays have been treated very well. In our community banks open at eight o'clock in the morning and close at two in the afternoon. That gives them a pretty long evening. Theoretically what the gentleman from Delaware says is awfully good, awfully fine, but from the practical standpoint and from the business standpoint,—I sometimes think lawyers don't know so much about business,—it just doesn't have any weight. In our community we issue on Friday afternoons close to two thousand checks. You might, as the gentleman from Delaware said, we should suggest to business, "You ought to pay on Wednesday," or "You ought to pay on Thursday because the banks want to close on Saturday morning." You know how much weight that has with the business man. What happens? The merchants in our community would be compelled to carry in cash on Friday afternoon any where from two to four thousand dollars in their drawers in order to meet the checks of the customers who would come in. If you close your banks on Saturday morning, it then means that the merchants will have to carry sufficient money to pay practically all of the checks that are issued on Friday afternoon or on Friday morning. It seems to me there is absolutely no necessity for this bill, it looks to me like poor business. If any of the members of the House were in business and were compelled to carry in cash a thousand or more dollars in order to cash the checks of their customers as they came in, they would say, "Well, I think you ought to keep your banks open, give them an opportunity to come to the bank on Saturday morning, and relieve us from the responsibility of carrying a large amount of cash in our drawers." This is a business proposition, it is not theoretical. Industry is not going to change its method of business because the banker wants to have a holiday on Saturday forenoon.

Mr. ROSENFELD. Mr. Speaker, by way of addendum to what the gentleman from Delaware, Mr. Turner, said I might say that this bill is a step forward in the right direction. I am quite sure if New York and New Jersey had felt, as Mr. McFall does and as Mr. Trout does, they certainly would not have enacted such legislation. This bill makes banking practice in Pennsylvania conform with the banking practices now established in New York and New Jersey.

I do not think Mr. McFall has offered one legitimate excuse for voting against this bill. Frankly this is not a bill to give bankers any priorities or any rights they do not have. This is a bill which affects the employes. In that connection I might say I have received more than two or three hundred cards from employes in my district in Philadelphia. This is a bill that will afford certain opportunities to persons who work hard and certainly are entitled to a little added vacation during the months of July and August and the first Saturday in September.

I do not think, Mr. Speaker, that this is a bill that requires controversy because it does not affect the banker or the persons who are in business during the course of the entire year. It merely affects two months and the first Saturday in September. I, therefore, ask the members of this House to vote "yes" on this bill.

Mr. TROUT. Mr. Speaker, we have had a great deal of legislation relating to first and second class cities. If Philadelphia and the bankers of Philadelphia, the business interests of Philadelphia, as Mr. Rosenfeld said, want to have a Saturday holiday, why not make this bill apply to cities of the first class and permit the rural territories to regulate their own affairs? It seems to me the rural bloc and the rural members have gone far

enough with cities of the first class in regulating the operation of business in rural territory.

Mr. ROSENFELD. Mr. Speaker, I desire to interrogate the gentleman from Lancaster, Mr. Trout.

The SPEAKER. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. TROUT. I will, Mr. Speaker.

Mr. ROSENFELD. Mr. Speaker, what happens to the community of the gentleman from Lancaster when a legal holiday falls on Saturday. Does that upset the banking practice?

Mr. TROUT. Mr. Speaker, it naturally does upset the banking practice, and in those cases efforts are made to meet the situation. Very often payrolls are gotten out on Saturday morning by special arrangement with the bank.

Mr. ROSENFELD. Mr. Speaker, does the gentleman from Lancaster know whether or not there was any opposition raised to this measure at the public hearing?

Mr. TROUT. Mr. Speaker, I beg the gentleman's pardon, I did not understand him.

Mr. ROSENFELD. Mr. Speaker, does the gentleman know as a matter of fact that no opposition was raised to this measure by Members of the rural areas throughout Pennsylvania?

Mr. TROUT. I do not know what opposition there was, if any. I know how my people back home feel.

Mr. ROSENFELD. Mr. Speaker, did any of the gentleman's constituents appear at the public hearing to oppose this measure?

Mr. TROUT. Mr. Speaker, not to my knowledge.

Mr. McFALL. Mr. Speaker, just to clear up a little matter that seems to be puzzling some of the proponents of this bill, I want to say to you that those who are employed in banks are employed just forty hours a week, and I am told they religiously keep to that forty hours. This bill has listed on it the twelve holidays. It does not list Thanksgiving because the President of the United States has been setting aside one day, and the Governor of the state of Pennsylvania another day. We therefore have had two Thanksgiving holidays, not because the state of Pennsylvania needs two holidays but after all they are holidays on which we can well be thankful for the blessings Pennsylvania enjoys. That makes thirteen holidays. Every employe in a bank is granted two weeks vacation with pay. They take one of these weeks during the month of July or August so that by adding ten more holidays to their vacation you have a mighty nice list of holidays to be enjoyed by those who work in banks. Now, facts are facts, we cannot get over them; and the truth is truth. Our business places are open on Saturday, until ten or twelve o'clock at night, and because of this fact during the summer months those who work in the stores are granted a Wednesday afternoon holiday. The banks not having anything to do close their doors at half-past one and they have practically a whole half-holiday in addition.

Mr. Speaker, we are here to legislate common sense laws, but this is legislating a restriction on a large branch of business without any well founded or expressed reason or justification for those restrictions. If this bill passes business will be harmed in all rural sections. The farmers who have arranged their work five days out of the week into the twilight hours of the night, go to the small cities or boroughs to transact business, and they will be trribly handicapped if the banks close. If restrictions are necessary as a matter of health, police powers or general welfare, then this would be desirable, but this present bill can scarcely be justified on any of those grounds.

Therefore I say vote down this bill, because it will do tremendous harm to business and rural people who have to work for a living.

Mr. GATES. Mr. Speaker, I think the previous speakers Mr. Turner and Mr. Rosenfeld have covered the situation very fully but I would like to add my plea for the passage of this particular bill.

Mr. McFall said stores were open in his community until eleven or twelve o'clock on Saturday night. I wish to speak to the membership of this House as one who started as a clerk in a country store, when I would get up and go to the store at six o'clock in the morning, sweep the dirt out of the store, and open the store at seven o'clock for business. We kept open every night in the week. I have seen girl clerks in that store almost exhausted at the end of a busy day. We got together in my community and visited the merchants and asked them to change the hours. They of course thought, as you men here think, that this was a step in the wrong direction, but we finally succeeded in showing to the merchants that there was just so much business to be done, and if they opened their stores at nine o'clock and closed them at five o'clock it would be a humanitarian act. The merchants acceeded to that request and, my friends, they are doing just as much business as they did prior to that time.

Mr. Speaker, as one who started as an individual bookkeeper in a country bank, this is not a Philadelphia bill, but this bill has to do with the individual bookkeepers and clerks in banks whether they are in Philadelphia or in the rural community from which I come. May I call your attention to one matter in connection with this bill, that has caused confusion. I believe that every president of every bank in the State possibly may be opposed to this particular bill for selfish reasons. The president of the bank, as Mr. Turner has well said, can leave his office, close his desk on Friday night and retire to Atlantic City, or some other place, and come back on Monday morning. You have heard a lot about the fourth class school district teachers being underpaid. You have heard a lot about the laboring men who have to work, and I say to you, among the hardest workers and the most underpaid people in the state of Pennsylvania are those men and those women who handle tremendous sums of moneys as bookkeepers and tellers in your banks. May I call your attention to the fact that this is a very confining occupation, that the handling of money and the keeping of books is necessarily a very nervous situation for fear mistakes may creep into the business.

Mr. McFall said he talked to one clerk who said this would not help them because they would have to do the business on Monday anyhow. That is correct, Mr. Speaker, they would. There is just so much business to be done, but in addition to doing that business on Monday he would give to these persons a much needed vacation on Saturday. They talk about the hardship on the stores. My friends, the farmers in the rural communities of Pennsylvania do not visit the cities or rural communities on Saturday morning, they come into your rural communities on Saturday night. My town is just filled with automobiles from one end to the other on Saturday night, and the

merchants in my town are delighted that we can furnish enough money so that they can attract into their stores men and women with checks to be cashed, because at the present time mercandise is displayed and the merchants feel if they can attract them into their stores, to get their checks cashed, they may in turn receive some benefit from purchases of goods in their particular stores. Therefore, that argument as to closing on Saturday falls by the wayside without one prop to hold it up.

The barbers in my county and the dentists in my county close on Thursday afternoon; the lawyers of my county close during the entire month of July—the entire month. I say to you in the interest of those hard working boys and girls in the country banks, from personal experience, I don't think there is any harder work being done in any manufacturing plant or in any coal mine in this country than the work of the individual bookkeeper in any bank, whether it be in a county, or a city.

Therefore, I appeal to you to take a step in the right direction and give to this particular class of people the very benefits you have given to so many others.

Mr. SHEPARD. Mr. Speaker, I object to just one statement the previous speaker, Mr. Gates, has made. He said bank clerks are the hardest working people and the poorest paid people in the Commonwealth of Pennsylvania. I know that the preachers of the Gospel are the hardest workers and the poorest paid workers in the state of Pennsylvania, and we do not have any holidays. We keep open every day in the year, night and day. However, we are willing to show some of the milk of human kindness and give to these bank clerks the holiday they need. Of course, we realize that we will be losing a little bit because if they took this holiday on Saturday they would go to Atlantic City and wouldn't come to church, and the poor preacher is left in the lurch again. I am willing to vote in favor of this bill because I hope when these people return from their vacation they will have more strength with which to go to church. I agree with, Mr. Gates, and I will vote for the bill.

The SPEAKER. For the information of the Members of the House, the Speaker comes from the same section of the city the Reverend gentleman does, and the Chair assures you he only works one day a week.

Mr. McFALL. Mr. Speaker, just one thing I want to add to what I have already said. This House is composed of intelligent men, and when I say intelligent I mean it, because we are classed as being intelligent. Why should we at this particular time be talking about holidays and giving a particular class more holidays when they have plenty now. The fact of the matter is they don't need it. I have a telegram here from my county which says that they represent the entire banking association made up of those who work in banks and those who own the banks, and they do not want this holiday.

The thing I have in mind, which I want to refer you to, a few days ago the President of the United States for national defense declared this country of ours is going on a seven day week work period, twenty-four hours a day, in order to have a better national defense. The men who are working in these munition plants and all that kind of thing, will have to work and will be glad to do the kind of work that will bring the sweat out of them, because as the bible says, "You shall earn your bread by the sweat of your brow." I never saw many of the bank presidents or vice-presidents doing any sweating.

Talking about the Philadelphia banks, some of the Philadelphia banks have twelve or fifteen vice-presidents and they can go to the seashore whenever they wish. Here is the point I am trying to impress upon you, we are debating at the present time in a sort of humorous manner holidays for a class of people who really do not need them, when the real workers of this country by the President's own statement are going to work twenty-four hours a day for seven days a week.

Mr. BENTZEL. Mr. Speaker, I rise to cover one point which I think has been overlooked in this entire debate. We have had a lot of humor and probably everything else under the sun. I want to say to you after all I do appreciate men coming in here and to introducing bills for the purpose of eliminating work. I, too, don't like work. I do believe if this bill is passed it will not eliminate very much work for the bank clerk. He must make up his time in the bank. It is up to the banker, he cannot do in four days what is done in four and a half days. Furthermore, the point was brought out here that in some of the rural districts they are making banks out of the stores. After all, a very serious point is, what are banks organized for? They are organized with a bank president, directors and employes. Are those banks organized for the convenience of the general public? Where I come from, the biggest part of the banking is done on Saturday morning. We close our banks at noon. Saturday is the big bank day. The farmers come in to town on Saturday morning and do their banking, not on Friday afternoon. We have people who come from a distance of fifteen or twenty miles to do their banking, and they cannot come in during the week. They do their banking on Saturday morning, they do their shopping on Saturday morning. It gives the farmer five days at home and it gives him Saturday morning in which to do his shopping and his banking and his city work.

I appeal to you that after all the employe of a bank is not overworked, we cannot kid ourselves on that. The passage of this bill will work an inconvenience upon the general public who have not sent us here for the purpose of giving a few bank clerks a holiday.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken. Mesrs. Lovett, Weiss and Maxwell asked for a verification of the roll. The roll was verified and was as follows:

YEAS—108

Allmond,	Gallagher,	Malloy,	Reynolds,
Baker,	Gates,	Marks,	Rhea,
Bentley,	Goodwin,	McClanaghan,	Rooney,
Boney,	Gryskewicz,	McDermott,	Rose, S.,
Bower,	Habbyshaw,	McLane,	Rosenfeld,
Bradley,	Haines,	McMillen,	Rush,
Breth,	Harmuth,	McSurdy,	Sarraf,
Bretherick,	Heatherington,	Melchiorre,	Scanlon,
Brunner, C. H.,	Hering,	Mihm,	Schwab,
Burns,	Herman,	Modell,	Shaffer,
Cadwalader,	Hersch,	Monks,	Shaw,
Chudoff,	Hewitt,	Mooney,	Shepard,
Cohen, R. E.,	Hirsch,	Moran,	Skale,
Cooper,	Holland,	Munley	Stank,
Cordier,	Huntley,	Nunemacher	Stockham,
Corrigan,	James,	O'Brien,	Tarr,
Cullen,	Jefferson,	O'Connor,	Tate,
Dalrymple,	Keenan,	O'Dare,	Thompson, E. F.,
DiGenova,	Kenehan,	O'Neill,	Thompson, R. L.,

Dolon,	Kline,	Pettit,	Turner,
D'Ortona,	Kolankiewicz,	Polaski,	Verona,
Duffy,	Komorofski,	Polen,	Voldow,
Falkenstein,	Lee, E. A.,	Powers,	Voorhees,
Finestone,	Lee, T. H.,	Prosen,	Watkins,
Finnerty,	Leisey,	Rank,	Welsh, E. B.,
Fleming,	Leonard,	Rausch,	Williams,
Fletcher,	Levy,	Reese, R. E.,	Kilroy, Speaker.

NAYS—82

Achterman,	Fisher,	Lyons,	Snyder,
Auker,	Fiss,	Maxwell,	Sollenberger,
Balthaser,	Foor,	McClester,	Stambaugh,
Baugher,	French,	McDowell,	Stine,
Bentzel,	Gillette,	McFall,	Taylor,
Boies.	Gross,	McIntosh,	Trout,
Boorse,	Gyger,	McKinney,	VanAllsburg,
Brunner, P. A.,	Haberlen,	McLanahan,	Vincent,
Burris,	Hamilton,	Moul,	Vogt,
Chervenak,	Hare,	Muir,	Wagner,
Cochran,	Harkins,	Nagel	Weingartner,
Cohen, M. M.,	Harris,	Owens,	Weiss,
Cook,	Helm,	Petrosky,	Welsh, M. J.,
Croop,	Imbrie,	Readinger,	Wolf,
Dennison,	Jones, G. E.,	Reagan,	Wood, N.,
Dix,	Jones, P. N.,	Reese, D. P.,	Woodring,
Early,	Krise,	Riley,	Wright,
Eckels,	Lesko,	Royer,	Yeakel,
Elder,	Lichtenwalter,	Sarge,	Yester,
Elliott,	Longo,	Serrill,	Young,
Ely,	Lovett,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

UNITED STATES SENATOR GUFFEY INTRODUCED

The SPEAKER. The Chair is pleased to have as his guest this afternoon United States Senator Joseph F. Guffey. If there is no objection the Chair will ask the Senator to say a few words to the Members.

REMARKS OF SENATOR JOSEPH F. GUFFEY

SENATOR JOSEPH F. GUFFEY. Mr. Speaker, and Members of the Pennsylvania State Legislature, I did not come here this afternoon to make a speech, however I feel very much gratified to be presented to this body.

I could not help but observe during the last half hour when you were debating and taking a vote on the last bill some of the advantages you have over the United States Senate. I think you confine your debate much more closely to the subject and transact your business a little more expeditiously. There is one thing that stands out distinctly in my mind as I look over this body this afternoon, and that is you keep your records and your journals on top of your desks whereas in the United States Senate we keep them below the desks. That is one feature I distinctly noticed.

I congratulate you upon having an amplifying system in this Hall. We do not have one in the United States Senate, much to the disadvantage of the Members and the audience. They do have one in the House but not in the Senate. I hope before I finish my service there, and I am now beginning my second term and looking forward to the future, that we will have an amplifying system in the Senate. It takes a long time to bring about any reform or correction in the United States Senate, but when they get into the mood to do business in the Senate they can work very fast indeed under the unanimous consent rule. When Vice-President Garner was in the Chair we were sometimes delayed a great deal of the time, but a lot of business would be transacted in a very short time and in a very expeditious manner.

I want to congratulate you. I know I do not have as much experience as a number of you Legislators here have, because I have just finished my first term in the Senate. That was the first time I ever served in any legislative body and I know many of you have served longer than that. I congratulate you on the manner in which you transact your business and I thank you for the opportunity of saying a few words.

The SPEAKER. The Chair thanks the Senator.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 684, as follows:

An Act to further amend sections six and nine of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" further regulating the granting suspension and revocation of the licenses of optometrist and providing for an appeal from the action of the State Board of Optometrical Examiners in granting suspending or revoking such licenses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections six and nine of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" as last amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 795) are hereby further amended to read as follows

Section 6 Every person desiring to be licensed as in this act provided shall file with the secretary of said board upon appropriate blank to be furnished by said secretary an application verified by oath setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act The said board shall hold at least two examinations each year In case of failure at any standard examination the applicant after the expiration of six months and within two years shall have the privilege of a second examination by the board without the payment of an additional fee Every applicant who shall pass the standard examination or the limited examination as the case may be and who shall otherwise comply with the provisions of this act shall receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this Commonwealth which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose which shall be open to public inspection and a

duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case Each person to whom a certificate shall be issued by said board shall keep said certificate displayed in a conspicuous place in the office wherein said person shall practice optometry together with the photograph of said person attached to the lower right-hand corner of said certificate and shall whenever required exhibit the said certificate to any member or agent of the said board

Peddling from door to door or the establishment of temporary offices or the practice of optometry by a certificate holder outside of or away from his office is specifically forbidden under penalty of revocation of certificate by the board Certificate holders may however apply to the board for and be granted by it branch office licenses for such branch offices as the board may approve. A separate license shall be required for each branch office maintained Each such branch office shall not be any less a permanent office than the certificate holder's main office Branch offices within the meaning of this act are defined as permanent additional offices where the licensed optometrist himself may render a more convenient personal service to his patients but nothing herein shall be construed as prohibiting the employment of licensed optometrists as assistants Any certificate holder operating a branch office otherwise than as hereinbefore provided shall be guilty of a violation of this act and shall have his certificate revoked by the said board

Each person to whom a certificate has been issued by said board shall before practicing under the same register said certificate in the office of the prothonotary in each county wherein he proposes to practice optometry and shall pay therefor such fee as may be lawfully chargeable for such registry The prothonotary in each county shall keep a certificate registration book wherein he shall promptly register each certificate for which the fee is paid

Section 9 The State Board of Optometrical Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit the peddling from house to house or person to person either personally or through the employment or aid of solicitors or the practice of optometry on premises not separate from premises whereon eye glasses lenses and eye glass frames or appurtenances are sold by any person other than optometrists or the establishment of temporary offices contrary to the provisions of this act or the use of misleading advertising or gross incompetency or the obtaining of money by fraud or misrepresentation of the optometrical profession in which untruthful statements are made or the use of any name by a certificate holder other than the name recorded in optometrical board registration files or the aiding or abetting directly or indirectly of any violation of the aforesaid acts or practices or any form of pretense which may induce citizens to become a prey to professional exploitation or upon proof of any unprofessional conduct as may be determined by the State Board of Optometrical Examiners or the failure to deliver the certificates provided for in section six of this act or the conviction of a [crime] felony or misdemeanor involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist or the advertising of prices for professional services or glasses or other appurtenances used in the practice of the profession of optometry The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth An appeal may be taken from any action of the State Board of Optometrical Examiners in granting refusing revoking cancelling or suspending any license to the Court of Common Pleas of Dauphin County The judgment of the common pleas court may be reviewed by the Superior Court on appeal The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder thereof shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Fiss,	Lovett,	Rooney,
Allmond,	Fleming,	Lyons,	Rose, S.,
Auker,	Fletcher,	Malloy,	Rosenfeld,
Baker,	Foor,	Marks,	Royer,
Balthaser,	French,	Maxwell,	Rush,
Baugher,	Gallagher,	McClanaghan,	Sarge,
Bentley,	Gates,	McClester,	Sarraf,
Bentzel,	Gillette,	McDermott,	Scanlon,
Boies,	Goodwin,	McDowell,	Schwab,
Boney,	Gross,	McFall,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbyshaw,	McLanahan,	Shepard,
Breth,	Haberlen,	McLane,	Skale,
Brunner, C. H.,	Haines,	McMillen,	Snyder,
Brunner, P. A.,	Hamilton,	McSurdy,	Sollenberger,
Burns,	Harkins,	Melchiorre,	Stank,
Burris,	Harmuth,	Mihm,	Stine,
Cadwalader,	Harris,	Modell,	Stockham,
Chervenak,	Heatherington,	Monks,	Tarr,
Chudoff,	Helm,	Mooney,	Tate,
Cochran,	Hering,	Moran,	Taylor,
Cohen, M. M.,	Herman,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Muir,	Thompson, R. L.,
Cook,	Hirsch,	Munley	Turner,
Cooper,	Holland,	Nagel	VanAllsburg,
Cordier,	Huntley,	Nunemacher	Verona,
Corrigan,	Imbrie,	O'Brien,	Vincent,
Croop,	Jefferson,	O'Connor,	Vogt,
Cullen,	Jones, G. E.,	O'Dare,	Voldow,
Dalrymple,	Jones, P. N.,	O'Neill,	Voorhees,
Dennison,	Keenan,	Owens,	Watkins,
DiGenova,	Kenehan,	Petrosky,	Weingartner,
Dix,	Kline,	Pettit,	Weiss,
Dolon,	Kolankiewicz,	Polaski,	Welsh, E. B.,
D'Ortona,	Komorofski,	Polen,	Welsh, M. J.,
Duffy,	Krise,	Powers,	Williams,
Early,	Lee, E. A.,	Prosen,	Wolf,
Eckels,	Lee, T. H.,	Rank,	Wood, N.,
Elder,	Leisey,	Rausch,	Woodring,
Elliott,	Leonard,	Readinger,	Wright,
Ely,	Lesko,	Reagan,	Yeakel,
Falkenstein,	Levy,	Reese, D. P.,	Yester,
Finestone,	Leydic,	Reese, R. E.,	Young,
Finnerty,	Lichtenwalter,	Reynolds,	Kilroy,
Fisher,	Longo,	Rhea,	Speaker.
		Riley,	

NAYS—8

Bretherick,	Hersch,	Stambaugh,	Wagner,
Hare,	James,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that

the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 326.

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material, supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense, to be used for training or retraining workers and prospective workers for industries essential to national defense; waiving all statutory requirements as to advertising for said bids.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 5, 1941.

Resolved (if the Senate concur), that House Bill No. 616, Printer's No. 111, entitled "An act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 427) entitled 'An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings' providing for admission to bail by committing magistrates and coroners in cases involving manslaughter by automobile" be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 5, 1941.

Resolved (if the Senate concur) that House Bill No. 524, Printer's No. 130, entitled "An act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' prohibiting the sale of striped bass or rock fish under eighteen inches in length" be recalled from the Governor for the purpose of amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows

SENATE BILL No. 326.

An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material, supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense, to be used for training or retraining workers and prospective workers for industries essential to national defense; waiving all statutory requirements as to advertising for said bids.

SENATE BILL No. 81

An Act to amend section one thousand one hundred and forty-seven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto", by extending the power to accept roads, streets, lanes and alleys dedicated as public highways.

SENATE BILL No. 286.

An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," prescribing the manner in which money shall be drawn from the city treasury.

MR. ACHTERMAN IN THE CHAIR

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1185, entitled:

An Act to further amend section five hundred and two and section five hundred and four of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" requiring submission of all plans for public improvements to the county planning commission for approval and prohibiting the recording of plans and sales of lots before their approval under penalties

On the question,

Will the House agree to the bill on third reading?

Mr. GOODWIN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 502), page 2, line 13, by inserting after the word "city" the following: "except cities of the second class."

Amend Sec. 1 (Sec. 502), page 2, line 21, by inserting after the word "city" the following: "except cities of the second class."

Amend Sec. 1 (Sec. 502), page 2, line 25, by inserting after the word "city" the following: "except cities of the second class."

Amend Sec. 1 (Sec. 502), page 2, line 29, by inserting after the word "city" the following: "except cities of the second class."

Amend Sec. 1 (Sec. 502), page 3, line 6, by inserting after the word "city" the following "except cities of the second class."

Amend Sec. 1 (Sec. 504, page 3, line 27, by inserting after the word "city" the following: "except cities of the second class."

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 1270, Printer's No. 413, was passed over at the request of the Speaker pro tempore.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 182, entitled:

An Act to amend section two of the act, approved the twenty-sixth day of May, one thousand eight hundred and ninety-seven (P. L. 106), entitled "An act prohibiting the discharge from public positions of Union soldiers without reasonable cause, and prohibiting the abolishment of or changing the emoluments of public offices occupied by Union soldiers except for good reason," by extending the provisions thereof to veterans and nurses of any war in which the United States has engaged.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 979, Printer's No. 428, was passed over at the request of the Speaker pro tempore.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 887, entitled:

An Act to amend section one thousand eight hundred and three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for contracts and purchases not requiring advertising and bids.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. BENTLEY. Mr. Speaker, I move that this bill be recommitted to the Committee on Townships for the purpose of further study.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 812, entitled:

An Act to amend clause (b) of section three hundred and two of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections; including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the display of the standard flag of the United States at polling places; and imposing such duty on county boards of elections.

On the question,

Will the House agree to the bill on third reading?

Mr. BAUGHER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, lines 14 and 15 of title, by striking out the word "standard"

Amend Sec. 1 (Sec. 302), page 2, line 22, by striking out the word "standard"

Amend Sec. 1 (Sec. 302), page 2, lines 23 and 24, by striking out the following: "of a size not less than" in line 23, and all of line 24.

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 358, entitled:

An Act to further amend clauses three, of subsection (b) of section 913 of the act approved the third day of June, one thousand nine hundred thirty-seven, (Pamphlet Laws 1333), entitled, "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections;" by fixing the fee for filing nomination petitions for the office of jury commissioner.

On the question,

Will the House agree to the bill on third reading?

Mr READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by striking out the words "clause three" and inserting in lieu thereof: "clauses three and four."

Amend title, page 1, line 14 of title, by inserting after the word "by" the following: "further."

Amend title, page 1, lines 15 and 16 of title, by striking out the words "for the office of jury commissioner" and inserting in lieu thereof: "in certain cases."

Amend Sec. 1, page 2, line 1, by striking out the words "clause three" and inserting in lieu thereof: "clauses three and four."

Amend Sec. 1, page 2, line 15, by striking out the word "is" and inserting in lieu thereof: "are."

Amend Sec. 1, page 2, by inserting between lines 15 and 16, the following:

Section 913. Place and Time of Filing Nomination Petitions; Filing Fees.

* * * * *

(b) Each person filing any nomination petition shall pay, for each petition, at the time of said filing, a filing fee to be determined as follows, and no nomination petition shall be accepted or filed, unless and until such filing fee is paid by a certified check or money order only. Said certied checks or money orders shall be made payable to the Commonwealth of Pennsylvania or to the county, as the case may be, and shall be transmitted to the State Treasurer or to the county treasurer, and shall become part of the General Fund:

* * * * *

Amend Sec. 1 (Cl. 3), page 2, line 19, by inserting after the part word "sioner" the following: "associate judge or prison inspector."

Amend Sec. 1 (Cl. 3), page 2, line 20, by inserting after the word "commissioner" the following: "or associate judge."

Amend Sec. 1 (Cl. 3), page 2, line 20, by inserting at the end of said line, the following: "if for the office of prison inspector, the sum of two dollars ($2.00)."

Amend Sec. 1 (Cl. 4), page 3, by inserting between lines 2 and 3, the following: 4. If for the office of associate judge or for any borough, town, township, school district or poor district office, not otherwise provided for, the sum of two dollars ($2.00).

Amend Sec. 1 (Cl. 4), page 3, line 3, by inserting a lightface bracket after the word "no"

Amend Sec. 1 (Cl. 4), page 3, line 3, by inserting after the word "no" the following: "No."

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HABERLEN

The House resumed the consideration on third reading of House Bill No. 134, entitled:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules and regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase by giving certain additional rights to producers and farmers' unions or organizations producing milk setting up a price fixing procedure providing for the division of the Commonwealth into license districts restricting powers of the Governor and providing for the payment of funds in the hands of the commission owing to producers and handlers

On the question recurring,

Will the House agree to the bill on third reading?

Mr. HABERLEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 3, lines 4 and 5 of the title on page 3, by striking out the words "providing for the division of the Commonwealth into license districts"

Amend Sec. 1, page 4, line 22, by striking out the word "is" and inserting in lieu thereof: "are"

Amend Sec. 1 (Sec. 103), page 13, lines 21 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 1 (Sec. 103), page 14, lines 1 and 2, by striking out both of said lines, and inserting in lieu thereof:

> "Consumer" means any person other than a milk dealer or handler, who purchases milk for his own consumption or use.

Amend Sec. 1 (Sec. 103), page 14, line 12, by striking out the word "or" where it appears the second time in said line, and inserting in lieu thereof: "who"

Amend Sec. 1 (Sec. 103), page 16, lines 15 to 23, by striking out the following: "the Commonwealth of Pennsylvania and any county" in line 15, and all of lines 16 to 23, both inclusive.

Amend Sec. 1 (Sec. 203), page 20, lines 8 and 12, by striking out the brackets before the word "No" in line 8, and after the word "commissions" in line 12.

Amend Sec. 1 (Sec. 308), page 23, line 29, by striking out the word "or" where it appears the second time in said line, and inserting in lieu thereof: "of"

Amend Sec. 1 (Sec. 311), page 27, line 4, by striking out the words "may join"

Amend Sec. 1 (Sec. 402), page 28, lines 21 to 25, by underscoring the words "provided however That in cash" in line 21, and all of the words in lines 22 to 25, both inclusive.

Amend Sec. 1 (Sec. 404), page 33, lines 7 and 8, by striking out the following: "[satisfy the commission of]

show an intent of the" and inserting in lieu thereof: "[satisfy the commission of an intent of the] manifest an intention on the part of such".

Amend Sec. 1 (Sec. 503), page 44, line 15, by striking out the word "but" and inserting in lieu thereof: "and".

Amend Sec. 1 (Sec. 503), page 44, line 16, by striking out the word "except" and inserting in lieu thereof: "only".

Amend Sec. 1 (Sec. 801), page 63, line 25, by striking out the word "return" and inserting in lieu thereof: "profit".

Amend Sec. 1 (Sec. 801), page 63, line 25, by inserting after the word "the" the following: "producer".

Amend Sec. 1 (Sec. 807), page 69, lines 18 to 24, by striking out the following: "or sold or offered to be bought or" in line 18, all of lines 19 to 23, both inclusive, and the word "otherwise" in line 24, and inserting in lieu thereof:

[or sold or offered to be bought or sold] or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise, or offered to be bought or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise

Amend Sec. 1 (Sec. 809), page 72, line 3, by striking out all of said line.

Amend Sec. 1 (Sec. 809), page 73, by inserting between lines 3 and 4, the following "strued to affect the contracts of such cooperative agricul-".

Amend Sec. 1 (Sec. 902), page 74, line 29, by inserting a dark-face bracket at the end of said line.

Amend Sec. 1 (Sec. 902), page 75, line 1, by inserting a dark-face bracket at the beginning of said line.

Amend Sec. 1 (Sec. 902), page 75, line 2, by striking out the dark-face bracket at the end of said line.

Amend Sec. 1 (Sec. 904), page 76, line 17, by inserting a light-face bracket before and after the word "shall".

Amend Sec. 1 (Sec. 904), page 76, line 17, by inserting after the word "shall" the following: "may".

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 504, as follows:

An Act to amend section three and clause (88) of section one hundred one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1019) entitled "An act relating to statutory laws prescribing an enacting clause for statutes fixing the effective date and time of statutes hereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments re-enactments and repeals of statutes" further providing for the position of the enacting clause and further defining the phrase "political subdivision"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three and clause (88) of Section one hundred one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1019) entitled "An act relating to statutory laws prescribing an enacting clause for statutes fixing the effective date and time of statutes hereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments re-enactments and repeals of statutes" are hereby amended to read as follows

Section 3 Style and Position of Enacting Clause All laws shall begin in the following style "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows"

Such enacting clause shall be placed immediately after the preamble or the table of contents of the law or if there be [no] neither preamble nor table of contents then immediately after the title

Section 101 Definitions The following words and phrases when used in any law hereafter enacted unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

* * * * *

(88) "Political subdivision" any county city borough incorporated town township school district [and poor district] vocational school district and county institution district

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the years and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Fleming,	Lovett,	Rose, S.,
Allmond,	Fletcher,	Lyons,	Rosenfeld,
Auker,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baugher,	Gates,	McClanaghan,	Sarraf,
Bentley,	Gillette,	McClester,	Scanlon,
Bentzel,	Goodwin,	McDermott,	Schwab,
Boles,	Gross,	McDowell,	Serrill,
Boney,	Gryskewicz,	McFall,	Shaffer,
Boorse,	Gyger,	McIntosh,	Shaw,
Bower,	Habbyhaw,	McKinney,	Shepard,
Bradley,	Haberlen,	McLanahan,	Skale,
Breth,	Haines,	McLane,	Snyder,
Bretherick,	Hamilton,	McMillen,	Sollenberger,
Brunner, C. H.,	Hare,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harkins,	Melchiorre,	Stank,
Burns,	Harmuth,	Mihm,	Stine,
Burris,	Harris,	Modell,	Stockham,
Cadwalader,	Heatherington,	Monks,	Tarr,
Chervenak,	Helm,	Mooney,	Tate,
Chudoff,	Hering,	Moran,	Taylor,
Cochran,	Herman,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hewitt,	Munley,	Trout,
Cook,	Hirsch,	Nagel,	Turner,
Cooper,	Holland,	Nunemacher,	Van Allsburg,
Cordier,	Huntley,	O'Brien,	Verona,
Corrigan,	Imbrie,	O'Connor,	Vincent,
Croop,	James,	O'Dare,	Vogt,
Cullen,	Jefferson,	O'Neill,	Voldow,
Dalrymple,	Jones, G. E.,	Owens,	Voorhees,
Dennison,	Jones, P. N.,	Petrosky,	Wagner,
DiGenova,	Keenan,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Kolankiewicz,	Powers,	Welsh, E. B.,
Duffy,	Komorofski,	Prosen,	Welsh, M. J.,
Early,	Krise,	Rank,	Williams,
Eckels,	Lee, E. A.,	Rausch,	Wolf,
Elder,	Lee, T. H.,	Readinger,	Wood, N.,
Elliott,	Leisey,	Reagan,	Woodring,
Ely,	Leonard,	Reese, David P.,	Wright,
Falkenstein,	Lesko,	Reese, R. E.,	Yeakel,
	Levy,	Reynolds,	Yester.

Finestone,	Leydic,	Rhea,	Young,
Finnerty,	Lichtenwalter,	Riley,	Kilroy,
Fisher,	Longo,	Rooney,	Speaker.
Fiss,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection, House Bill No. 1172, Printer's No. 441, was passed over at the request of Mr. LOVETT.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 884, as follows:

An Act to amend section one of the act approved the twenty-fourth day of April one thousand nine hundred thirteen (P. L. 114) entitled "An act regulating the time of payment of wages and earnings and providing a penalty for violation hereof" by requiring employers to furnish statements to employes of all deductions made from their wages

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-fourth day of April one thousand nine hundred thirteen (P. L. 114) entitled "An act regulating the time of payment of wages and earnings and providing a penalty for violation hereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That unless otherwise stipulated in the contract of hiring each person firm or corporation employing any person other than at an annual salary shall pay to such person his or her earnings or wages semi-monthly The first payment shall be made between the first and fifteenth day of each month and the second payment shall be made between the fifteenth and the last day of each month All such employers shall either as part of the check draft or other voucher paying the wages or separately furnish their employes with a statement showing the total amount of deductions from their wages for the period

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Fiss,	Longo,	Rooney,
Allmond,	Fleming,	Lovett,	Rose, S.,
Auker,	Fletcher,	Lyons,	Rosenfeld,
Baker,	Foor,	Malloy,	Royer,
Balthaser,	French,	Marks,	Rush,
Baugher,	Gallagher,	Maxwell,	Sarge,
Bentley,	Gates,	McClanaghan,	Sarraf,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Gross,	McDowell,	Serrill,
Boorse,	Gryskewicz,	McFall,	Shaffer,
Bower,	Gyger,	McIntosh,	Shaw,
Bradley,	Habbyhaw,	McKinney,	Shepard,
Breth,	Haberlen,	McLanahan,	Skale,
Bretherick,	Haines,	McLane,	Snyder,
Brunner, C. H.,	Hamilton,	McMillen,	Sollenberger,
Brunner, P. A.,	Hare,	McSurdy,	Stambaugh,
Burns,	Harkins,	Melchiorre,	Stank,
Burris,	Harmuth,	Mihm,	Stine,
Cadwalader,	Harris,	Modell,	Stockham,
Chervenak,	Heatherington,	Monks,	Tarr,
Chudoff,	Helm,	Mooney,	Tate,
Cochran,	Hering,	Moran,	Taylor,
Cohen, M. M.,	Herman,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Muir,	Thompson, R. L.,
Cook,	Hewitt,	Munley,	Trout,
Cooper,	Hirsch,	Nagel,	Turner,
Cordier,	Holland,	Nunemacher,	Van Allsburg,
Corrigan,	Huntley,	O'Brien,	Verona,
Croop,	Imbrie,	O'Connor,	Vincent,
Cullen,	James,	O'Dare,	Vogt,
Dalrymple,	Jefferson,	O'Neill,	Voldow,
Dennison,	Jones, G. E.,	Owens,	Voorhees,
DiGenova,	Jones, P. N.,	Petrosky,	Wagner,
Dix,	Keenan,	Pettit,	Watkins,
Dolon,	Kenehan,	Polaski,	Weingartner,
D'Ortona,	Kline,	Polen,	Weiss,
Duffy,	Kolankiewicz,	Powers,	Welsh, E. B.,
Early,	Komorofski,	Prosen,	Welsh, M. J.,
Eckels,	Krise,	Rank,	Williams,
Elder,	Lee, E. A.,	Rausch,	Wolf,
Elliott,	Lee, T. H.,	Readinger,	Wood, N.,
Ely,	Leisey,	Reagan,	Woodring,
Falkenstein,	Leonard,	Reese, David P.,	Wright,
Finestone,	Lesko,	Reese, R. E.,	Yeakel,
Finnerty,	Levy,	Reynolds,	Yester,
Fisher,	Leydic,	Rhea,	Young,
	Lichtenwalter,	Riley,	Kilroy,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1439, as follows:

An Act to declare valid and legal the establishment and organization of housing authorities all bonds notes contracts agreements obligations and undertakings of such housing authorities and all proceedings acts and things heretofore undertaken performed with reference thereto

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Organization and Establishment The establishment and organization of housing authorities under the provisions of the Housing Authorities Law (laws of 1937 P. L. 955 No. 265 as amended by Laws of 1939 P. L. 424 No. 238) together with all proceedings acts and things heretofore undertaken performed or done with reference thereto are hereby validated ratified approved and declared legal in all respects notwithstanding any defect or irregularity therein or any want of statutory authority

Section 2 Contracts and Undertakings All contracts agreements obligations and undertakings of such housing authorities heretofore entered into relating to financing or aiding in the development construction maintenance or operation of any housing project or projects or to obtaining aid therefor from the United States Housing Authority including (without limiting the generality of the foregoing) loan and annual contributions contracts and leases with the United States Housing Authority agreements with municipalities or other public bodies (including those which are pledged or authorized to be pledged for the protection of the holders of any notes or bonds issued by such housing authorities or which are otherwise made a part of the contract with such holders of notes or bonds) relating to cooperation and contributions in aid of housing projects payments (if any) in lieu of taxes furnishing of municipal services and facili-

ties and the elimination of unsafe and unsanitary dwellings and contracts for the construction of housing projects together with all proceedings acts and things heretofore undertaken performed or done with reference thereto are hereby validated ratified confirmed approved and declared legal in all respects notwithstanding any defect or irregularity therein or any want of statutory authority

Section 3 Notes and Bonds All proceedings acts and things heretofore undertaken performed or done in or for the authorization issuance execution and delivery of notes and bonds by housing authorities for the purpose of financing or aiding in the development or construction of a housing project or projects and all notes and bonds heretofore issued by housing authorities are hereby validated ratified confirmed approved and declared legal in all respects notwithstanding any defect or irregularity therein or any want of statutory authority

Section 4 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Fleming,	Lovett,	Rose, S.,
Allmond,	Fletcher,	Lyons,	Rosenfeld,
Baker,	Foor,	Malloy,	Royer,
Balthaser,	French,	Marks,	Rush,
Baugher,	Gallagher,	Maxwell,	Sarge,
Bentley,	Gates,	McClanaghan,	Sarraf,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Gross,	McDowell,	Serrill,
Boorse,	Gryskewicz,	McFall,	Shaffer,
Bower,	Gyger,	McIntosh,	Shaw,
Bradley,	Habbyhaw,	McKinney,	Shepard,
Breth,	Haberlen,	McLanahan,	Skale,
Bretherick,	Haines,	McLane,	Snyder,
Brunner, C. H.,	Hamilton,	McMillen,	Sollenberger,
Brunner, P. A.,	Hare,	McSurdy,	Stambaugh,
Burns,	Harkins,	Melchiorre,	Stank,
Burris,	Harmuth,	Mihm,	Stine,
Cadwalader,	Harris,	Modell,	Stockham,
Chervenak,	Heatherington,	Monks,	Tarr,
Chudoff,	Helm,	Mooney,	Tate,
Cochran,	Hering,	Moran,	Taylor,
Cohen, M. M.,	Herman,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Muir,	Thompson, R. L.,
Cook,	Hewitt,	Munley,	Trout,
Cooper,	Hirsch,	Nagel,	Turner,
Cordier,	Holland,	Nunemacher,	Van Allsburg,
Corrigan,	Huntley,	O'Brien,	Verona,
Croop,	Imbrie,	O'Connor,	Vincent,
Cullen,	James,	O'Dare,	Vogt,
Dalrymple,	Jefferson,	O'Neill,	Voldow,
Dennison,	Jones, G. E.,	Owens,	Voorhees,
DiGenova,	Jones, P. N.,	Petrosky,	Wagner,
Dix,	Keenan,	Pettit,	Watkins,
Dolon,	Kenehan,	Polaski,	Weingartner,
D'Ortona,	Kline,	Polen,	Weiss,
Duffy,	Kolankiewicz,	Powers,	Welsh, E. B.,
Early,	Komorofski,	Prosen,	Welsh, M. J.,
Eckels,	Krise,	Rank,	Williams,
Elder,	Lee, E. A.,	Rausch,	Wolf,
Elliott,	Lee, T. H.,	Readinger,	Wood, N.,
Ely,	Leisey,	Reagan,	Woodring,
Falkenstein,	Leonard,	Reese, David P.,	Wright,
Finestone,	Lesko,	Reese, R. E.,	Yeakel,
Finnerty,	Levy,	Reynolds,	Yester,
Fisher,	Leydic,	Rhea,	Young,
Fiss,	Lichtenwalter,	Riley,	Kilroy,
	Longo,	Rooney,	Speaker.

NAYS—1

Auker,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1222, as follows:

An Act to further amend clause (j) of section two hundred and eight of the act approved the fitfh day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by imposing new duties on the Secretary of Labor and Industry relative to appointments in order to prevent discrimination in such appointments because of race color or creed of eligibles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (j) of section two hundred and eight of the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 658) is hereby further amended to read as follows

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board

* * * * *

(j) The secretary shall make appointment to positions created under this act and shall fill vacancies as they may occur from the lists of eligibles certified to him by the board except with respect to positions filled by promotions as hereinafter provided and by the appointment of persons exempted by subsection (b) of this section In making appointments therefrom the secretary shall select from the three persons ranking highest on the list of eligibles for the grade of employment in the administrative district or in the State as a whole as the case may be the applicant most suitable for the position in the grade of employment for which a vacancy exists taking into consideration his experience and personal qualifications with sole reference to merit and fitness for the position to be filled If upon inquiry by the secretary a person on the list of eligibles is found to be not available for employment or cannot be located his name shall not for the time being be considered among the three names from which a choice is to be made For the second vacancy the secretary shall make selection from the highest three persons remaining on such list of eligible who have not been within his reach for three separate vacancies The third and any additional vacancies shall be filled in like manner

Vacancies in positions subject to the provisions of this section whether such positions be newly created or va-

cated for any reason by any former incumbent shall be filled in so far as practical by promotions from among employes holding positions in the lower grades In all cases an employe to be promoted shall possess the qualifications specified for the position and shall have served not less than six months (including service during any probationary period but not including service during any provisional employment) in a position under the provisions of this act Promotions shall be based on merit and upon the superior qualifications of the employe to be promoted as shown by his or her previous service record under this act The secretary may promote an employe to a higher position to which such employe has been certified as eligible by the board provided that the board shall in certifying such employe satisfy itself that the employe possess the qualifications prescribed by the secretary for the higher position Before making such certification the board may require any employe or employes to take such qualifying or competitive examinations as the board may prescribe

Whenever in making appointment to any position in the competitive class pursuant to this section from among those graded highest in an open competitive examination the secretary shall appoint or give employment to any person graded lower in such examination than any other person or persons whom the secretary might lawfully have appointed to or given employment in such position and who was willing to accept such position of employment the secretary shall within five days after making such appointment or giving such employment enter upon the records of his office a statement in writing of his reasons for appointing or giving employment to the person so appointed or given employment and his reasons for failing to appoint or to give employment to the person or persons so graded higher in such examination and shall within the same period transmit a copy of such statement to the Auditor General certifying under oath that the said statement is a true and complete statement of his reasons for the acts referred to therein and that such acts were not done by reason of the race color or creed of any person so appointed or given employment or of any person not appointed or given employment Until such certified statement is filed with him as herein provided the Auditor General shall not approve any payroll containing the name of the person so appointed or given employment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190.

Achterman,	Fleming,	Lovett,	Rose, S.,
Allmond,	Fletcher,	Lyons,	Rosenfeld,
Auker,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baugher,	Gates,	McClanaghan,	Sarraf,
Bentley,	Gillette,	McClester,	Scanlon,
Bentzel,	Goodwin,	McDermott,	Schwab,
Boles,	Gross,	McDowell,	Serrill,
Boney,	Gryskewicz,	McFall,	Shaffer,
Boorse,	Gyger,	McIntosh,	Shaw,
Bower,	Habbyshaw,	McKinney,	Shepard,
Bradley,	Haberlen,	McLanahan,	Skale,
Breth,	Haines,	McLane,	Snyder,
Bretherick,	Hamilton,	McMillen,	Sollenberger,
Brunner, C. H.,	Hare,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harkins,	Melchiorre,	Stank,
Burns,	Harmuth,	Mihm,	Stine,
Burris,	Harris,	Modell,	Stockham,
Cadwalader,	Heatherington,	Monks,	Tarr,
Chervenak,	Helm,	Mooney,	Tate,
Chudoff,	Hering,	Moran,	Taylor,
Cochran,	Herman,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hewitt,	Munley,	Trout,
	Hirsch,	Nagel,	Turner,
Cook,	Holland,	Nunemacher,	Van Allsburg,
Cooper,	Huntley,	O'Brien,	Verona,
Cordier,	Imbrie,	O'Connor,	Vincent,
Corrigan,	James,	O'Dare,	Vogt,
Croop,	Jefferson,	O'Neill,	Voldow,
Cullen,	Jones, G. E.,	Owens,	Voorhees,
Dalrymple,	Jones, P. N.,	Petrosky,	Wagner,
Dennison,	Keenan,	Pettit,	Watkins,
DiGenova,	Kenehan,	Polaski,	Weingartner,
Dix,	Kline,	Polen,	Weiss,
Dolon,	Kolankiewicz,	Powers,	Welsh, E. B.,
D'Ortona,	Komorofski,	Prosen,	Welsh, M. J.,
Duffy,	Krise,	Rank,	Williams,
Early,	Lee, E. A.,	Rausch,	Wolf,
Eckels,	Lee, T. H.,	Readinger,	Wood, N.,
Elder,	Leisey,	Reagan,	Woodring,
Elliott,	Leonard,	Reese, D. P.,	Wright,
Ely,	Lesko,	Reese, R. E.,	Yeakel,
Falkenstein,	Levy,	Reynolds,	Yester,
Finestone,	Leydic,	Rhea,	Young,
Finnerty,	Lichtenwalter,	Riley,	Kilroy,
Fisher,	Longo,	Rooney,	Speaker.
Fiss,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1438, as follows:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable and legal investments for the State and public officers municipal corporations political subdivisions and public bodies all banks bankers trust companies savings banks and institutions building and loan associations savings and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all executors administrators guardians trustees and other fiduciaries

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Housing Authority Bonds Legal Investments and Security Notwithstanding any restrictions on investments contained in any laws of this Commonwealth the Commonwealth and all public officers municipal corporations political subdivisions and public bodies all banks bankers trust companies savings banks and institutions building and loan associations savings and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all executors administrators guardians trustees and other fiduciaries may legally invest any sinking funds moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a housing authority established pursuant to the Housing Authorities Law and act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 995) as amended by an act approved the nineteenth day of June one thousand nine hundred and thirty-nine (P. L. 424) and any amendments thereto or used by any public housing authority or agency in the United States and such bonds and other obligations shall be authorized security for all public deposits and fully negotiable in this State it being the purpose of this act to authorize any persons firms corporations associations political subdivisions bodies and officers public or private to use any funds owned or controlled by them including (but not limited to) sinking insurance investment retirement compensation pension and trust funds and funds

held on deposit for the purchase of any such bonds or other obligations and that such bonds or other obligations shall be security for public deposits and negotiable in this State provided however that nothing contained in this act shall be constructed as relieving any person firm or corporation from any duty of exercising reasonable care in selecting securities.

Section 2 Severabilty Notwithstanding any other evidence of legislative intent it is hereby declared to be the controlling legislative intent that if any provision of this act or the application thereof to any person or circumstances is held invalid the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 3 Act Controlling Insofar as the provisions of this act are inconsistent with the provisions of any other law the provisions of this act shall be controlling.

Section 4 Effective Date This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows,viz:

YEAS—189

Achterman,	Fleming,	Lovett,	Rose, S.,
Allmond,	Fletcher,	Lyons,	Rosenfeld,
Baker,	Foor,	Malloy,	Royer,
Balthaser,	French,	Marks,	Rush,
Baugher,	Gallagher,	Maxwell,	Sarge,
Bentley,	Gates,	McClanaghan,	Sarraf,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Gross,	McDowell,	Serrill,
Boorse,	Gryskewicz,	McFall,	Shaffer,
Bower,	Gyger,	McIntosh,	Shaw,
Bradley,	Habbyshaw,	McKinney,	Shepard,
Breth,	Haberlen,	McLanahan,	Skale,
Bretherick,	Haines,	McLane,	Snyder,
Brunner, C. H.,	Hamilton,	McMillen,	Sollenberger,
Brunner, P. A.,	Hare,	McSurdy,	Stambaugh,
Burns,	Harkins,	Melchiorre,	Stank,
Burris,	Harmuth,	Mihm,	Stine,
Cadwalader,	Harris,	Modell,	Stockham,
Chervenak,	Heatherington,	Monks,	Tarr,
Chudoff,	Helm,	Mooney,	Tate,
Cochran,	Hering,	Moran,	Taylor,
Cohen, M. M.,	Herman,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Muir,	Thompson, R. L.,
Cook,	Hewitt,	Munley,	Trout,
Cooper,	Hirsch,	Nagel,	Turner,
Cordier,	Holland,	Nunemacher,	Van Allsburg,
Corrigan,	Huntley,	O'Brien,	Verona,
Croop,	Imbrie,	O'Connor,	Vincent,
Cullen,	James,	O'Dare,	Vogt,
Dalrymple,	Jefferson,	O'Neill,	Voldow,
Dennison,	Jones, G. E.,	Owens,	Voorhees,
DiGenova,	Jones, P. N.,	Petrosky,	Wagner,
Dix,	Keenan,	Pettit,	Watkins,
Dolon,	Kenehan,	Polaski,	Weingartner,
D'Ortona,	Kline,	Polen,	Weiss,
Duffy,	Kolankiewicz,	Powers,	Welsh, E. B.,
Early,	Komorofski,	Prosen,	Welsh, M. J.,
Eckels,	Krise,	Rank,	Williams,
Elder,	Lee, E. A.,	Rausch,	Wolf,
Elliott,	Lee, T. H.,	Readinger,	Wood, N.,
Ely,	Leisey,	Reagan,	Woodring,
Falkenstein,	Leonard,	Reese, D. P.,	Wright,
Finestone,	Lesko,	Reese, R. E.,	Yeakel,
Finnerty,	Levy,	Reynolds,	Yester,
Fisher,	Leydic,	Rhea,	Young,
Fiss,	Lichtenwalter,	Riley,	Kilroy,
	Longo,	Rooney,	Speaker.

NAYS—1

Auker,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1038, as follows:

An Act making it unlawful for any individual partnership or association to carry on or conduct any business in this Commonwealth unless there is displayed on the exterior of such establishment the identity of the owner or authorized representative and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 No individual partnership or association shall hereafter carry on or conduct any business in this Commonwealth unless the individual partnership or association conducting the same shall have displayed in a prominent place on the exterior of the establishment where the business is conducted a statement in the English language which will indicate the identity of the proprietor or authorized representative of such establishment Provided however That fictitious assumed or corporate names shall be sufficient compliance with the provisions herein if such names have been properly registered or authorized under the laws of this Commonwealth

Section 2 Any individual partnership or association carrying on or conducting any business in violation of the provisions of this act shall be guilty of a misdemeanor and upon conviction such individual individuals or authorized agent thereof shall be punished by a fine not exceeding one hundred dollars ($100) or by imprisonment not exceeding thirty (30) days or both in the discretion of the court

Section 3 Failure to comply with the provisions of this act shall render the authorized agent or the apparent owner of the business liable for any and all debts actions and liabilities which would otherwise be directed against the owner

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 164.

Achterman,	Fiss,	Lesko,	Reynolds,
Allmond,	Fleming,	Levy,	Rhea,
Baker,	Fletcher,	Leydic,	Riley,
Balthaser,	Foor,	Lichtenwalter,	Rooney,
Bentley,	French,	Longo,	Rose, S.,
Bentzel,	Gallagher,	Lovett,	Rose, W. E.,
Boles,	Gates,	Lyons,	Rosenfeld,
Boney,	Goodwin,	Malloy,	Rush,
Bower,	Gryskewicz,	Marks,	Sarge,
Bradley,	Gyger,	Maxwell,	Sarraf,
Breth,	Habbyshaw,	McClanaghan,	Scanlon,
Bretherick,	Haberlen,	McDermott,	Schwab,
Brunner, P. A.,	Haines,	McDowell,	Serrill,
Burns,	Hamilton,	McFall,	Shaffer,
Burris,	Hare,	McIntosh,	Shaw,
Cadwalader,	Harkins,	McLanahan,	Shepard,
Chervenak,	Harmuth,	McLane,	Skale,
Chudoff,	Harris,	McSurdy,	Sollenberger,
Cochran,	Heatherington,	Melchiorre,	Stank,
Cohen, M. M.,	Helm,	Mihm,	Stine,
Cohen, R. E.,	Hering,	Modell,	Stockham,
Cooper,	Herman,	Monks,	Tarr,
Cordier,	Hersch,	Mooney,	Tate,
Corrigan,	Hewitt,	Moran,	Taylor,
Croop,	Hirsch,	Moul,	Thompson, E. F.,
Cullen,	Holland,	Munley,	Thompson, R. L.,
Dalrymple,	Huntley,	Nunemacher,	Turner,
Dennison,	Imbrie,	O'Brien,	Verona,

DiGenova,	James,	O'Dare,	Vincent,
Dix,	Jefferson,	O'Neill,	Voldow,
Dolon,	Jones, G. E.,	Owens,	Voorhees,
D'Ortona,	Jones, P. N.,	Pettit,	Watkins,
Duffy,	Keenan,	Polaski,	Weingartner,
Early,	Kenehan,	Polen,	Weiss,
Eckels,	Kline,	Powers,	Welsh, E. B.,
Elder,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Elliott,	Komorofski,	Rank,	Williams,
Ely,	Krise,	Rausch,	Wolf,
Falkenstein,	Lee, E. A.,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Leisey,	Reese, D. P.,	Yester,
Fisher,	Leonard,	Reese, R. E.,	Young,
			Kilroy, Speaker.

NAYS 26

Auker,	Hall,	Petrosky,	Vogt,
Baugher,	McClester,	Royer,	Wagner,
Boorse,	McKinney,	Snyder,	Wood, L. H.,
Brunner, C. H.,	McMillen,	Stambaugh,	Wood, N.,
Cook,	Muir,	Trout,	Woodring,
Gillette,	Nagel,	Van Allsburg,	Woodside,
Gross,	O'Connor,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1401, entitled as follows:

An Act to amend section six and to further amend section thirteen of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2051) entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," further regulating the establishment of standards and qualifications for assistance and imposing additional penalties

On the question,

Will the House agree to the bill on third reading?

Mr. D'ORTONA. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 2 (Sec. 13), page 4, line 6, by inserting a light-face bracket before and after the word "shall"

Amend Sec. 2 (Sec. 13), page 4, line 6, by inserting after the word "shall" the following: "may".

Amend Sec. 2 (Sec. 13), page 4, line 25, by striking out the word "shall" and inserting in lieu thereof: "may".

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1435, as follows:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof to limit the initiation of the development of such projects until December 31 1943 to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government to acquire or lease such projects and to sell or lease certain projects to the Federal Government to authorize public bodies to assist such projects of housing authorities and of the Federal Government and to declare valid all bonds notes and obligations of housing authorities issued for projects heretofore under taken to provide safe and sanitary dwellings for persons engaged in national-defense activities

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this Act may be referred to as the "National Defense Housing Law"

Section 2 It is hereby found and declared that the national defense program involves large increases in the military forces and personnel in this Commonwealth a great increase in the number of workers in already established manufacturing centers and the bringing of a large number of workers and their families to new centers of defense industries in the Commonwealth that there is an acute shortage of safe and sanitary dwellings available to such persons and their families in this Commonwealth which impedes the national-defense program that it is imperative that action be taken immediately to assure the availability of safe and sanitary dwellings for such persons to enable the rapid expansion of national-defense activities in this Commonwealth and to avoid a large labor turnover in defense industries which would seriously hamper their production that the provisions hereinafter enacted are necessary to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities which otherwise would not be provided at this time and that such provisions are for the public use and purpose of facilitating the national-defense program in this Commonwealth It is further declared to be the purpose of this Act to authorize housing authorities to do any and all things necessary or desirable to secure the financial aid of the Federal Government or to cooperate with or act as agent of the Federal Government in the expeditious development and the administration of projects to assure the availability when needed of safe and sanitary dwellings for persons engaged in national-defense activities

Section 3 Definitions

(a) "Persons engaged in national-defense activities" as used in this Act shall mean enlisted men in the military and naval services of the United States and employes of the War and Navy Departments assigned to duty at military or naval reservations posts or bases and workers engaged or to be engaged in industries connected with and essential to the national-defense program and shall include the families of the aforesaid persons who are living with them

(b) "Development" as used in this Act shall mean any and all undertakings and activities necessary or proper for the planning land acquisition demolition financing construction or equipment in connection with a project (including the negotiation or award of contracts therefor) and shall include the acquisition of any project (in whole or in part) from the State or Federal Government

(c) "Administration" as used in this Act shall mean any and all undertakings and activities necessary or proper for the management operation or maintenance in connection with any project and shall include the leasing of any project (in whole or in part) from the State or Federal Government

(d) "Federal Government" as used in this Act shall mean the United States of America or any agent or instrumentality corporate or otherwise of the United States of America

(e) "State Government" as used in this Act shall mean the Commonwealth of Pennsylvania or any agency or instrumentality coporate or otherwise of the Commonwealth

(f) The development of a project shall be deemed to be "initiated" within the meaning of this Act if a housing authority has issued any bonds notes or other obligations with respect to financing the development of such projects of the housing authority or has contracted with the Federal Government with respect to the exercise of powers hereunder in the development of such project of the Federal Government for which an allocation of funds has been made prior to December 31 1943

(g) "Housing Authority" as used in this Act shall mean any housing authority established or hereafter established pursuant to the Housing Authorities Law (Act of May 28, 1937 P. L. 955 as amended by Act of June 19th 1939 P. L. 424 and any additional amendments thereto)

(h) "Project" or "Housing Project" as used in this Act shall mean any work or undertaking to provide safe and sanitary urban or rural dwellings apartments or other living accommodations including buildings land equipment facilities and other real or personnel property for necessary convenient or desirable appurtenances streets sewers water services parks site appropriations gardening administrative community health recreational educational welfare or other purposes

(i) "National Defense Period" as used in this Act means the period during which a housing authority finds that within its field or operation or any part thereof (1) there exists or impends an acute shortage of safe and sanitary dwellings and (2) there exists an immediate need for housing accommodations for persons engaged in National Defense activities and (3) the failure to supply such housing accommodations will impede the National Defense Program and (4) private industry alone is unable to supply the need for housing accommodations for persons engaged in National Defense activities within the time and in the quantity necessary to supply the need of such housing without impeding the National Defense program

(j) "Field of Operation" as used in this Act means the area within the territorial boundaries of the city or county for which the particular housing authority is created provided however that the field of operation of any county authority shall not include a city having a housing authority

(k) "State Public Body" as used in this Act shall mean any city borough town township county municipal corporation commission school district institution district district authority other sub-division or public body of this Commonwealth

Section 4 During the national-defense period every housing authority shall have the power to undertake the development and administration of projects within its field of operation to provide safe and sanitary dwellings for persons engaged in national-defense activities but no housing authority shall initiate the development of any such project pursuant to this Act after December 31 1943

In the ownership development or administration of such projects a housing authority shall have all the rights powers privileges and immunities that such authority has under any provision of law relating to the ownership development or administration of slum clearance and housing projects for persons of low income with the same force and effect as though all the provisions of law applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to provide safe and sanitary dwellings for persons engaged in National-Defense activities as provided in this Act provided that any project developed or administered by any housing authority (or by any housing authority cooperating with it) pursuant to this Act as agent for the Federal Government or otherwise as provided herein shall not be subject to the rental and tenant selection limitations provided in the Housing Authorities Law but such authority shall fix fair rentals for such projects within the financial reach of persons engaged in National-Defense activities and provided further that a housing authority may enter into any agreements with counties cities boroughs townships school districts or institution districts to pay such sum or sums of money as may be agreed to in lieu of taxes for general services rendered by such county city borough township school district or institution district or to pay for services facilities works privileges or improvements furnished for or in connection with any such projects without being limited to the cost thereof In the case of a project administered by a housing authority other than as agent of the Federal Government any revenue in excess of that necessary with other available funds to pay any bonds or other obligations administrative maintenance and operating expenses and to provide for reasonable reserves in connection with such project shall be held and used by the authority for its general corporate purposes

Section 5 A housing authority may exercise any or all of its powers for the purpose of cooperating with or acting as agent for the Federal Government in the development or administration of projects by the Federal Government to provide safe and sanitary dwellings for persons engaged in national-defense activities and may undertake the development of administration of any such project for the Federal Government In order to provide safe and sanitary housing for persons engaged in national-defense activities a housing authority may sell or lease (in whole or in part) to the Federal Government any housing project developed for persons of low income but not yet occupied by such persons at such price and upon such terms as the housing authority shall prescribe and shall include provision for the satisfaction of all debts and liabilities of the housing authority relating to such project During the national-defense period a housing authority may lease a slum clearance housing project to persons engaged in national-defense activities without regard to the rental and income limitations provided in the Housing Authorities Law

Section 6 Any state public body shall have the same rights and powers to cooperate with housing authorities or with the Federal Government with respect to the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national-defense activities that such state public body has for the purpose of assisting the development or administration of slum clearance or housing projects for persons of low income provided that any state public body maye enter into any agreements to receive payment for any general services facilities works privileges or improvements furnished by it for or in connection with any such projects and provided further that any city incorporated town or borough may furnish the aforesaid cooperation to such projects located within the territorial boundaries of such city incorporated town or borough or within five miles thereof and not within the boundaries of any other city incorporated town or borough and any state public body may furnish the aforesaid cooperation within the territorial boundaries of the state public body or any such projects located within the territorial boundaries of such state public body or within five miles of such boundaries

Section 7 All bonds notes contracts agreements and obligations of housing authorities heretofore issued or entered into relating to financing or undertaking (including cooperating with or acting as agent of the Federal Government in) the development or administration of any project to provide safe and sanitary dwellings for persons engaged in national-defense activities are hereby validated and declared legal in all respects notwithstanding any defect or irregularity therein or any want of statutory authority

Section 8 This act shall constitute an independent authoriaztion for a housing authority to undertake the development or administration of projects to provide safe

and sanitary dwellings for persons engaged in national-defense activities as provided in this act and for a housing authority to cooperate with or act as agent for the Federal Government in the development or administration of similar projects by the Federal Government In acting as agent of the Federal Government under this act a housing authority shall not be subject to any limitations restrictions or requirements of other laws of this Commonwealth or any subdivision thereof (except those relating to land acquisition) prescribing the procedure or action to be taken in the development or administration of any public works including slum clearance and housing projects for persons of low income or undertakings or projects of municipal or public corporations or political subdivisions or agencies of the Commonwealth A housing authority may do any and all things necessary or desirable to cooperate with or act as agent for the Federal Government or to secure financial aid in the expeditious development or in the administration of projects to provide safe and sanitary dwellings for persons engaged in national-defense activities and to effectuate the purposes of this Act

Section 9 The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law and nothing contained herein shall be construed as limiting any other powers of a housing authority

Section 10 Notwithstanding any other evidence of legislative intent it is hereby declared to be the controlling legislative intent that if any provision of this Act or the application thereof to any persons or circumstances is held invalid the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby

Section 11 This Act shall become effective immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 190.

Achterman,	Fletcher,	Lovett,	Rose, S.,
Allmond,	Fleming,	Lyons,	Rosenfeld,
Auker,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baugher,	Gates,	McClanaghan,	Sarraf,
Bentley,	Gillette,	McClester,	Scanlon,
Bentzel,	Goodwin,	McDermott,	Schwab,
Boies,	Gross,	McDowell,	Serrill,
Boney,	Gryskewicz,	McFall,	Shaffer,
Boorse,	Gyger,	McIntosh,	Shaw,
Bower,	Habbyshaw,	McKinney,	Shepard,
Bradley,	Haberlen,	McLanahan,	Skale,
Breth,	Haines,	McLane,	Snyder,
Bretherick,	Hamilton,	McMillen,	Sollenberger,
Brunner, C. H.,	Hare,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harkins,	Melchiorre,	Stank,
Burns,	Harmuth,	Mihm,	Stine,
Burris,	Harris,	Modell,	Stockham,
Cadwalader,	Heatherington,	Monks,	Tarr,
Chervenak,	Helm,	Mooney,	Tate,
Chudoff,	Hering,	Moran,	Taylor,
Cochran,	Herman,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hewitt,	Munley,	Trout,
Cook,	Hirsch,	Nagel,	Turner,
Cooper,	Holland,	Nunemacher,	Van Allsburg,
Cordier,	Huntley,	O'Brien,	Verona,
Corrigan,	Imbrie,	O'Connor,	Vincent,
Croop,	James,	O'Dare,	Vogt,
Cullen,	Jefferson,	O'Neill,	Voldow,
Dalrymple,	Jones, G. E.,	Owens,	Voorhees,
Dennison,	Jones, P. N.,	Petrosky,	Wagner,
DiGenova,	Keenan,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Kolankiewicz,	Powers,	Welsh, E. B.,
Duffy,	Komorofski,	Prosen,	Welsh, M. J.,
Early,	Krise,	Rank,	Williams,
Eckels,	Lee, E. A.,	Rausch,	Wolf,
Elder,	Lee, T. H.,	Readinger,	Wood, N.,
Elliott,	Leisey,	Reagan,	Woodring,
Ely,	Leonard,	Reese, D. P.,	Wright,
Falkenstein,	Lesko,	Reese, R. E.,	Yeakel,
Finestone,	Levy,	Reynolds,	Yester,
Fisher,	Leydic,	Rhea,	Young,
Fiss,	Lichtenwalter,	Riley,	Kilroy,
	Longo,	Rooney,	Speaker.

NAYS 0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 891, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto" by requiring the Department of Revenue to establish a system for the permanent registration of hunters revising the provisions of said act relating to the issuance of licenses and eliminating the power of justices of the peace magistrates and notaries public to receive applications therefore

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. DIX. Mr. Speaker, I desire to interrogate the gentleman from Clearfield, Mr. Breth.

The SPEAKER pro tempore. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. BRETH. I shall, Mr. Speaker.

Mr. DIX. Mr. Speaker, this is a very complicated bill, it runs into considerable length and I don't think ten percent of the Members of this House understand what is is all about. I would like to have the sponsor of this bill explain it in detail as to just what this bill will accomplish.

Mr. BRETH. Mr. Speaker, this is a sportsmens' bill, it is rather involved as printed, because it introduces into hunting a new measure which has been needed for many years. It provides for the examination of all new hunters along the line of the regular car driver's examination, said examination to be given by the Game Commission officials in the various counties in the State. The bill was discussed thoroughly in committee pro and con. It was presented to the Game Commission, it was presented to the sportsmen, and Charles K. Fox, the Chairman of the Pennsylvania Federation of Sportsmen's Clubs' Legislative Committee, appeared before the Game Committee of this House and endorsed the purpose of the bill. The bill was taken up with the Game Commission officials and they have worked out the details to their satisfaction also.

There is another provision in the bill which provides for permanent registration of hunters. The real purpose behind the bill is to exercise some measure of control over the hunter which is lacking at the present time.

At the present time anyone, regardless of his experience with firearms, can walk up to a neighborhood issuing agent and obtain a hunting license, and for two dollars get the right to carry a high powered rifle or a shotgun into the woods. No questions are asked, all that is re-

quired is that he identify himself as being a citizen. In other words, anyone who has never had a gun in his hands before can without passing an examination go out into the woods. The reason for desiring this control is the fact that so many accidents happen and this bill aims to give the hunter who has had a hunting license his regular license without any red tape. In other words, he will get his license without any more trouble than he had before, but the new hunter who has not had a hunting license must appear before a game warden and demonstrate his ability to handle firearms, his knowledge of safety precautions, and his knowledge of game laws.

There was a little difficulty in setting up the administration which I think is troubling Mr. Dix. The bill sets up county treasurers as agents and it also permits them to appoint sub-agents in their own county. Under the present system, all the agents deal with the Department of Revenue and the Game Commission. They have over nine hundred, and the returns are not complete, not only for last year but for 1939 and as far back as 1938. A few of the nine hundred regular licensing agents in the past have not submitted their returns which means further lack of control of the hunter. I think the bill is worded in a fautly manner on the calendar. It says the right shall be taken away from notaries public and magistrates and so forth, to issue licenses. It doesn't mean that. The bill really means that the county treasurers are set up as the issuing agent in each county. The notaries public and the justices of the peace and so forth can still retain their rights to issue licenses by merely going to the county treasurer and getting their appointment there as they did before by going to the Department of Revenue.

I could go on with many illustrations of this character, but I want to say to you in regard to the bill and in regard to the attitude of the sportsmen towards this bill, the Southern Division of the Sportsman's Clubs, comprising nine counties, Mifflin, Juniata, Perry, Dauphin, York, Adams, Lancaster, Lebanon and Cumberland met on Sunday at Huntsdale and endorsed the bill one hundred per cent. The President of the State Federation of Sportsmen's Clubs, which by the way number over 1100 in the state, whose name is Merrill Merrits of Altoona, in a conversation with me recently endorsed the bill one hundred per cent. As I mentioned a minute ago, Charles K. Fox, Chairman of their Legislative Committee, appeared before the Game Committee of this House and endorsed the bill. There is nothing more that I can say. As I said a minute ago, I could go on and on but I do not care to take up the time of the House.

Mr. DIX. Mr. Speaker, I desire to interrogate the gentleman from Clearfield, Mr. Breth.

The SPEAKER pro tempore. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. BRETH. I shall, Mr. Speaker.

Mr. DIX. Mr. Speaker, will this bill eliminate the local issuing of licenses?

Mr. BRETH. Mr. Speaker, it will not. It will regulate it in this way: it is provided that the county treasurer does not have open appointive power, that is, he cannot appoint one hundred and ten or fifteen agents but the bill provides he shall appoint one issuing agent per thousand licenses issued the year previous. In my own county there are twelve thousand hunting licenses issued during the year, which means we may have at least twelve agents. Then it provides in some of these smaller counties where there is no necessity for a great number of agents, he can appoint them on the basis of one to two thousand. In Clearfield county we have seven licensing agents now but under the bill we can have from six to twelve according to the wishes of the county treasurer.

Dr. DIX. Mr. Speaker, what is the cost to the person who has this license issued to him?

Mr. BRETH. Mr. Speaker, the cost to the hunter is two dollars, less ten cents for the agent's fee, so that the Game Commission has a net return of one dollar and ninety cents.

Mr. DIX. Mr. Speaker, do I understand then that the new hunter must pay two dollars for this certificate to hunt in addition to his regular hunting license?

Mr. BRETH. No, Mr. Speaker. The new hunter will go to the County Treasurer and get an application card which he takes to the Game Warden and takes an examination, and his license will cost him only two dollars the same as any other hunter.

Mr. DIX. The same as it is now?

Mr. BRETH. That is correct, Mr. Speaker.

Mr. DIX. Mr. Speaker, in my opinion this bill will not accomplish what it sets out to do and for that reason I personally will not support the bill.

Mr. GEORGE E. JONES. Mr. Speaker, this bill of Mr. Breth is just another bill that the real hunter is opposed to. It creates a whole lot more jobs for the Game Commission. He uses the words "a safety measure," and if it is proposed as a safety measure I do not think it will do what he wants it to do. What is the game warden going to do while he is passing on these examinations? They should be out in the woods looking after the game for the hunters. I think this is a bad bill. Mr. Merrill Merrits, the President of the Federation of Sportsmen's Clubs in the City of Altoona told me personally he was opposed to the bill, and I think the average hunter, the average person, the average sportsman, is going to be opposed to this bill. Yes, they are, in Allegheny County and every place else.

I am going to ask the Members not to vote for this bill.

Mr. STAMBUAGH. Mr. Speaker, the bill before us is one of far reaching effect. It reaches out into every home and every farm in the state and requires the men and boys who do not have a hunter's license at the present time and who want to take a day out in the woods, to make arrangements long in advance and be examined in order that they may have a hunter's license. I feel this is a step in the wrong direction. The compelling of the taking of an examination to handle firearms in the woods is a matter that does not show in any manner whatsoever the individual's ability to act carefully and sanely when he is excited, when game is flushed or jumped. Some men who have the best understanding of firearms, who may be perfectly composed under ordinary circumstances, are the ones who become unduly excited and do the thing they should not do when hunting in the woods. Therefore, I contend and believe that the examination under this bill is very bad and should not be enforced on our people. I believe it is a step backward for the Game Commission to sponsor this bill, if they do, and I am not so sure that they have gone all-out on this part of the bill.

I should like before going any further to ask the sponsor of this bill, Mr. Breth, what organization or fac-

tors in the County of Perry were represented at the Huntsdale meeting.

The SPEAKER pro tempore. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. BRETH. I shall, Mr. Speaker.

Mr. STAMBAUGH. Mr. Speaker, what organization from Perry County was represented at the Huntsdale meeting?

Mr. BRETH. Mr. Speaker, I do not know what organization was represented, nor do I know the names of the delegates, but I do know it is a matter of record that the nine counties that met in Huntsdale went on record in support of this bill one hundred per cent. The bill was discussed pro and con and at length at the Huntsdale meeting on Sunday, but as far as who was there from Perry county, not being present myself, I cannot say.

Mr. STAMBAUGH. Mr. Speaker, this bill as set up provides for a permanent registration of hunters. This permanent registration of hunters is being taken care of by the Department of Revenue. That part of it is very good and perhaps a step in the right direction. The county treasurers are made the issuing agents in each county and they have the prerogative and right to appoint agents to assist them in their duties of issuing licenses.

Mr. Speaker, we find in section 302 of the bill that is set up in detail. In section 303 of the bill we find further instructions as to the setup of the bill, but when we go over to section three on page six, I want to call that particularly to the attention of the members of this House, beginning on line 7 the bill provides, "all such agents of the county treasurer shall be authorized by the treasurer to issue resident and non-resident hunting licenses, and they shall receive all licenses, tags, and necessary supplies, forms and materials from the treasurer and shall make all returns, reports and remittances, to him. The treasurer shall be responsible for their acts in relation to such duties." That is on page six in section three.

Now, we read on. We take up section 305.1, which is the new section setting up the permanent registration, and 305.2, which takes care of the loss of registration, and 305.3 showing what the registration cards should contain. In 305.4, note this, do not miss it, "The powers of the Department of Revenue. The Department of Revenue shall prepare, install and furnish to issuing agents all such files, forms, blanks, and equipment and shall make such rules and regulations not in conflict with the provisions of this or any other act of Assembly which it deems necessary to carry out and enforce the provisions of this amendment."

Section 310 on Page 9, "Issuing agents to keep a record and make reports. Each issuing agent shall keep a correct and complete record of all resident and non-resident hunter's licenses issued by him. Eact issuing agent shall at the close of each week forward a weekly report to the Department of Revenue on blanks furnished to him, a complete list of licenses granted during the previous week in correct numerical sequence, with the names and addresses of the licensees and such other information and data as the Department of Revenue may require. A duplicate copy of said report shall be forwarded to the director, and a triplicate copy of the report shall be retained in the office of the issuing agent, and such other copies of forms and other parts of the records of said agent as the Department of Revenue shall designate shall be forwarded to the director of the said department and retained in the office of the issuing agent".

Now, what have we done? In one place we have said that the agent shall report directly to the county treasurer and shall be responsible to the county treasurer. In another place in the bill, in section 310, page 9, we say that the agent shall be responsible and report to the Department of Revenue.

Mr. Speaker, the bill is such a conglomeration of errors and mistakes, containing so much of doubtful meaning, that I say this bill in it's present form should not be passed by this or any other House. I am not a lawyer but it does not take a lawyer to read this bill and determine that in one place the bill says the county treasurer shall be the chief issuing agent and the agent shall in all cases report to the county treasurer, and in another place it says the agent shall report to the Department of Revenue.

The bill is poorly drawn, poorly written and it certainly won't do the things that it is intended to do. Again the County Treasurer is made responsible by the first section of this bill for the acts of the issuing agents. The agents are given the full amount of the commission of ten percent for writing the license and in turn the County Treasurer has the responsibility of seeing after this, and there is no provision made whatsoever to reimburse the county Treasurer for clerical or other work.

Mr. Speaker, In view of these several glaring shortcomings in this bill, as much as I would like to see a system of permanent registration put into effect, but since they have tied up with it these doubtful provisions, I ask that this bill be voted down.

Mr. GEORGE E. JONES. Mr. Speaker, this is one bill that is positively not a political football. Fellows that go hunting are both Democrats and Republicans. In my county, I want to leave this impression with you, we have fifteen thousand sportsmen and I personally called a meeting and had delegates from every one of these sportsmen clubs and they are strictly opposed to this bill. This is a bill that will get every darn hunter in the State on your backs if you pass it. I am going to ask you to vote it down.

Mr. HUNTLEY. Mr. Speaker, I come from a county which depends very much on fishing and hunting as a business. Fishing and hunting is the only natural resource we still have left in our county. Years ago we used the mountains to cut the timber off and convert it into lumber; we used the streams for floating timber to market, but to-day we are using those same mountains and those same streams for many of the people to make a livlihood. Therefore, I am naturally interested in anything pertaining to the question of fishing or hunting. I have supported every bill that the sportsmen have sponsored because I felt that whatever bill they would introduce would benefit all of my constituents. I wish to say further, when it comes to that question, Mr. Breth, the member from Clearfield County, is a leaf from my bible, but I believe we will not get the results he is expecting in takling the question in this way. I admit that the woods have too many incompetent, reckless and irresponsible hunters during the hunting season but I believe that as this bill is a tenure bill it does not cure any evil caused by the reckless and irresponsible hunter. He can still, if he has a license, go into the woods and hunt. This bill gives him the tenure to do it, while the outside members

have to take an examination. It seems to me that the way to get at this would be to require the men who handle a rifle to get a license for handling the rifle, and not put a restriction on the hunter. If incompetent people were required to get a license before they could handle a rifle I think we would then have this problem pretty well settled.

For that reason Mr. Speaker,—

Mr. TARR. Mr. Speaker, —

The SPEAKER pro tempore. The Chair recognizes the gentleman from Fayette, Mr. Tarr. For what purpose does the gentleman rise?

Mr. TARR. Mr. Speaker, due to the fact that there is so much controversy over this bill and so many persons are, I believe, frankly unable to vote on it intelligently at the present time, I move that the bill be placed on the postponed calendar.

The SPEAKER pro tempore. The gentleman is out of order. The gentleman from Cameron, Mr. Huntley, has the floor.

Does the gentleman from Cameron, Mr. Huntley, yield to the gentleman from Fayette, Mr. Tarr?

Mr. HUNTLEY. Mr. Speaker, I will yield to the gentleman from Fayette.

BILL POSTPONED

Mr. TARR. Mr. Speaker, I desire to thank the gentleman from Cameron, Mr. Huntley.

Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Monroe for presiding.

RESOLUTION

MOTHER'S DAY

Messrs. WEISS and MAXWELL offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 6, 1941

Whereas, On Sunday, May 11th, the Nation will observe Mother's Day, and

Whereas, On that day, the sons and daughters of this Nation will remember the mothers who bore them and guided them to maturity, with prayers of thanks for those mothers still living and with tears of sadness for those that are gone, and

Whereas, The love and tender care of the mothers of this Nation has produced faith and trust and confidence and fostered a true appreciation of the values of democracy in their children insuring the continued progress of this Nation in its great fight for the betterment of all mankind, and

Whereas, There is no deeper, stronger, more enduring tie than the unending love that ever exists in a mother's heart for her children, weeping, praying, slaving and fighting for them, therefore be it

Resolved, By the House of Representatives of the General Assembly of this Commonwealth, that the members of this House hereby resolve to pause, reflect, and pay tribute to our mothers, whose deep love and devotion guided us securely in a manner that gained for us the respect and trust and confidence of our fellow-men, and who are responsible for any success that has or may be ours.

REPORTS FROM COMMITTEES

Mr. AUKER, from the Committee on Cities—Third Class, reported as amended, House Bill No. 192, entitled:

An Act to amend section 4408 of the act approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto"; providing for appeals by policemen who are fined, suspended or discharged after hearing.

Mr. MODELL, from the Committee on Judiciary General, reported as amended, House Bill No. 801, entitled:

An Act to further amend section nine of the act, approved the eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three (P. L. 503), entitled "An act relating to the sale and conveyance of real estate," by including spendthrift trusts in the provision accelerating vested remainders in certain cases.

Mr. SHAW, from the Committee on Ways and Means, re-reported as committed, House Bill No. 229, entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 524

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 524, Printer's No. 130, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, pre-

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

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SENATE

WEDNESDAY, May 7, 1941.

The Senate met at 10:30 o'clock, a. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the chaplain prayer was offered by the Senator from Berks, Dr. RUTH.

Almighty God, to whom all hearts are open and all desires known and from whom no secrets are hidden, we come into Thy presence today and praise Thee for Thy great goodness unto men. We pray that Thy spirit will guide us in the deliberations of this day, that we may do Thy will, and as we go back to our homes may we be refreshed and strengthened and become determined that unity shall bring to pass the work that is ours to do. We ask it in the Master's name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MILLER and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 7, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Earle B. Lafean, Pittsburgh, 4411 Schenley Terrace.
Frank J. Loebig, Mount Oliver.
Miss Anna Schranner, Millvale.

BUTLER COUNTY

LaVerne Brown, Mars.
Glenn A. Randolph, Penn Twp., P. O. Box 470, Butler.

CHESTER COUNTY

Merrill Rhoads, Phoenixville.

DELAWARE COUNTY

Mrs. Elizabeth K. Tillman, Upper Providence Twp., R. D. 1, Media.

JUNIATA COUNTY

H. E. Van Ormer, Thompsontown.

PHILADELPHIA COUNTY

Miss Rose Bush, Phila., 2115 South Street.
Mrs. Minnie T. Leon, Phila., 234 North Front Street.
William E. Trickle, Phila., Spring Garden Bldg., SE Cor. Broad and Spring Garden Streets.
Martin J. Weiner, Phila., 4201 West Girard Avenue.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. WALKER and Mr. EALY,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McQuiddy,	Taylor,
Carr,	Frey,	Miller,	Thomas,
Cavalcante,	Haluska,	Mundy,	Tyler,
Chapman,	Heyburn,	Reed,	Walker,
Cox,	James,	Ruth,	Watkins,
Crider,	Jaspan,	Shapiro,	Wilson, H. I.,
Dent,	Lanius,	Snowden,	Wilson, T. B.,
DiSilvestro,	Letzler,	Stevenson,	Woodward,
Ealy,	Mallery,	Stiefel,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 211, (Senate Bill No. 829), entitled:

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188) entitled "Legal Holiday Law," by authorizing certain additional bank holidays.

Which was committed to the Committee on Banking.

House Bill No. 504, (Senate Bill No. 830), entitled:

An Act to amend section three and clause (88) of section one hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019) entitled "Statutory Construction Act," further providing for the position of the enacting clause; and further defining the phrase "political subdivision."

Which was committed to the Committee on Judiciary General.

House Bill No. 684, (Senate Bill No. 831), entitled:

An Act to further amend sections six and nine of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "Optometrists Licensure Law," further regulating the granting, suspension and revocation of the licenses of optometrists.

Which was committed to the Committee on Public Health.

House Bill No. 884, (Senate Bill No. 832), entitled:

An Act to amend section one of the act, approved the twenty-fourth day of April, one thousand nine hundred thirteen (P. L. 114), entitled "An act regulating the time of payment of wages and earnings, and providing a penalty for violation hereof," by requiring employers to furnish statements to employes of all deductions made from their wages.

Which was committed to the Committee on Judiciary Special.

House Bill No. 1038, (Senate Bill No. 833), entitled:

An Act making it unlawful for any individual, partnership, association or corporation to carry on or conduct any business in this Commonwealth, unless there is displayed on the exterior of such establishment, the identity of the owner and providing penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 1222 (Senate Bill No. 834), entitled:

An Act to further amend clause (j) of section two hundred and eight of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "Unemployment Compensation Law," by imposing new duties on the Secretary of Labor and Industry relative to appointments, in order to prevent discrimination in such appointments because of race, color or creed of eligibles.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1435, (Senate Bill No. 835), entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national defense activities.

Which was committed to the Commitee on Federal Relations.

House Bill No. 1438, (Senate Bill No. 836), entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

Which was committed to the Committee of Federal Relations.

House Bill No. 1439, (Senate Bill No. 837), entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto.

Which was committed to the Committee on Federal Relations.

BILLS INTRODUCED

Mr. BECKER read in his place and presented to the Chair Senate Bill No. 838, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth, the site of Fort Zeller in Lebanon County and land adjacent thereto, as a recreational spot for the people of the Commonwealth.

Which was committed to the Committee on State Government.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 839, entitled:

An Act to further amend Section 7 of the act, approved the fifth day of May, one thousand nine hundred twenty-one (P. L. 374), entitled "An act providing for the licensing and regulation of corporations, copartnerships, associations, and individuals, engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment, or of issuing, negotiating, offering for sale or selling any certificates, securities, contracts, or other choses in actions evidenced by writing on the partial payment or instalment plan,

or of assuming fixed obligations, or issuing, in connection therewith, a contract based upon payments being made upon instalments or single payments, under which all or part of the total amount received is to be repaid at some future time, with or without profit; and imposing penalties," requiring corporations and persons licensed under said act to deposit additional security with the Commission for the fulfillment of their contracts.

Which was committed to the Committee on Banking.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 840, entitled:

An Act to further amend sections six hundred eighteen and six hundred twenty of and to add section six hundred twenty-two to the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by further defining the rights, powers, duties, and liabilities of such associations, and of their officers, directors, shareholders and other employes, and providing for the capitalization of dividends.

Which was committed to the Committee on Banking.

MOTION TO CONSIDER BILLS ON THIRD READING

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to consideration of bills on first reading beginning at page 25 of today's Calendar.

It was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 469, (House Bill No. 364), entitled:

An Act to amend the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred thirty-six), entitled, as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents," amplifying the provisions thereof as to persons entitled to such payments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 497, (House Bill No. 610), entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" changing the qualifications of historical societies to receive appropriations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 499, (House Bill No. 657), entitled:

An Act to amend sections one two three and four of the act approved the twenty-first day of May one thousand nine hundred thirty-seven (P. L. 787) entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county city borough town school district or poor district at any sale for the nonpayment of taxes and the reconveyance or private sale of such property" extending the provisions of said act to properties purchased by said political subdivisions at sales for municipal claims and to the payment of such claims from the proceeds of such compromises or sales and changing the time when such compromises may be made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 500, (House Bill No. 708), entitled:

An Act enabling city county poor institution district ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants or by the expiration of their terms of office extending the time for the collection of the same for a period of two years from the passage of this act and validating collections and proceedings for collections made or commenced without previous authority.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 733, (House Bill No. 1087), entitled:

An Act to amend clause (2) of section three of the act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" by changing the definition of daily newspaper.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time to recess having elapsed the Senate will be in order.

PERMISSION TO ADDRESS THE SENATE

Mr. EALY. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Somerset will proceed.

Mr. EALY. Mr. President and members of the Senate, the House has invited the members of the Senate to come over there at eleven-twenty this morning to hear the Honorable Paul McNutt, who will make a few short remarks in regard to the defense program. I think it would be well for us to accept that invitation. It will not take a great deal of time and the Speaker and officers of the House request us to do so. However, it is a matter for the Senate to decide.

The PRESIDENT. What is the pleasure of the Senate?

MOTION TO ACCEPT INVITATION

Mr. HALUSKA. Mr. President, I move that the Senate accept the invitation and that we go over to the House in a body.

Mr. SHAPIRO. Mr. President, if these fellows can stand any more speeches I am willing to go over there but I think we should first finish the Calendar.

Mr. GELTZ. Mr. President, I rose to say something before action was taken on the motion.

The PRESIDENT. The gentleman from Allegheny will proceed.

Mr. GELTZ. Mr. President, I just wanted to suggest to the Senators that we have quite a long Calendar for consideration and we are going to be out of here practically all afternoon, I am afraid, at the meeting of the Defense Council in the Forum, so that it may cause considerable congestion and mean staying late tonight or staying over until tomorrow. It makes no difference to me what the Senators want to do but I feel they should think about it before acting on this motion.

Mr. SHAPIRO. Mr. President, we can not have a Session tonight as there is a statute which was written by the newspapermen some time ago that tonight we have to attend the correspondents' dinner, and unless we get an amendment to that act we will not be able to stay here tonight.

I think, Mr. President, we should go through with the Calendar and the motion of the gentleman from Cambria should be amended to state that if we get through with the Calendar in time we will accept the invitation.

Mr. WOODWARD. Mr. President, I understand we shall have an opportunity of hearing Governor McNutt at the afternoon session of the Defense Council and it does not seem to me to be at all discourteous to remain here and perform our duty. I therefore suggest that the resolution of the gentleman from Cambria be amended to state that we courteously decline the invitation of the House and that we remain in our seats.

Mr. HALUSKA. Mr. President, there is no resolution to amend and the motion has been passed, but in order to expedite matters I would suggest that we proceed with the Calendar up until eleven-twenty o'clock.

POINT OF ORDER

Mr. GELTZ. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Allegheny will state his point of order.

Mr. GELTZ. Mr. President, before the motion was put I asked for recognition and the President asked me to wait until the motion was put, and then the vote was taken.

Mr. President, I have nothing further to say with reference to this motion except that I want the Senators to be advised of the difficulties with which they may be faced.

Mr. EALY. This action of the Senate is perfectly satisfactory to me but I think, however, we ought to send a page over to the House to notify the Speaker the Senate will not attend.

Mr. COLEMAN. Mr. President, I think the former Governor of Indiana is one of the outstanding personalities in America today. We have had many elastic recesses, Mr. President, for ten minutes that have stretched out to an hour and a half and the Senate has at various times and will, I assume, if it follows the custom of the past, engage in considerable tomfoolery between now and the time we adjourn sine die.

I think, Mr. President, for the Senate of Pennsylvania to tell a former Governor of Indiana that we do not want to listen to him address the House is an affront; I think the gentleman is entitled to that courtesy and I am inclined to believe that to vote "no" in rejection of the invitation will be an affront to a man who has done so much for the people not only of his state but for the people of America generally and I think he is entitled to that courtesy as the same courtesy has been given other distinguished Americans in the past and I urge the members of the Senate to accept the invitation to go over to the House.

The PRESIDENT. The question before the Senate is whether the Senate will accept the invitation of the House.

The Chair feels that both sides of the Senate are unanimously of the opinion it would be discourteous, at least, not to accept that invitation and it has been agreed, with the approval of the Senators, that we will send a messenger to the House who will advise us of the arrival of the Governor and Mr. McNutt and we will then recess promptly and attend the session in the House.

Is there any objection? The Chair hears none. It is so ordered.

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 253, on concurrence in House amendments, entitled:

An Act relating to members of the bureau of fire in cities of the second class providing subject to the approval of the electors for a three-platoon system for such members with certain exceptions providing for an election on such question and regulating hours of service hours of rest and annual vacation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

REPORTS FROM COMMITTEES

Mr. TALLMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN, from the Committee on County Government reported as amended, Senate Bill No. 587, entitled:

An Act to amend section three hundred six of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city

departments of public welfare the State Department of Welfare, and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them, providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts, in counties of the third class.

Mr. THOMAS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS, from the Committee on Municipal Government, reported as amended, Senate Bill No. 327, entitled:

An Act to further amend paragraph six of section thirteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled "An act for the better government of cities of the first class of this Commonwealth," as heretofore amended by an act, approved the twelfth day of April, one thousand nine hundred and thirty-five (Pamphlet Laws, twenty-five), by authorizing the Civil Service Commission of such cities to make and establish regulations governing the reinstatement of persons who, without fault or delinquency, have resigned or have been separated from the service.

He also, from the Committee on County Government, re-reported as amended, Senate Bill No. 331, entitled:

An Act to further amend section two of the act, approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by changing the time for the return and payment of said county (and in certain cases city and county) tax to the county treasurer.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 696, (House Bill No. 1205) entitled:

An Act to amend subsections (b) and (c) of section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

Mr. TYLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TYLER, from the Committee on County Government, reported as committed, Senate Bill No. 346, entitled:

An Act to amend section two hundred one and to further amend sections two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending revising and consolidating the law relating thereto, and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation optional in counties.

The PRESIDENT. The Chair is notified that the Governor of Pennsylvania and the Honorable Paul McNutt are now present in the House and in conformity with the motion, the Senate will proceed in a body over to the House.

RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILL INTRODUCED

Mr. WALKER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER read in place and presented to the Chair Senate Bill No. 841, entitled:

An Act for the better government of cities of the second class of the Commonwealth by providing, among other things, for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council, the creation abolition and change of departments, and the addition to departments of certain functions pertaining to parks, planning within the city, improvement of the civil service, increase control over finances by requiring balanced current and capital budgets, and by greater control over the collection of charges, fees and taxes and over payments of salaries and other expenditures out of the city treasury, and the grant of home rule to such cities, and penalties.

Which was committed to the Committee on Municipal Government.

REPORT FROM COMMITTEE

Mr. H. I. WILSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. H. I. WILSON, from the Committee on Workmen's Compensation, reported as amended, Senate Bill No. 691, (House Bill No. 1093) entitled:

An Act to further amend the act, approved the eighth day of July, one thousand nine hundred nineteen (P. L.

764), entitled, "An act authorizing suits brought to recover in case of accidents in this Commonewalth in courts of common pleas to be certified to the Workmen's Compensation Board when discovered that suit has been brought wrongfully,'" extending said act to cases heretofore or hereafter so brought in any court of record; and defining the legal effect of such certifications.

BILL INTRODUCED

Mr. DENT. Mr. President, on a recent trip to Indiantown Gap, in conversation with numerous lads from my end of the state who are in the encampment, they told me the only time they really have off is the forty-eight hour week-end leave, and that it is difficult for them to do anything but sit around and twiddle their thumbs, or go to places they do not want to go.

Therefore they suggested to me that perhaps if they could have movies in this section on Sunday afternoons they could take in a moving picture show instead of sitting around and not having anything in particular to do.

Therefore, I introduce at this time a movie bill for the soldiers.

Mr. DENT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT read in place and presented to the Chair Senate Bill No. 842, entitled:

An Act to amend section two of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws," by making it lawful for persons, copartnerships, associations or corporations to conduct, stage, manage, operate or engage in motion picture exhibitions whether or not there be a charge of admission thereto, within a radius of ten miles of any army depot, military reservation or military encampment.

Which was committed to the Committee on Law and Order.

REPORT FROM COMMITTEE

Mr. BARTLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARTLETT, from the Committee on County Government, re-reported as amended, Senate Bill No. 219, entitled:

An Act requiring prothonotaries and clerks of courts except in counties of the first class to notify officers charged with the duty of collecting taxes, of all judicial sales and taxing the cost of such notices.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 32, on third reading, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike, heretofore constructed by said commission to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission, authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act, providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike making such turnpike bonds exempt from taxation, constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County, prescribing conditions upon which such turnpike shall become free, providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike, providing for condemnation, granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COX. Mr. President, I ask unanimous consent that Senate Bill No. 136, on third reading, entitled:

An Act to amend section four of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127) entitled "An act relating to adoption," permitting natural parents in certain cases to retain their rights as natural parents.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 164, as follows:

An Act to further amend section one thousand two hundred and seven of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by increasing the compensation for services rendered by constables and their deputies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand two hundred and seven of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nominations of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Common-

wealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" as amended by the act approved the seventeenth day of May one thousand nine hundred and thirty-nine (P. L. 166) is hereby further amended to read as follows

Section 1207 Peace Officers No Police Officer to Be Within One Hundred Feet of Polling Place Exceptions Presence of Soldiers Prohibited—The constable of each borough township or ward or his deputy shall be present at the polling place in each election district of such borough township or ward at each primary and election during the continuance thereof and while the votes are being counted for the purpose of preserving the peace and shall serve at all elections for which services he shall receive seven dollars and fifty cents ($7.50) which sum shall include pay for serving notices in writing to persons elected at such election The election officers or any three qualified electors of any election district may call upon any mayor chief burgess sheriff deputy sheriff constable deputy constable or police officer to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from approaching or to maintain order and quell any disturbance if such arises No police officer in commission whether in uniform or in citizen's clothes shall be within one hundred feet of a polling place during the conduct of any primary or election unless in the exercise of his privilege of voting or for the purpose of serving warrants or unless called upon to preserve the peace as provided by this act No body of troops in the Army of the United States or of this Commonwealth shall be present either armed or unarmed at any place of election within this Commonwealth during the time of any primary or election Provided however That no officer or soldier shall be prevented from exercising the right of suffrage in the election district in which he resides if otherwise qualified

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Edmonds,	Mallery,	Stevenson,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Geltz,	McQuiddy,	Taylor,
Cavalcante,	Haluska,	Miller,	Thomas,
Chapman,	Heyburn,	Mundy,	Tyler,
Crider,	Homsher,	Reed,	Wade,
Crowe,	James,	Ruth,	Watkins,
Deitrick,	Jaspan,	Scarlett,	Wilson, H. I.,
Dent,	Kephart,	Shapiro,	Wilson, T. B.,
DiSilvestro,	Letzler,	Snowden,	Ziesenheim,
Ealy,			

NAYS—8

Barr,	Cox,	Lanius,	Stiefel,
Coleman,	Frey,	McGinnis,	Walker,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. BARTLETT. Mr. President, I move that Senate Bill No. 218, on third reading, entitled:

An Act to amend section three hundred and six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for fixing the number and compensation of employes of institution districts; and conferring powers and imposing duties on county officers

be recommitted to the Committee on County Government for the purpose of further study.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 223, as follows:

An Act to amend section four of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1019) entitled "An act relating to statutory laws prescribing an enacting clause for statutes fixing the effective date and time of statutes hereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments re-enactments and repeals of statutes" changing the effective date of laws affecting budgets of political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1019) entitled "An act relating to statutory laws prescribing an enacting clause for statutes fixing the effective date and time of statutes hereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments re-enactment and repeals of statutes" is hereby amended to read as follows

Section 4 Effective Date and Time of Laws All laws hereafter enacted finally at a regular session of the Legislature except laws making appropriations and except laws affecting the budget of any political subdivision shall be in full force and effect from and after the first day of September next following their final enactment unless a different date is specified in the law itself

Appropriations laws or laws having appropriation items enacted finally at a regular session of the Legislature shall be in full force and effect from and after the first day of June next following their final enactment unless a different date is specified in the law itself or unless any such appropriation law or law having an appropriation item is enacted finally after the first day of June in any year in which case it shall be in full force and effect immediately upon final enactment

Laws affecting the budget of any political subdivision enacted finally at a regular session of the Legislature shall be in full force and effect at the beginning of the fiscal year of the political subdivision affected following the date of the final enactment of such law unless a different date is specified in the law itself

All laws enacted finally at a special or extraordinary session of the Legislature shall be in full force and effect immediately upon final enactment unless a different date is specified in the law itself

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 224, on third reading, entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 241, as follows:

An Act to further amend section two thousand six hundred and four of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the audit of accounts of fourth class school districts by the borough or township controller or auditors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand six hundred and four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section fourteen of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1152) is hereby further amended to read as follows

Section 2604 In all school districts of the fourth class by the controller or auditors of the borough incorporated town or township in which the whole or the greater or greatest portion of the area of each such district shall be located

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis	Taylor,
Cavalcante,	Geltz	McQuiddy	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn	Mundy,	Wade,
Cox	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 284, on third reading, entitled:

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7, and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 345, as follows:

An Act to amend subsection (a) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415) entitled "An act relating to the qualification jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs thereof the effects of their acts and appeals therefrom" decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415) entitled "An act relating to the qualification jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs thereof the effects of their acts and appeals therefrom" is hereby amended to read as follows

Section 16 (a) The probate or refusal of probate by the register of the proper county of any will or any other paper purporting to be a will or codicil thereto shall be conclusive as to all property real or personal devised or bequeathed by such will or codicil or other paper unless within one year from the date of such probate or refusal of probate those interested shall appeal from the decree of the register as herein provided Provided That all persons who would be sooner barred by the amendment to this section taking immediate effect shall not be thereby barred before one year from the date of the final enactment of this amendment

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox	Homsher,	Reed,	Walker,
Cridel,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 352, on third reading, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fourth and fifth class; imposing certain charges on counties, and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 402, (House Bill No. 376) on third reading, entitled:

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale, exposing for sale and offering for sale of certain lubricants in a manner to decive the purchaser

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 413, (House Bill No. 692), as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certan departments boards and commissions shall be determined" as amended by making further provision for the granting of easements or rights-of-way upon across over under or along lands and waters of the Commonwealth making further provision for the granting of commissions to certain air pilots authorizing the Pennsylvania Historical Commission to charge certain admission fees conferring power upon the Department of Property and Supplies to control and supervise certain buildings devised to the Commonwealth authorizing the micro filming of records in the various administrative departments boards or commissions and authorizing the leasing of Indiantown Gap Military Reservation and certain other real estate of the Commonwealth to the United States

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-second day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred forty-one) and the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws seven hundred ninety-one) is hereby further amended to read as follows

Section 514 Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Commonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place upon in or over any dry or submerged land or bridge of or maintained by the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or if such line is necessary for the service of the public and it is necessary or reasonably required to cross the Commonwealth's land to afford such service or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line Every such license shall be revocable for reasonable cause upon six months' written notice by the Commonwealth and also after like notice for violation of such proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe when the license issues Unless any such line is primarily for the benefit of a State building or State institution the license shall provide for the payment to the Commonwealth of compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

But nothing herein contained shall authorize the Commonwealth to impose and collect from any municipality or township any compensation for a license granted to such municipality or township for the running of a public service line over any such bridge

This section shall be deemed the exclusive system for the granting of licenses consents and permits to place public service lines upon in or over any dry or submerged lands of the Commonwealth In the case of submerged lands such licenses shall be granted only by the Water and Power Resources Board and the permit shall prescribe such terms and conditions as shall be deemed necessary by the board to protect the interests of the public In the case of dry lands licenses shall be issued by the department board or commission having the management of such lands

(b) Any department board or commission having control over lands of the Commonwealth underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonwealth Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

(c) Any department board or commission having control over any water supply serving any State institution or sanitorium may with the approval of the Governor permit and authorize the public authorities of any political subdivision to which no other source of supply is available under suitable regulations to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanitorium and may impose reasonable charges payable periodically by such political subdivision for the water so furnished All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue

(d) In the event that the facilities of any corporation heretofore created under the act approved the twenty-ninth day of April one thousand eight hundred seventy-four (Pamphlet Laws seventy-three) section two clause eleven as amended by the act approved the eighth day of May one thousand eight hundred eighty-nine (Pamphlet Laws one hundred thirty-six) are located by virtue of a permanent easement right of way upon across over under or along lands of the Commonwealth which lands were acquired by it subject to such easement or right of way and in the interest of National Defense such corporation consents or is required to remove or dispose of such facilities and abandon such easement or right of way any department board or commission having control over such lands of the Commonwealth may with the approval of the Governor and upon the surrender to the Commonwealth of the easement or right of way pertaining to such facilities grant to such corporation a permanent easement or right of way upon across over under or along other lands of the Commonwealth in the same locality Every such department board or commission is hereby authorized and empowered to execute and deliver and to receive deeds or other legal instruments necessay to effectuate such grant and surrender which deeds or instruments shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

Section 2 Paragraph (j) of section seven hundred one of the said act which was added to said section by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred sixty-five) is hereby amended to read as follows

Section 701 The Governor The Governor shall have the power and it shall be his duty

* * * * *

(j) To grant to pilots engaged in aeronautical work under the provisions of The Aeronautical Code of May twenty-five one thousand nine hundred thirty-three (Pamphlet Laws one thousand one) and its amendments commissions of such grades as the Governor may prescribe

Section 3 Paragraph (f) of section one thousand three hundred nine of the said act is hereby amended to read as follows

Section 1309 Pennsylvania Historical Commission Subject to any inconsistent provisions in this act contained the Pennsylvania Historical Commission shall have the power

* * * * *

(f) To assume the preservation care and maintenance of historical buildings grounds monuments or antiquities

committed to its custody by the General Assembly and to make and enforce rules and regulations for the visitation of such places by the public and at its discretion to charge admission fees therefor such fees to be paid into the State Treasury through the Department of Revenue and credited to the General Fund

Section 4 Paragraph (a) of section two thousand four hundred two of the said act as amended by the act approved the sixteenth day of May one thousand nine hundred forty (Act No 7) is hereby further amended to read as follows paragraph (i) of said section is hereby amended to read as follows paragraph (k) of said section as added by the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (P. L. 1865) is hereby amended to read as follows paragraph (1) of said section as added by the act approved the sixteenth day of May one thousand nine hundred and forty (Act No. 7) is hereby amended to read as follows and said section is hereby further amended by adding at the end thereof a new paragraph to read as follows

Section 2402 Grounds Buildings and Monuments in General The Department of Property and Supplies shall have the power and its duty shall be

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol Building and the public grounds and buildings connected with the State Capitol including the State Arsenal any building or buildings that may have been devised or may hereafter be devised to the Commonwealth within the City of Harrisburg the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and the Executive Mansion and to make or supervise the making of all repairs alterations and improvements in and about such grounds and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided

* * * * *

(i) To rent to individuals firms or corporations or the Government of the United States or any branch or agency thereof such real estate owned by the Commonwealth as is not being used in connection with the work of any department board or commission thereof upon such terms and conditions as the Secretary of Property and Supplies may prescribe with the approval of the Governor in writing Provided however That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year

(1) To establish standards for and supervise generally the operation of all mechanical and electrical equipment used in connection with the operation of any State institution or other State building

(m) To supervise the work of employes of the Pennsylvania Liquor Control Board who are employed by the board for the cleaning care preservation and protection of the Northwest Office Building and the furnishings records and other matters therein and for the operation of the mechanical plants in such building

(n) To lease the whole or any part of the Indiantown Gap Military Reservation to the Government of the United States or any branch or agency thereof upon such terms and conditions and for such periods of time as the Adjutant General may prescribe with the approval of the Governor in writing

Section 5 Article five of the said act is hereby amended by adding at the end thereof a new section to be known as section five hundred twenty-five and to read as follows

Section 525 Any admininistrative department board or commission may with the approval of the Executive Board have micro film records made of any correspondence records or other papers for the purpose of protecting and safeguarding the orginal correspondence records or other papers or for the purpose of conserving filing space and such micro film reproduction shall when properly indentified be admitted in evidence in any proceedings in place of the orginal correspondence records or other papers.

Section 6 All acts or parts of acts inconsistent herewith are hereby repealed.

Section 7 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 514, on third reading, entitled:

An Act to further amend subsection (b) of section eight hundred one of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further prescribing the time within which the Department of Revenue shall make settlements of taxes and bonus due the Commonwealth

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

reeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 539, (House Bill No. 646), as follows:

An Act establishing certain public roads and streets as a State highway and providing for their construction reconstruction and maintenance by the Department of Highways subject to certain terms and conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following various sections of public roads shall respectively be adopted by the Commonwealth as a State highway to be constructed reconstructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing State highways except as hereinafter provided

Beginning at a point in the City of Pittsburgh on California Avenue at its intersection with Island Avenue thence over California Avenue (Ohio River Boulevard) to the intersection of California Avenue and Ohio River Boulevard thence by way of Ohio River Boulevard through the City of Pittsburgh Borough of Bellevue Avalon Borough Ben Avon Borough Emsworth Borough to the dividing line between Emsworth Borough and Kilbuck Township thence over a county road known as Beaver Road to the dividing line of Kilbuck Township and Glenfield Borough thence over Beaver Road in Glenfield Borough to a point in Glenfield Borough at the foot of Agnew's Hill where Beaver Road intersects Ohio River Boulevard thence by way of Ohio River Boulevard through the Boroughs of Glenfield Haysville Osborne Sewickley and Edgeworth to Edgeworth Lane in Edgeworth Borough thence by way of Edgeworth Lane in Edgeworth Borough to its intersection with Beaver Road in Edgeworth Borough thence by way of Beaver Road in the Boroughs of Edgeworth and Leetsdale to the dividing line between Allegheny County and Beaver County at the intersection of Beaver Road and State Route No 641 being approximately 13.5 miles in length

Section 2 Any portion or portions of the highways as herein described which are located on or forming part of any city street shall be taken over for construction reconstruction and maintenance in accordance with the provisions of present or future laws relating to State highway routes in cities any portion or portions of the highways as herein described which are located on or forming a part of any borough street shall be taken over for construction reconstruction and maintenance in accordance with the provisions of present or future laws relating to main State highways in boroughs

Section 3 The highways established as a State highway under the provisions of this act shall be taken over upon approval of this act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 551, as follows:

An Act to amend route 25008 of section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Route 25008 of section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" is hereby amended to read as follows

Route 25008 Extending Route 25008 Beginning at a point on Route 25020 at Martin Avenue and Rice Avenue in the borough of North Girard thence in a southeasterly direction on Rice Avenue to a point on Route 86 at Main Street and Rice Avenue in the borough of Girard Erie County a distance of about 1.4 miles

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 552, as follows:

An Act to abolish and repeal route 25008 in Girard Township Erie County established by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain

powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Route 25008 in Girard Township Erie County established by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is hereby abolished and repealed

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 557, as follows:

An Act to amend section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act by changing a certain route

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following route established by section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is hereby amended to read as follows

Section 65 The township roads to be taken over under the provisions of this act in the County of Westmoreland are those situate and described as follows

Section 64060 Beginning at a county improved road in Waterford and extending in a southerly direction to Willow Grove School thence in a southwesterly direction to the village of Laughlintown on Route 119 thence along and coincident with Route 119 in a general westerly direction to the Hanover Farm School thence interesecting with and coincident with Route 64062 in a general southwesterly direction to a road intersection near Speedwell School thence in a southwesterly direction to the village of Rector thence westerly to and across Route 32 thence in a general northwesterly direction by way of Fairview School to intersection with Route 64075 thence in a general northerly direction down Four Mile Run to the west side of Loyalhanna Creek and thence down said creek to Route 119 at McCance in Westmoreland County a distance of about 13.2 miles

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49.

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Ziesenheim,
DiSilvestro,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 563, on third reading, entitled:

An Act to add section four hundred four and one-tenth to article four of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from

State stores and of fees; and imposing penalties," directing the board to issue liquor licenses to holders of retail dispensers' licenses upon payment of fee and furnishing of bond; and providing that the issuance of liquor licenses in such cases shall not be prevented by any laws limiting the number of such licenses to be granted by the board

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 574, on third reading, entitled:

An Act to amend section twenty of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations; and providing penalties," by limiting exemptions of and further exempting certain classes of associations formed under such act from State, county and municipal taxation, and from the duty of filing certain tax reports with State county or municipal agencies

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL NO. 30 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. CROWE. Mr. President, I now call up Senate Bill No. 30, on third reading postponed, Page 10 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 30, entitled:

An Act providing for the establishment, construction, operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through, bordering or accessible to the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike to be known as the "Rim Parkway," providing for the creation of the Pennsylvania Parkway Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of parkway revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such parkway, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the parkway; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such parkway shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission; conferring powers and imposing duties on the Department of Highways; and authorizing the issuance of parkway revenue refunding bonds.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CROWE. Mr. President, I ask unanimous consent to offer the following amendments:

Amend title, page 1, line 1 of title, by inserting after the word "operation" the following: "and" Amend Sec. 2, page 4, line 4, by inserting after the word "protection" the following: "local deliveries"; Amend Sec. 5, page 9, line 21, by striking out the word "Three" and inserting in lieu thereof the following: "Two"; Amend Sec. 12, page 22, line 3, by inserting after the word "to" where it appears the first time in said line, the following: "(a)"; Amend Sec. 12, page 22, line 6, by inserting after the word "same" the following: "except that no toll shall be collected from officers of the Department of Forests and Waters, Game and Fish or Highways operating vehicles thereon, when on official business of the Commonwealth"; Amend Sec. 12, page 22, line 6, by striking out the word "to" and inserting in lieu thereof the following: "(b)".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 122, entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with

the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale

And said bill having been read at length the second time and agreed to,

Oordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. MILLER. Mr. President, I ask unanimous consent that Senate Bill No. 141, on second reading, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 169, on second reading, entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 177, on second reading, entitled:

An Act regulating and limiting the rights of slayers in real and personal property and in the benefits from insurance policies, arising out of or as a result of the death of the person slain; protecting and saving the rights of purchasers and insurers dealing with slayers without notice of the slaying, and repealing certain legislation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 207, on second reading, entitled:

An Act to further amend subsections (a) and (b) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the employment, suspension, and retirement of professional employes

go over in its order.

The PRESIDENT. Is there objection. The Chair hears none.

BILLS POSTPONED

Mr. GELTZ. Mr. President, at the request of the sponsors, I move that further consideration of Senate Bill No. 282, on second reading, entitled:

An Act to further amend section one of the act, approved the eleventh day of April, one thousand nine hundred and thirteen (P. L. 58), entitled "An act supplementary to an act, entitled 'An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products, providing penalties for the violation thereof, and providing for the enforcement thereof," approved the eleventh day of March, Anno Domini one thousand nine hundred and nine; providing for the denaturing by kerosene of all eggs unfit for food, within the meaning of said act; and providing penalties for the violation thereof," providing for the licensing by the Department of Agriculture of persons, copartnerships, associations, and corporations, engaged in the business of breaking eggs and separating the egg content from the shell and using or disposing of the contents thereof for any purpose; authorizing the Department of Agriculture and its agents and assistants and local public health enforcement agencies to take samples of eggs for the purpose of analysis; and providing penalties

be postponed for the present.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 283, on second reading, entitled:

An Act to further amend section three, and to amend sections four, five and six of the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof" by further regulating sale of incubator eggs; modifying penalties; conferring powers on citizens and public health enforcement agencies of the Commonwealth; and conferring powers and duties on the Department of Agriculture

be postponed for the present.

Mr. JASPAN. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent

that Senate Bill No. 294, (House Bill No. 481), on second reading, entitled:

An Act to amend sections eighteen and nineteen of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulations of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," requiring the filing of local ordinances, rules and regulations with the Dairy Advisory Council; requiring local ordinances, rules and regulations in certain cases to be consistent requiring inspectors employed by municipalities to be approved inspectors, eliminating the power of the Advisory Health Board to make rules and regulations, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon and providing for appeals to the Court of Common Pleas

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 316, entitled:

An Act to amend clause (b) of section five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance, providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by providing that the judge of the court of common pleas, the president of the board of county commissioners, and the coroner shall constitute the county board of assistance in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 339, (House Bill No. 475), entitled:

An Act to amend section seven of the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" as amended to extend the original jurisdiction of the Superior Court to include mandamus and prohibition in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 445, entitled:

An Act to amend section one thousand one hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts, collecthe Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the posession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating the making of resettlements by the Department of Revenue.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 446, on second reading, entitled:

An Act to amend section six of the act, approved the sixteenth day of May, one thousand nine hundred and thirty-five (P. L. 208), entitled as amended "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net income of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards and departments; making an appropriation; and providing penalties," authorizing the Department of Revenue to grant an additional extension of time for the filing of reports under the provisions of said act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 502, (House Bill No. 895), on second reading, entitled:

An Act to authorize counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law and to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 545, entitled:

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend section 1, page 1, line 1, by striking out the word "Hereafter" and inserting in lieu thereof the following: "The court of common pleas of each county of the Commonwealth (except counties of the first class) may in its discretion issue"; Amend section 1, page 1, lines 4, 5, and 6 by striking out the words "several counties of the Commonwealth shall be issued by the courts of common pleas of the respective counties" and inserting in lieu thereof the word: "county."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend section 2, page 1, line 1, by striking out the words "It shall thereafter" and inserting in lieu thereof the following: "If the court of common pleas shall exercise such discretion, it shall"; Amend section 2, page 1, lines 6 and 9 by striking out the words "respective counties" and inserting in lieu thereof the word: "county"; Amend section 2, page 2, line 2 by striking out the word "courts" and inserting in lieu thereof the word: "court"; Amend section 2, page 2, line 3, by striking out the word "counties" and inserting in lieu thereof the word: "county."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to,

The third and fourth sections were read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows: Amend the title, page 1, third line of title by inserting after the word "Commonwealth" the following: "except counties of the first class."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 555, on second reading, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons; blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mother's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to Mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

go over in its order.

The PRESIDENT. Is there objection The Chair hears none.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 613, (House Bill No. 1084), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 649, (House Bill No. 971), entitled:

An Act to further amend sections fifteen and fifteen and three-tenths and to repeal sections fifteen and one-tenth and fifteen and two-tenths of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by providing for the renewal extension and continuation of liens for taxes and water lighting power and sewer rates until such taxes and rates are fully paid and satisfied and authorizing the filing and revival of liens heretofore lost and in certain cases reviving validating preserving and extending liens

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 652, (House Bill No. 1098), entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 682, (House Bill No. 1187), entitled:

An Act for conveyance to the United States of America of title in and to certain land compromising the Marcus Hook Pennsylvania, Quarantine Station property, and ceding to the United States jurisdiction over said land

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 706, (House Bill No. 1021), on second reading, entitled:

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 714, on second reading, entitled:

An Act to further amend section fifteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by providing for the return of a portion of moneys received for licenses to the counties for use by Societies for the Prevention of Cruelty to Animals and specifically appropriating the same for such purpose

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL NO. 519 CALLED UP FROM SECOND READING POSTPONED

Mr. HEYBURN. Mr. President, I now call up Senate Bill No. 519, on second reading postponed, page 24 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. HEYBURN. Mr. President, I move that Senate Bill No. 519, on second reading, entitled:

An Act to amend sections three hundred one and three hundred two of the act, approved the fifth day of

December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by changing the rate of contributions by employers to the Unemployment Compensation Fund

be recommitted to the Committee on Workmen's Compensation for the purpose of further study.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL INTRODUCED

Mr. TAYLOR. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TAYLOR read in place and presented to the Chair Senate Bill No. 843, entitled:

An Act to further amend section two hundred nine of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for the reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, board, and commissions; and prescribing the manner ni which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further prescribing the compensation of the Lieutenant Governor of the Commonwealth

Which was committed to the Committee on State Government.

DIRECTING GENERAL STATE AUTHORITY TO TAKE IMMEDIATE STEPS TO BEGIN CONSTRUCTION OF A NEW EXECUTIVE MANSION

Mr. MUNDY offered the following resolution which was twice read:

In the Senate, May—1941.

Whereas, For many years Governors of this Commonwealth have expressed publicly that the present quarters of the Executive Mansion are inadequate for their personal needs; and

Whereas, By the powers vested in it by the Legislature, the General State Authority is in a position to construct a new Executive Mansion; and

Whereas, Such a new Executive Mansion is more than necessary at the present time; therefore be it

Resolved, (if the House concur), That the General State Authority be directed to take immediate steps to begin the construction of a new Executive Mansion for the Governor of this Commonwealth which should be erected in accordance with the great traditions of this Commonwealth; and be it further

Resolved, That a copy of this resolution be mailed immediately to the members of the General State Authority, upon its final adoption.

MOTION TO SUSPEND RULE 39

Mr. MUNDY. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on State Government.

Mr. MUNDY. Mr. President, I do not desire to prolong the proceedings at this time, but I wish to reserve the right to interrogate the gentleman from Allegheny when we resume the session later in the afternoon.

BILLS INTRODUCED

Mr. KEPHART. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KEPHART read in his place and presented to the Chair Senate Bill No. 844, entitled:

An Act to amend section four hundred two of article four of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled, "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions or officers to collect fees for services required to be rendered by this act, imposing penalties; and repealing certain acts and parts of acts relating to corporations," authorizing corporations to provide in their by-laws for indemnification of officers or directors for expenses incurred by them in actions, suits or proceedings to which they are made parties by reason of their status as officers or directors; prohibiting such indemnification under certain circumstances; and saving certain rights of officers and directors where provision for such indemnification is made

Which was committed to the Committee on Corporations.

Mr. WOODWARD. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD read in place and presented to the Chair Senate Bill No. 845, entitled:

An Act for the better government of counties of the first class granting home rule to said counties providing for a council consisting of the Sheriff Coroner Register

of Wills Recorder of Deeds County Commissioners Treasurer Controller Clerk of the Court of Quarter Sessions of the Peace and District Attorney and providing for a County Manager abolishing all cities boroughs towns and townships in said counties imposing penalties for violation of this act and repealing all acts and parts of acts inconsistent herewith.

Which was committed to the Committee on Municipal Government.

Mr. WOODWARD. Mr. President, so that there may be no misunderstanding, let me say it is not the intention of this bill to abolish the office of receiver of taxes in cities of the first class. Any provisions hereof to the contrary notwithstanding, the office of receiver of taxes is hereby continued as the same now exists.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 4:30 o'clock, p. m. E.S.T.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

RESOLUTION MEMORIALIZING VETERANS' ADMINISTRATION OF U. S. TO LOCATE A HOSPITAL IN CENTRAL PENNSYLVANIA TO TAKE CARE OF SICK AND DISABLED WAR VETERANS

Mr. MALLERY offered the following resolution which was twice read, and referred to the Committee on Military Affairs.

In the Senate, May 7, 1941.

The present facilities of the Federal hospitals within the Commonwealth are becoming inadequate to properly care for the veterans in need of hospitalization and medical care.

As this need increases the facilities will become less adequate and those who made the great sacrifice for the Nation will be denied the care and attention they so richly deserve.

An additional veterans' hospital is now needed in Pennsylvania to properly care for the veterans within its borders now requiring skilled medical care and attention.

Any new hospital erected for this purpose should be located in a section of the State not now having such facilities and at a place where the inmates would have the benefit of elevation and the quietness that distance from built-up communities affords; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania hereby memorializes the Veterans' Administration of the United States and the Federal Board of Hospitalization to locate as quickly os possible a hospital in central Pennsylvania to take care of sick and disabled war veterans; and be it further

Resolved, That copies of this resolution be sent to Veterans' Administration, Federal Board of Hospitalization and representatives in Congress from this Commonwealth.

QUESTION OF PERSONAL PRIVILEGE

Mr. MUNDY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Luzerne will state his question of personal privilege.

Mr. MUNDY. Mr. President, I had asked that my interrogation be deferred until this afternoon's session but because of the absence of the gentlman from Allegheny, Mr. Geltz, and the gentleman from Lehigh, Mr. Tallman, I again ask that my interrogation be deferred, until Monday.

ADJOURNMENT

Mr. EALY. Mr. President, I move that the Senate do now adjourn until Monday, May 12, 1941, at 3:30 o'clock p. m., Eastern Standard Time.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:34 o'clock p. m., Eastern Standard Time, until Monday, May 12, 1941, at 3:30 o'clock p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 7, 1941

The House met at 11 a. m.

The SPEAKER (Elmer Kilroy) in the Chair.

The SPEAKER. The Rev. Finley Keech, pastor of the First Baptist Church, Harrisburg, is the guest today of the gentleman from York, Mr. Bentzel, and will give the invocation at the invitation of the Chaplain of the House.

PRAYER

The Rev. Finley Keech offered the following prayer:

Our Heavenly Father, we thank Thee for a nation such as we have on this continent. We thank Thee for the spirit which prompted our forefathers to make it the nation that it is. We thank Thee for those principles upon which it has been built, and which through the years have made it what it is. Help us to understand to-day that we are entering into their labors. We are a part of what they have done, and it will not be complete without our doing our part well.

This is Music Week in America. How much music there is that does not come from any instrument! How much we can make music, and hearts to sing, lives to be made glad and worthwhile through what we do from day to day!

May Thy blessing attend the duties of this House to-day. May the Members go unselfishly to their desks and their labor, mindful not alone of a duty to a constituency but of a duty unto Thee, and may this duty to the Divine be that which challenges them each moment they serve the state, until this nation shall indeed be a God-land, God-fearing, righteous people who can lead the world in this tremendous day to new ways that shall mean the brotherhood of mankind. Make us mindful of Thy part and of our part in Thyself, O God of all mankind.

We ask for our Lord's sake, in the name of our Lord and Master. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. FISS unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. LEONARD. HOUSE BILL No. 1509.

An Act providing for increase in salaries of all teachers, school secretaries, nurses, attendance officers and all other regular employes of school districts of the first class.

Referred to the Committee on Education.

By Mr. O'DARE. HOUSE BILL No. 1510.

An Act to further amend section two of the act, approved the third day of June, one thousand nine hundred and nineteen (P. L. 369), entitled "An act providing for the appointment by the district attorney, in counties having a population of over one million five hundred thousand inhabitants, of a chief county detective, an assistant chief county detective, and special county detectives; defining their duties; defining their authority; fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county," by increasing the compensation of the chief county detective.

Referred to the Committee on Cities-First Class.

By MESSRS. ROSENFELD and VOORHEES. HOUSE BILL No. 1511.

An Act making an appropriation for the expenses of the Committee of the House of Representatives created by House Resolution Serial Number thirty-five, adopted the twenty-fourth day of February, one thousand nine hundred and forty-one.

Referred to the Committee on Appropriations.

By MESSRS. WALTER E. ROSE and SAMUEL ROSE. HOUSE BILL No. 1512.

An Act to improve the condition of the blind in the Commonwealth of Pennsylvania by providing for vending and refreshment stands in public and private buildings to be operated by blind persons; empowering the State Council for the Blind to do all things necessary for the establishment, maintenance and supervision of such stands and to select and provide for the compensation of suitable blind operators therefor; authorizing the State Council for the Blind to designate persons to operate stands in Federal buildings under authority of any act of Congress; authorizing officers and agencies in charge of State, county or municipal buildings to allow the establishment and operation of stands therein; creating a revolving fund in the State Treasury to be used for the purposes of the act; and making an appropriation.

Referred to the Committee on Welfare.

By Mr. DENNISON. HOUSE BILL No. 1513.

An Act to further amend section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled, as amended, "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships, conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," be exempting assets held by liquidating trustees.

Referred to the Committee on Ways and Means.

By Messrs. WOLF and RHEA. HOUSE BILL No. 1514.

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administred, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" authorizing boards of school directors in school districts of the second, third and fourth classes to employ certified public accountants or firms thereof, to audit the accounts of such districts; prescribing the powers of accountants so employed; providing as to the scope of audits of accounts of school districts of the second, third and fourth classes; and further providing as to the compensation of auditors in school districts of the second, third and fourth classes.

Referred to the Committee on Education.

By Mr. McDERMOTT HOUSE BILL No. 1515.

An Act to amend subsection (a) of section six of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries; and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," further regulating the appointment of employes and assistants by the registration commission and removing the present appointees.

Referred to the Committee on Elections.

By Mr. McDERMOTT HOUSE BILL No. 1516.

An Act to amend subsection (a) of section five of the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," further regulating the appointment of employes and assistants by the registration commission, and removing the present appointees.

Referred to the Committee on Elections.

By Mr. McDERMOTT HOUSE BILL No. 1517.

An Act to amend subsection (a) of section six of the

act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, elections officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," further regulating the appointment of employes and assistants by the registration commission, and removing the present appointees.

Referred to the Committee on Elections.

By Mr. McDERMOTT HOUSE BILL No. 1518.

An Act to amend subsection (a) of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors, and imposing penalties," further regulating the appointment of employes and assistants by the registration commission and removing the present appointees.

Referred to the Committee on Elections.

By Mr. MOUL. HOUSE BILL No. 1519.

An Act making an appropriation to the trustees of the Pennsylvania State College for the construction of certain necessary buildings for use by the School of Agriculture.

Referred to the Committee on Appropriations.

By Mr. MOUL. HOUSE BILL No. 1520.

An Act making an appropriation to the trustees of the Pennsylvania State College for use of the School of Agriculture in maintaing and supporting research studies and investigations covering agricultural problems.

Referred to the Committee on Appropriations.

By Messrs. D'ORTONA and VERONA.
HOUSE BILL No. 1521.

An Act to amend section two, and clause (b) of section four of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, an to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended; eliminating from said act the provisions requiring milk to be furnished as a necessary part of assistance.

Referred to the Committee on Welfare.

By Mr. HEATHERINGTON. HOUSE BILL No. 1522.

An Act to further amend sections two hundred five and seven hundred eleven of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by creating a Motor Police Trial Board; setting forth its powers and duties; and regulating the conduct, hours of work, and compensation of members of the Pennsylvania Motor Police.

Referred to the Committee on State Government.

By Mr. STINE. HOUSE BILL No. 1523.

An Act to amend sections nine hundred two, nine hundred five and nine hundred six, and to add section nine hundred thirteen A to the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising, and consolidating the laws relating thereto; and repealing certain and parts of acts relating to elections," by further limiting the candidates to be nominated at the primary; further defining the duties of the Secretary of the Commonwealth and the county boards of election regarding primary notices and primary election publications; and regulating the nomination of candidates where vacancies in office occur after the time for filing of nomination petitions.

Referred to the Committee on Elections.

By Messrs. WEISS and MUNLEY. HOUSE BILL No. 1524.

An Act to amend section one of the act, approved the first day of May, one thousand nine hundred and forty-one, (Act No. 17), entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class), city (except cities of the first and

second class), borough, town, township, school district (except school districts of the first class), poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof," eliminating the provision authorizing the rejection of the provisions of the act.

Referred to the Committee on Municipal Corporations.

By Messrs. HARKINS and BOIS. HOUSE BILL No. 1525.

An Act to amend section seven hundred one and to further amend section seven hundred six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing the various boards of school directors to purchase and furnish, free of charge, uniforms for the members of school bands and orchestras.

Referred to the Committee on Education.

By Mr. HEATHERINGTON. HOUSE BILL No. 1526.

An Act to amend section two hundred seven of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further prescribing method by which second class townships may be classified as first class townships; and providing for the costs and holding of special elections for that purpose.

Referred to the Committee on Townships.

By Messrs. McMILLEN and HEWITT.
HOUSE BILL No. 1527.

An Act making an appropriation to the Blairsville Volunteer Fire Company, Blairsville, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. HEWITT and McMILLEN.
HOUSE BILL No. 1528.

An Act making an appropriation to the Indiana Volunteer Fire Company, Indiana, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. WALTER E. ROSE and CHERVENAK.
HOUSE BILL No. 1529.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 594), entitled "An act establishing certain township roads as state highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes to be used as a part of the national defense program in the County of Cambria.

Referred to the Committee on Highways.

By Messrs. O'NEILL and MUNLEY.
HOUSE BILL No. 1530.

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Lackawanna between a point in or near the borough of Blakely, Lackawanna County, and a point in or near the borough of Olyphant in Lackawanna County to provide the necessary approaches thereto; and making an appropriation.

Referred to the Committee on Highways.

By Mr. KOMOROFSKI. HOUSE BILL No. 1531.

An Act to further amend section one thousand one hundred and five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," further regulating the election of county superintendents.

Referred to the Committee on Education.

By Mr. KOMOROFSKI. HOUSE BILL No. 1532.

An Act to amend subsections (k), (l), (o), (p) and (s) of section two hundred and eight of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by changing provisions relating to civil service and the selection, dismissal, suspension and furlough of personnel.

Referred to the Committee on Labor.

By Mr. McDOWELL. HOUSE BILL No. 1533.

An Act to further amend subsection (d) of section fifty-nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemption; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, the survival of causes of action and suits thereupon by or against fidu-

ciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reported and other proceedings, and the fees therefor; appeals in court in cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the appointment of guardians for minors.

Referred to the Committee on Judiciary General.

By Mr. ACHTERMAN. HOUSE BILL No. 1534.

An Act making an appropriation to the Joint State Government Commission.

Referred to the Committee on Appropriations.

By Mr. SKALE (By request). HOUSE BILL No. 1535.

An Act to further amend sections six hundred eighteen and six hundred twenty of, and to add section six hundred twenty-two, to the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457) entitled "An act relating to the business of building and loan associations, providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by further defining the rights, powers, duties, and liabilities of such associations, and of their officers, directors, shareholders and other employes, and providing for the capitalization of dividends.

Referred to the Committee on Banking.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 212. (HOUSE BILL No. 1536).

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto.

Referred to the Committee on Judiciary General.

SENATE BILL No. 381. (HOUSE BILL No. 1537).

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the second, third, fourth, fifth and sixth classes.

Referred to the Committee on Counties.

RESOLUTION INTRODUCED AND REFERRED

By. Messrs. EDWIN F. THOMPSON and REUBEN E. COHEN. RESOLUTION No. 92.

In the House of Representatives, May 6, 1941.

Whereas, There has been in existence in the City of Philadelphia since 1934, an organization known as the Philadelphia Youth Movement; and

Whereas, That organization was formed for the purpose of establishing a more direct personal contact with youth in crowded slum areas, where conditions are conductive to a life of crime and deliquency, and against good, wholesome, moral and spiritual training; and

Whereas, Since its inception in 1934, against enormous odds, the movement has grown from a group of ten to forty-two hundred members, achieving, in the meantime, great success in securing positions, providing recreational activities, increasing educational opportunities, and generally providing opportunities lacking to youth in such areas; and

Whereas, This movement, similar in its operation to Father Flanagan's Boys Town, has fostered the processes and ideals of Democratic Government by electing its own officers, enacting its own laws, and impressing youth with the necessity of becoming active and cooperative members of a wholesome society; and

Whereas, This movement was initiated by Samuel L. Evans, and has been under his direction and supervision since its inception; and

Whereas, The said Samuel L. Evans has given of his time, energy and finances to the success of this movement without regard to personal reward; and

Whereas, In the course of human progress such sacrifice by individuals for the benefit of society is often unheralded and unrewarded; therefore be it

Resolved, That the House of Representatives hereby acknowldges and commends the said Samuel L. Evans for his personal sacrifices and inspiring efforts in contributing to the cultural, moral, spiritual and physical development of youth in his community by endorsing the activities of the Philadelphia Youth Movement, which he conceived and supervises and by wishing it continued success; and be it further

Resolved, That the Chief Clerk of the House be directed to mail a copy of his resolution to the Philadelphia Youth Movement, in order to apprise the members thereof of the esteem in which the membership of this House hold the organization and its founder.

Referred to the Committee on Rules.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Weingartner for Mr. SORG for the remainder of the week.

Mr. WEINGARTNER for himself for tomorrow's session.

Mr. GYGER for himself for tomorrow's session.

Mr. McCLESTER for himself for tomorrow's session.

Mr. SOLLENBERGER for himself for part of today and tomorrow's sessions because of business engagements.

Mr. TROUT for himself for tomorrow's session.

Mr. AUKER for himself for tomorrow's session because of business engagements.

Mr. WAGNER for himself for tomorrow's session because of death.

Mr. WATKINS for himself for tomorrow's session.

Mr. GEORGE E. JONES for himself for tomorrow's session.

Mr. FISHER for himself for tomorrow's session.

Mr. RANK for himself for tomorrow's session.

Mr. HARRIS for himself for tomorrow's session.

Mr. Shaw for Mr. REYNOLDS for the remainder of the week because of illness in the family.

Mr. COCHRAN for himself for tomorrow's session.
Mr. HARKINS for himself for tomorrow's session.
Mr. CHERVENAK for himself for tomorrow's session.
Mr. Chervenak for Mr. O'CONNOR for tomorrow's session.
Mr. Chervenak for Mr. OWENS for tomorrow's session.
Mr. FINNERTY for himself for tomorrow's session.
Mr. Finnerty for Mr. HERING for tomorrow's session.
Mr. BROWN for himself for tomorrow's session.
Mr. REUBEN E. COHEN for himself for the remainder of the week.
Mr. HARMUTH for himself for tomorrow's session.
Mr. SERRILL for himself for tomorrow's session.
Mr. CHARLES H. BRUNNER for himself for tomorrow's session.

SENATE IN ATTENDANCE

The Senate arrived in the House in a body to listen to an address by the Honorable Paul V. McNutt.

The SPEAKER. The Chair invites the Lieutenant-Governor and President pro tempore of the Senate to be seated on the rostrum. The Senators will please occupy the seats provided for them in the well of the House.

HONORABLE PAUL V. McNUTT INTRODUCED

The SPEAKER. We are honored this morning by reason of the Governor's generosity in sharing with us for a few moments his distinguished guest, the honorable Paul V. McNutt.

Paul McNutt needs no introduction to this Assembly—he is well remembered for his many achievements of the past, as a Governor of the great state of Indiana; as Governor General of the Philippine Islands; as National Commander of the American Legion; as President of the Council of State Governments and as dean of law at a university in his home state.

He now has been chosen by the President of the United States for the most gigantic and important assignment of his entire career; the job of co-ordinating the health and welfare of this Nation with the national defense—in short his job is to "Keep the home fires burning."

ADDRESS OF HONORABLE PAUL V. McNUTT

HONORABLE PAUL V. McNUTT. Your Excellency, Speaker of the House, President of the Senate and Members of the General Assembly. I must confess that I have an attack of nostalgia this morning in getting back into legislative hall. I am pleased, as you must be gratified, to see the evidence of industry upon your desks piled high. I doubly appreciate this opportunity to say just a few words to you.

Four years ago, the President of the United States, with that insight into events which has made him one of the great leaders of all time, told the American people that this Nation had a rendezvous with destiny.

The time is now at hand. One cannot live in this period of our national life without consciousness that things are in the saddle; that the swing of events is carrying us on the surging sweep of time to world-rocking changes.

For the first time since the birth of the Republic, our national security is threatened by external forces. For the first time in our existence, two mighty oceans are inadequate to insure our safety.

America has grown and prospered as a great peace-loving nation. We have never had imperialistic designs We have never played the agressor's role. We have never sought by the force of arms to impose upon other peoples our own way of life. We have, on the whole, gotten on well with our neighbors in this hemisphere. There is no Maginot Line either on the Canadian or the American side of our northern border. No pill boxes, mines, or underground fortifications between us and the nation to our south. For a hundred years, with negligible exceptions, three great nations in North America have erected an historic monument to the peaceful life which is possible when the decencies of intercourse between nations is observed. But within the memory of the youngest of this audience, forces have been borne which contain within themselves a deadly threat to our very existence as a free people.

Across what is now the slender defense line of the Atlantic and the scarcely less formidable Pacific, we now face the most powerful combination of destructive forces ever mobilized in the history of the world. Forces, the avowed purpose of which is to wipe out every shred of decency and humanity that the race of man has acquired over the centuries of struggle.

The slate is to be wiped clean. The world to be remade. Remade in the East and in the West.

There have been among us those who purport to see in all this some great, irresistable force of the future—the future, bearing down on the present like a wave. It is a "new order," supplanting the old. A new kind of society displacing a decadent one. And because this was said to be "new"—because it was "change"—it is intimated that it must be good—at least inevitable and inescapable. Therefore, we must get along with it.

It is all false—the whole argument, in its every phase. Totalitarianism is not the future.

It is a collection of the dregs of the past—the cruel, ignorant, barbaric past, from which men had thought they were forever liberated. It is not a wave. It is the surging flood of intolerance, bigotry, and fear. It is not new. It is older than man himself—it is the brutality of the savage; the ruthlessness of the jungle. And, if the unshakable will and determination of the free peoples of the world can prevent it, it is not inevitable or inescapable.

But let no one be deceived.

The struggle in which we are engaged is a struggle to the death. Totalitarianism and democracy cannot live side by side. The one must be destroyed or the other will perish. It is the old story of a house divided against itself.

The world cannot survive, half free and half slave. From the begining, the enemies of democracy have counted heavily upon the process of deliberative Government as its weakness. Democracy, they think, is unable to withstand the relentless efficiency of dictatorship because it cannot make up its national mind and because it is unable to act promptly. America has already given the first part of the answer. It has made up its mind according to its traditional processes. Our policy is formulated and we have attained complete national unity on the issue of appeasement.

Ours is not the false unity of compulsion or the forced unity of fear It is the solid and genuine unity of men who have weighed carefully the issue and passed final judgement. A united people who have made their choice

and expressed their will in terms of their own aspirations and the ideals of free men everywhere.

Some countries there are which get "national unity" whenever the dictator and the field marshal get together on some new stroke of agression against defenseless nations or persecution of helpless minorities.

Here, we get unity after full and open discussion, when the majority of a hundred and thirty-five million people express their will through freely chosen representatives.

Unity does not mean with us that expression of opinion will be throttled or that dissent will be punished.

We are still free.

It does mean that the dominant and overwhelming judgment of the citizens of this Nation has been formulated and that we face the future—wave or no wave—determined to resist with our full national strength every assault from whatever source upon the civilization which we have built.

England might have been our Czechoslovakia; the lend-lease bill our Munich.

But our day of indecision is past. And with it is gone the fear which indecision breeds. In its place is firm determination and the quiet courage which it brings.

We are ready to act. You have acted here in Pennsylvania. And it is this decision that marks the beginning of a new era for us all, and we say to the world, we are not afraid.

SENATE RETIRES

The SPEAKER. The business of the assembly having been concluded, the Senators will retire to their Chamber and resume their duties.

ADDRESS OF HON. PAUL V. McNUTT INCLUDED IN LEGISLATIVE JOURNAL

Mr. ACHTERMAN. Mr. Speaker, I move that the remarks of the Honorable Paul V. McNutt be transcribed and placed in the minutes of the Legislative Journal.

The motion was agreed to.

SPEAKER CONGRATULATED

Mr. TROUT. Members of the House, I should like to congratulate our Speaker this morning for having taken the position we have felt for some time this House occupies in the General Assembly of Pennsylvania.

There appears to have been and now exists a bottleneck, but I think the orders from the Chair that the Senators retire to their Chamber and continue their duties was very much in order, and Mr. Speaker, I want to congratulate you on that statement.

The SPEAKER. The Chair will never live that down.

REPORTS FROM COMMITTEES

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as committed, House Bill No. 1265, entitled:

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

Mr. LESKO, from the Committee on State Government, reported as committed, House Bill No. 1264, entitled:

An Act to further amend section three hundred nine and subsection (a) of section three hundred eleven of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties, "imposing the expense of clothing persons admitted to schools for mental defectives on institution districts in certain cases; giving the Commonwealth preference against the estates for such persons in such cases; permitting such persons vacations; and prohibiting deductions from State appropriations because thereof.

Mr. BOIES, from the Committee on Liquor Control reported as committed, House Bill No. 1454, entitled:

An Act to further amend section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," prohibiting sales of liquor and malt or brewed beverages during certain hours unless the legislative body of a city, borough, town or township is in favor of the same.

Mr. BOIES, from the Committee on Liquor Control, reported as committed, House Bill No. 1455, entitled:

An Act to further amend clause two of section twenty-three of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," prohibiting sales of malt or brewed beverages during certain hours unless

the legislative body of a city, borough, town or township is in favor of the same.

Mr. HERMAN, from the Committee on Highways, reported as committed, House Bill No. 1413, entitled:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania, after the use of any highway as a detour has been discontinued, to restore promptly such highway to substantially the same condition as it was prior to its use as a detour.

Mr. DiGENOVA, from the Committee on Law and Order, reported as committed, House Bill No. 1188, entitled:

An Act to amend section six hundred ninety-nine and four-tenths of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," increasing the penalties for performing worldly employment, games or diversion on Sunday.

Mr. HEATHERINGTON, from the Committee on Highways, reported as committed, House Bill No. 936 (Senate Bill No. 297), entitled:

An Act to further amend section 10 of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State Tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation;" by limiting the amount of the liquid fuels tax payable to counties and the uses for which such moneys may be expended.

Mr. HEATHERINGTON, from the Committee on Highways, reported as committed, House Bill No. 937 (Senate Bill No. 298), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in cities, borougns, towns and townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing, or improvement of municipal roads, highways and bridges, during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of municipal roads, highways and bridges under certain conditions; and providing for the method of payment to such political subdivisions.

Mr. RAUSCH, from the Committee on Cities—Third Class, reported as Amended, House Bill No. 986, entitled:

An Act to amend section two thousand one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by fixing the minimum compensation for patrolmen in such cities.

Mr. MARSHALL M. COHEN, from the Committee on Judiciary Special, reported as amended, House Bill No. 139, entitled:

An Act to amend section one of the act which became effective on the seventh day of July, one thousand eight hundred and seventy-nine (P. L. 194), entitled "An act to enlarge the jurisdiction of justices of peace, and regulating the fees of constables making sales under this act," further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

Mr. STANK, from the Committee on Liquor Control, re-reported as amended, House Bill No. 870, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting, municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by further regulating manufacturers and distributors and importing distributors of malt and brewed beverages.

Mr. DiGENOVA, from the Committee on Law and Order, re-reported as committed, House Bill No. 1070, entitled:

An Act prohibiting owners of restaurants, pool rooms, bowling alleys confectionery stores, barber shops, grocery stores or hotels from encouraging or permitting gambling; and prescribing penalties.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1427, entitled:

An Act requiring lock-ups to be attended at all times, except when entirely unoccupied, and imposing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 943, entitled:

An Act to reenact and amend section 441 of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" by authorizing boards of county commissioners to appropriate county moneys for the support of charitable hospitals.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 724, entitled:

An Act to further amend section 363 of the act approved May second, one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," and further regulating the form and contents of county auditors reports.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 430, entitled:

An Act to further amend section 2 of the act, approved the twenty-eighth day of June, one thousand eight hundred and ninety-five, (P. L. 408), entitled "A supplement to the twenty-fourth section of an act, entitled 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth," as variously amended so to provide for the payment of the entire amount of said tax on premiums of foreign fire insurance companies to cities, boroughs and townships and for the use of said moneys; by providing for the payment by the State Treasurer of the tax on certain premiums paid by foreign insurance companies to the treasurers of the several cities, boroughs, towns and townships, and for the payment thereof into police pension funds, and in certain cases into the State Employe's Fund for certain purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. LEVY. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1072, entitled:

An Act to amend section five hundred and nineteen of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for the payment of the costs of viewers by the Commonwealth in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1284, entitled:

An Act requiring owners and lessees of real property, whenever making any improvements thereon or additions thereto costing more than five hundred dollars ($500.00) to file a report of such improvements or additions with the county board for the assessment and revision of taxes, and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1458, entitled:

An Act to enable the governing bodies of cities of the first, second and second class A to establish by ordinance the requirements of responsible bidders for city printing and to repeal all acts and parts of acts inconsistent with the provisions of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1386, (Senate Bill No. 295), entitled:

An Act to amend sections seven and eight of the act approved the twelfth day of June, one thousand eight hundred and seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," requiring the publication of advance sheets of such reports, requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein; and further regulating the basis upon which bids shall be submitted and the provisions of the contract for publication of such reports and advance sheets.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1036, entitled:

An Act to amend subsection (b) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 429), entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the orphans' court in connection therewith, and the fees therefore," by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent, the natural parent shall retain his or her status as such, and shall, for purposes of inheritance and devolution, be regarded as an adopting parent.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 192, entitled:

An Act to amend section 4408 of the act approved the twenty-third day of June, one thousand nine hundred thirty-one, (P. L. 932) entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" providing for appeals by policemen who are fined, suspended or discharged after hearing.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 801, entitled:

An Act to further amend section nine of the act, approved the eighteenth day of April, Anno Dommini one thousand eight hundred and fifty-three (P. L. 503), entitled "An act relating to the sale and conveyance of real estate," by including spendthrift trusts in the provision accelerating vested remainders in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON THIRD READING

Mr. PROSEN asked and obtained unanimous consent to call up out of order House Bill No. 365, Printer's No. 495, on page 16 of todays calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 365, entitled:

An Act to further amend section one of the act approved the ninth day of July, one thousand nine hundred and nineteen, (P. L. 794), entitled "An act providing that estates in buildings, grounds, books, curios, pictures, statuary and other works of art, passing by will to any municipality, corporation, or unincorporated body, for free exhibition within Pennsylvania, shall not be subject to collateral inheritan e tax, and in certain instances, the date when such tax shall become due" by providing for additional exemptions and for exemptions from collateral inheritance and transfer taxes and extending the provisions of said act to property money and funds passing under certain powers of appointment created before or after the effective date of this amendment and including property money and funds passing under a power of appointment where the donor of the power died prior to the effective date of this amendment to any public educational institution museum or gallery of art of or under the control or wholly or partially maintained or supported by the Federal Government.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. PROSEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of a public hearing.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. BENTLEY. Mr. Speaker, I move that the time on House Bill No. 654, Printer's No. 394, entitled:

An Act authorizing counties, cities, boroughs, towns, townships, school districts, poor districts and institution districts, at any sale of real property for the nonpayment of taxes or municipal claims to take title jointly in proportion to their tax claims; provide for the management of such real property and for the resale and conveyance of their interests to a purchaser.

on page 4, of today's calendar, bills on second reading, be extended fourteen calendar days.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 931, entitled:

An Act to further amend section six of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2603), entitled "An act relating to vocational education; creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Education; and providing for referendum in certain cases," fixing the rate of the annual tax levy; requiring county commissioners or boards for the assessment and revision of taxes to furnish, at the expense of the county, certified duplicates of last adjusted valuations of real estate; making the same taxable for vocational school purposes; and making further provision with reference to the bond of tax collectors.

The first section was read.

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. HARKINS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1442, entitled:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

COMMITTEE MEETING

State Government, Thursday, May 8 at 9 a.m. in Room 325.

PUBLIC HEARINGS

There will be a Public Hearing before the Committee on Judiciary Special on House Bill No. 365, Printer's No. 495, on Wednesday, May 14, 1941 at 7:00 p.m., E.S.T., in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 1118, on Wednesday, May 14, 1941 at 7:00 p.m., EST., in the New House Caucus Room.

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, May 13, 1941 at 6:00 p.m., E.S.T., in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Elections on House Bill No. 636, Printer's No. 425 on Friday, May 9, 1941 at 2:00 p.m., D.S.T., in Room 254, City Hill, Philadelphia.

ADJOURNMENT

Mr. DiGENOVA. Mr. Speaker, I move that this House do now adjourn until Thursday, May 8, 1941, at 10 a.m.

The motion was agreed to, and (at 11:55 a.m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

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HOUSE OF REPRESENTATIVES

THURSDAY, May 8, 1941

The House met at 10 a.m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Father in heaven, we continue to look to Thee as the giver of every good and perfect gift. May we, as we give honor to our Mother this coming Lord's Day, remember her willingness to sacrifice for us. We truly thank Thee for her love. We pray for her, O God, and for all the mothers throughout the world, for young and old, for the near and the far, for those who are happy and for those who dwell in shadows, for those who have seen the travail of their souls and been satisfied, and for those who wait for their reward with the coming of eternal day.

Make us conscious of what might happen if our factories, our prisons, our legislative halls would consult the mothers of mankind in formulating their policies and in measuring their success. Since, Our God, Mother's Day calls us with a symbol of a flower, a greeting, an endearing word, may it above all else call us to build a world for such love as hers. In Thy name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday when, on motion of Mr. HARE, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. READINGER and REUBEN E. COHEN.
HOUSE BILL No. 1538.

An Act to further amend section one and to amend section four of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," further defining its powers and duties; and amplifying the provision relating to appropriations.

Referred to the Committee on State Government.

By Messrs. KENEHAN and O'NEILL.
HOUSE BILL No. 1539.

An act to amend section two of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws," by making it lawful for persons, copartnerships, associations, or corporations to conduct, stage, manage, operate or engage in motion picture exhibitions whether or not there be a charge of admission thereto, within a radius of ten miles of any army depot, military reservation or military encampment.

Referred to the Committee on Law and Order.

By Mr. FALKENSTEIN. HOUSE BILL No. 1540.

An Act to amend clause (d) of section four hundred one, and to further amend clause (b) of section four hundred two of the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further prescribing qualifications of employes eligible for compensation.

Referred to the Committee on Labor.

By Mr. PROSEN. HOUSE BILL No. 1541.

An Act providing for uniform reports by political subdivisions to departments, boards and commissions of the State Government.

Referred to the Committee on Municipal Corporations.

By Messrs. HARE and WAGNER.
HOUSE BILL No. 1542.

An Act to amend route 55121, as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring

certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," changing a route in the County of Somerset.

Referred to the Committee on Highways.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 646.

An Act establishing certain public roads and streets as a State highway and providing for their construction reconstruction and maintenance by the Department of Highways subject to certain terms and conditions.

With the information that the Senate has passed the same without amendment.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

The Speaker for Mr. IMBRIE.

REPORTS FROM COMMITTEES

Mr. McKINNEY, from the Committee on State Government, reported as committed, House Bill No. 1257, entitled:

An Act to add section three and one-tenth to the act, approved the fifteenth day of May, one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks except in certain cases authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties," providing for an extension of time on permits for such displays when not made on the day designated in the permit.

Mr. McFALL, from the Committee on State Government, reported as committed, House Bill No. 1301, (Senate Bill No. 217), entitled:

An Act requiring the Department of Welfare to notify the clerk of court and the county controller of all discharges or releases from institutions under its supervision.

Mr. McDERMOTT, from the Committee on State Government, reported as amended, House Bill No. 1213, entitled:

An Act to amend an act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by more fully defining the times during which the benefits shall be payable and the amount thereof and to whom payable.

Mr. BOIES, from the Committee on Cities-Third Class, reported as amended, House Bill No. 1295, entitled:

An Act to amend section four thousand four hundred two of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for additional members of certain civil service boards.

Mr. PROSEN, from the Committee on State Government, re-reported as amended, House Bill No. 849, entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five, (P. L. 1356), entitled, "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointments of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties;" further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use and keeping of weighmaster's certificates; conferring powers and imposing duties upon state, city, and county inspectors of weights and measures and the Department of Internal Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

MR. YEAKEL IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1265, entitled:

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1264, entitled:

An Act to further amend section three hundred nine and subsection (a) of section three hundred eleven of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental

defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," imposing the expense of clothing persons admitted to schools for mental defectives on institution districts in certain cases; giving the Commonwealth preference against the estates of such persons in such cases; permitting such persons vacations; and prohibiting deductions from State appropriations because thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1454, entitled:

An Act to further amend section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, triffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages in to the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," prohibiting sales of liquor and malt or brewed beverages during certain hours unless the legislative body of a city, borough, town or township is in favor of the same.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1455, entitled:

An Act to further amend clause two of section twenty-three of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," prohibiting sales of malt or brewed beverages during certain hours unless the legislative body of a city, borough, town or township is in favor of the same.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1413, entitled:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania, after the use of any highway as a detour has been discontinued, to restore promptly such such highway to substantially the same condition as it was prior to its use as a detour.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1188, entitled:

An Act to amend section six hundred niney-nine and four-tenths of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," increasing the penalties for performing worldly employment, games or diversion on Sunday.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 936, (Senate Bill No. 297), entitled:

An Act to further amend section ten of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State Tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation;" by limiting the amount of the liquid fuels tax payable to counties and the uses for which such moneys may be expended.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of further study.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 937, (Senate Bill No. 295), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in cities, boroughs, towns and townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing, or improvement of municipal roads, highways and bridges, during the calendar years one thousand nine hundred forty-two and one thousand

nine hundred forty-three, permitting the use of the funds for maintenance and repair of municipal roads, highways and bridges under certain conditions; and providing for the method of payment to such political subdivisions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of further study.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 986, entitled:

An Act to amend section two thousand one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by fixing the minimum compensation for patrolmen in such cities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 139, entitled:

An Act to amend section one of the act which became effective on the seventh day of July, one thousand eight hundred and seventy-nine (P. L. 194), entitled "An act to enlarge the jurisdiction of justices of peace, and regulating the fees of constables making sales under this act," further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

The Speaker. The Chair thanks the gentleman from Bucks, Mr. Yeakel, for presiding.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 709, entitled:

An Act to further amend section four hundred and twelve of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-1934) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establsihment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by further defining the sales of malt or brewed beverages

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1427, entitled:

An Act requiring lock-ups to be attended at all times except when entirely unoccupied and imposing liabilities

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 943, entitled:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing boards of county commissioners to appropriate county moneys for the support of charitable hospitals

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 724, entitled:

An Act to further amend section 363 of the act approved May second one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" and further regulating the form and contents of county auditors reports.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1072, entitled:

An Act to amend section five hundred and nineteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the payment of the costs of viewers by the Commonwealth in certain cases.

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1284, entitled:

An Act requiring owners and lessees of real property whenever making any improvements thereon or additions thereto costing more than five hundred dollars ($500) to file a report of such improvements or additions with

the county board for the assessment and revision of taxes and providing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1458, entitled:

An Act to enable the governing bodies of cities of the first second and second class A to establish by ordinance the requirements of responsible bidders for city printing and to repeal all acts and parts of acts inconsistent with the provisions of this act.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1386, (Senate Bill No. 295), entitled:

An Act to amend sections seven and eight of the act approved the twelfth day of June one thousand eight hundred and seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" requiring the publication of advance sheets of such reports requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein and further regulating the basis upon which bids shall be submitted and provisions of the contract for publication of such reports and advance sheets.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1036, entitled:

An Act to amend subsection (b) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution o the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphan's court in connection therewith and the fees therefor" by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent the natural parent shall retain his or her status as such and shall for purposes of inheritance and devolution be regarded as an adopting parent

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 192, entitled:

An Act to amend section 4408 of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for appeals by policemen who are fined suspended or discharged after hearing

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 870, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by further regulating manufacturers and distributors and importing distributors of malt and brewed beverages.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 646.

An Act establishing certain public roads and streets as a State highway and providing for their construction reconstruction and maintenance by the Department of Highways subject to certain terms and conditions

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

INDIANA STATE TEACHERS COLLEGE

Messrs. HEWITT and McMILLEN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, May 8, 1941.

Whereas, The Award Committee of the American Musical Arts Foundation recently completed its survey of the music activities of more than three hundred colleges and universities in the United States; and

Whereas, After this exhaustive survey it presented an award to the Department of Music of the State Teachers' College of Indiana of this Commonwealth; and

Whereas, This award known as the American Music Achievement Trophy is the highest honor the foundation can bestow upon any educational institution in the United States; and

Whereas, It is fitting that the House of Representatives of this Commonwealth honor the achievements of the Department of Music of the State Teachers' College of Indiana for its outstanding contribution to American music; therefore be it

Resolved, That the House of Representatives join with

the citizens of the Commonwealth in congratulating the Department of Music of the State Teachers' College of Indiana for its achievement and the honors that have been bestowed upon it; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House of Representatives to Dr. Leroy King, President of the State Teachers' College of Indiana.

QUESTION OF PERSONAL PRIVILEGE

Mr. BOORSE. Mr. Speaker, I arise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. BOORSE. Mr. Speaker, on May 5th I am informed that I have been recorded as not voting on House Bill No. 685, Printer's No. 447, which is incorrect. I voted "no" on that bill and I would like to be so recorded in the Legislative Journal.

Also, on May 6th, 1941, on House Bill 684, Printer's No. 138, I am referred to as voting "aye," which is not correct. I voted "no." I desire to also have it corrected.

QUESTION OF PERSONAL PRIVILEGE

Mr. McLANAHAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. McLANAHAN. Mr. Speaker, I am recorded on House Bill 99 as voting "nay." I wish to be recorded as voting "yea."

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1185, as follows:

To further amend section five hundred and two and section five hundred and four of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" requiring submission of all plans for public improvements to the county planning commission for approval and prohibiting the recording of plans and sales of lots before their approval under penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follow:

Section 1 Section five hundred and two and section five hundred and four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand one hundred and twenty-four) are hereby further amended to read as follows

Section 502 Plans of Streets or Highways for Public Use and Public Buildings Submission of [Resolutions] Plans for Certain Improvements Reports Thereon [All resolutions of the county commissioners] All county city except cities of the second class borough and township plans relating to the location of any public building in the county and to the location relocation extension widening enlargment altering ornamentation or parking of any street boulevard parkway wharf bridge tunnel subway or underground road park playground or other public grounds to the vacation of any highway or portion thereof or to the making or alteration of [the county] any city except cities of the second class borough or township plan of highways or to any surface underground or elevated railway shall be furnished to the County Planning Commission if one has been created twenty days before [their passage and] the adoption of said plan by the county [commissioners] city except cities of the second class borough or township official The said commission may make a report or suggestion in relation thereto if it deems the report necessary or advisable for the consideration of the said [commissioners] county city except cities of the second class borough or township officials If the said report is made by the commission prior to the expiration of the said twenty days the [county commissioners] said local officials may immediately proceed with the adoption of the [said resolution] plans All such reports when delivered to the [said commissioners] county city except cities of the second class borough or township officials shall be for the information of the public as well as for the [commissioners] said officials and [the commissioners] they shall furnish to any newspaper of the county on request for publication a copy of any such report

Section 504 Plans of Subdivisions Jurisdiction Scope of Subdivisions Regulations Procedure Penalties The County Planning Commission shall have jurisdiction and control of the subdivision of land located within the county limits For the purpose of this section a subdivision shall be construed to be any part parcel or area of land out of which has been conveyed or transferred three or more parts hereof with appurtenant roads streets lanes alleys and ways either by lots or by metes and bounds [All plans of streets or highways for public use and all] All plans plots and replots of land laid out in building lots and the streets highways alleys or other portions of the same intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto located within the county limits except those located within any city except cities of the second class or borough within the said counties shall be submitted to the County Planning Commission if one has been created and approved by it before they shall be recorded And it shall not be lawful to receive or record any such plan in any public office unless the same shall bear thereon by endorsement or otherwise the approval of the County Planning Commission if one has been created The disapproval of any such plan by the County Planning Commission shall be deemed a refusal of the proposed dedication shown thereon The approval of the commission shall be deemed an acceptance of the proposed dedication but shall not impose any duty upon the county concerning maintenance or improvement of any such dedicated [lots] streets highways alleys or other portions of the same until the proper authorities of the county shall have made actual appropriation of the same by entry use or improvement The owners and purchasers of such lots shall be conclusively presumed to have notice of public plans maps and reports of the commission affecting such property within its jurisdiction Any owner or agent of the owner of any land located within a subdivision who sells transfers or agrees to sell any land by reference to or exhibition of or by other use of a plan of a subdivision before the same has been approved by the County Planning Commission and recorded in the Office of the Recorder of Deeds shall upon summary conviction thereof before any alderman or justice of the peace of the county forfeit and pay a penalty of not less than fifty ($50) dollars and not more than one hundred ($100) dollars and the cost of the prosecution or undergo an imprisonment in the county jail of the proper county for a period of not more than thirty days for each lot or parcel transferred or sold or agreed to be sold and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided Counties may also enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction in addition to the penalty herein provided

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—177

Achterman,	French,	McClanaghan,	Royer,
Allmond,	Gallagher,	McDermott,	Rush,
Baker,	Gates,	McDowell,	Sarge,
Baugher,	Gillan,	McFall,	Sarraf,
Bentley,	Gillette,	McGrath,	Scanlon,
Bentzel,	Goodwin,	McIntosh,	Schwab,
Boles,	Greenwood,	McKinney,	Shaffer,
Boney,	Gross,	McLanahan,	Shaw,
Boorse,	Gryskewicz,	McLane,	Simons,
Bower,	Habbyshaw,	McMillen,	Skale,
Bradley,	Haberlen,	McSurdy,	Snyder,
Breth,	Haines,	Melchiorre,	Stambaugh,
Bretherick,	Hall,	Mihm,	Stank,
Brunner, P. A.,	Hamilton,	Modell,	Stine,
Burns,	Hare,	Monks,	Stockham,
Burris,	Heatherington,	Mooney,	Tarr,
Cadwalader,	Helm,	Moran,	Tate,
Chudoff,	Herman,	Moul,	Taylor,
Cohen, M. M.,	Hersch,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Munley,	Thompson, R. L.,
Cook,	Hirsch,	Nagel,	Van Allsburg,
Cooper,	Holland,	Nunemacher,	Verona,
Cordier,	Huntley,	O'Brien,	Vincent,
Corrigan,	James,	O'Dare,	Vogt,
Croop,	Jefferson,	O'Mullen,	Voldow,
Cullen,	Jones, P. N.,	O'Neill,	Voorhees,
Dalrymple,	Keenan,	Petrosky,	Watkins,
Dennison,	Kenehan,	Pettit,	Weiss,
DiGenova,	Kline,	Polaski,	Welsh, E. B.,
Dix,	Kolankiewicz,	Polen,	Welsh, M. J.,
Dolon,	Komorofski,	Powers,	Wilkinson,
D'Ortona,	Krise,	Prosen,	Williams,
Duffy,	Lee, E. A.,	Rausch,	Winner,
Early,	Lee, T. H.,	Readinger,	Wolf,
Eckels,	Leisey,	Reagan,	Wood, L. H.,
Elder,	Leonard,	Reese, D. P.,	Wood, N.,
Elliott,	Lesko,	Reese, R. E.,	Woodring,
Ely,	Levy,	Regan,	Woodside,
Falkenstein,	Lichtenwalter,	Rhea,	Wright,
Finestone,	Longo,	Riley,	Yeakel,
Fiss,	Lovett,	Rooney,	Yester,
Fleming,	Lyons,	Rose, S.,	Young,
Fletcher,	Malloy,	Rose, W. E.,	Kilroy,
Foor,	Marks,	Rosenfeld,	Speaker.
	Maxwell,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 812, as follows:

An Act to amend clause (b) of section three hundred and two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the display of the flag of the United States at polling places and imposing such duty on county boards of elections

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (b) of section three hundred and two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 302 Powers and Duties of County Boards The County boards of elections within their respective counties shall exercise in the manner provided by this act all powers granted to them by this act and shall perform all the duties imposed upon them by this act which shall include the following

* * * *

(b) To select and equip polling places and to provide for the display of the flag of the United States at such polling places

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—177

Achterman,	Foor,	Maxwell,	Royer,
Allmond,	French,	McClanaghan,	Rush,
Baker,	Gallagher,	McDermott,	Sarge,
Balthaser,	Gates,	McDowell,	Sarraf,
Baugher,	Gillan,	McFall,	Scanlon,
Bentley,	Gillette,	McGrath,	Schwab,
Bentzel,	Goodwin,	McIntosh,	Shaffer,
Boles,	Greenwood,	McKinney,	Shaw,
Boney,	Gross,	McLanahan,	Simons,
Boorse,	Gryskewicz,	McLane,	Skale,
Bower,	Habbyshaw,	McMillen,	Snyder,
Bradley,	Haberlen,	McSurdy,	Stambaugh,
Breth,	Haines,	Melchiorre,	Stank,
Bretherick,	Hall,	Mihm,	Stine,
Brunner, P. A.,	Hamilton,	Modell,	Stockham,
Burns,	Hare,	Monks,	Tarr,
Burris,	Heatherington,	Mooney,	Tate,
Cadwalader,	Helm,	Moran,	Taylor,
Chudoff,	Herman,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hewitt,	Munley,	Van Allsburg,
Cook,	Hirsch,	Nagel,	Verona,
Cooper,	Holland,	Nunemacher,	Vincent,
Cordier,	Huntley,	O'Brien,	Vogt,
Corrigan,	James,	O'Dare,	Voldow,
Croop,	Jefferson,	O'Mullen,	Voorhees,
Cullen,	Jones, P. N.,	O'Neill,	Watkins,
Dalrymple,	Keenan,	Petrosky,	Weiss,
Dennison,	Kenehan,	Pettit,	Welsh, E. B.,
DiGenova,	Kline,	Polaski,	Welsh, M. J.,
Dix,	Kolankiewicz,	Polen,	Wilkinson,
Dolon,	Komorofski,	Powers,	Williams,
D'Ortona,	Krise,	Prosen,	Winner,
Early,	Lee, E. A.,	Rausch,	Wolf,
Eckels,	Lee, T. H.,	Readinger,	Wood, L. H.,
Elder,	Leisey,	Reagan,	Wood, N.,
Elliott,	Leonard,	Reese, D. P.,	Woodring,
Ely,	Lesko,	Reese, R. E.,	Woodside,
Falkenstein,	Levy,	Regan,	Wright,
Finestone,	Lichtenwalter,	Rhea,	Yeakel,
Fiss,	Longo,	Riley,	Yester,
Fleming,	Lovett,	Rooney,	Young,
Fletcher,	Lyons,	Rose, S.,	Kilroy,
Flynn,	Malloy,	Rose, W. E.,	Speaker.
	Marks,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 358, entitled:

An Act to further amend clause three and four of subsection (b) of section 913 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further fixing the fee for filing nomination petitions in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That clauses three and four of subsection (b) of section 913 of the act approved June third one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general muicipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" as amended by the act of June fifteen one thousand nine hundred and thirty-nine (P. L. 376) are hereby further amended to read as follows

Section 913 Place and Time of Filing Nomination Petitions Filing Fees

* * * *

(b) Each person filing any nomination petition shall pay for each petition at the time of said filing a filing fee to be determined as follows and no nomination petition shall be accepted or filed unless and until such filing fee is paid by a certified check or money order only Said certified checks or money orders shall be made payable to the Commonwealth of Pennsylvania or to the county as the case may be and shall be transmitted to the State Treasurer or to the county treasurer and shall become part of the General Fund

* * * *

3 If for the offices of senator or representative in the General Assembly or for any office to be filled by the electors of an entire county other than jury commissioner associate inspector the sum of twenty-five dollars ($25.00) if for the office of jury commissioner or associate judge the sum of ten dollars ($10.00) if for the office of prison inspector the sum of two dollars ($2.00) if for any office to be filled by the electors of an entire city the following sums if in a city of the first or second class twenty-five dollars ($25.00) if in a city of the second class A fifteen dollars ($15.00) and if in a city of the third class ten dollars ($10.00)

[4 If for the office of associate judge or for any borough town township school district or poor district office not otherwise provided for the sum of two dollars ($2.00)

Provided however that no] No filing fee shall be paid for a nomination petition for any public office for which no compensation is provided by law

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—177

Achterman,	French,	Maxwell,	Royer,
Allmond,	Gallagher,	McClanaghan,	Rush,
Baker,	Gates,	McDermott,	Sarge,
Balthaser,	Gillan,	McDowell,	Sarraf,
Baugher,	Gillette,	McFall,	Scanlon,
Bentley,	Goodwin,	McGrath,	Schwab,
Bentzel,	Greenwood,	McIntosh,	Shaffer,
Boles,	Gross,	McKinney,	Shaw,
Boney,	Gryskewicz,	McLanahan,	Simons,
Boorse,	Habbyshaw,	McLane,	Skale,
Bower,	Haberlen,	McMillen,	Snyder,
Bradley,	Haines,	McSurdy,	Stambaugh,
Breth,	Hall,	Melchiorre,	Stank,
Bretherick,	Hamilton,	Mihm,	Stine,
Brunner, P. A.,	Hare,	Modell,	Stockham,
Burns,	Heatherington,	Monks,	Tarr,
Burris,	Helm,	Mooney,	Tate,
Cadwalader,	Herman,	Moran,	Taylor,
Chudoff,	Hersch,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hirsch,	Munley,	Van Allsburg,
Cook,	Holland,	Nagel,	Verona,
Cooper,	Huntley,	Nunemacher,	Vincent,
Cordier,	James,	O'Brien,	Vogt,
Corrigan,	Jefferson,	O'Dare,	Voldow,
Croop,	Jones, P. N.,	O'Mullen,	Voorhees,
Cullen,	Keenan,	Owens,	Watkins,
Dalrymple,	Kenehan,	Petrosky,	Weiss,
Dennison,	Kline,	Pettit,	Welsh, E. B.,
DiGenova,	Kolankiewicz,	Polaski,	Welsh, M. J.,
Dix,	Komorofski,	Polen,	Wilkinson,
Dolon,	Krise,	Powers,	Williams,
D'Ortona,	Lee, E. A.,	Prosen,	Winner,
Early,	Lee, T. H.,	Rausch,	Wolf,
Eckels,	Leisey,	Readinger,	Wood, L. H.,
Elder,	Leonard,	Reagan,	Wood, N.,
Elliott,	Lesko,	Reese, D. P.,	Woodring,
Ely,	Levy,	Reese, R. E.,	Woodside,
Falkenstein,	Leydic,	Regan,	Wright,
Finestone,	Lichtenwalter,	Rhea,	Yeakel,
Fiss,	Longo,	Riley,	Yester,
Fleming,	Lovett,	Rooney,	Young,
Fletcher,	Lyons,	Rose, S.,	Kilroy,
Foor,	Malloy,	Rose, W. E.,	Speaker.
	Marks,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1401, Printer's No. 499, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 124, Printer's No. 507, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1270, Printer's No. 413, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 979, Printer's No. 428, was passed over at the request of the SPEAKER

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1172, entitled:

An Act To further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes

and revising amending and consolidating the laws relating thereto" by empowering counties to acquire real estate by lease purchase gift or eminent domain for use as fairground authorizing the acquisition of property by eminent domain for certain other public purposes and authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fairgrounds including the appropriation of funds joint action with other political subdivisions the levy and collection of taxes the creation of county fair boards and the acceptance of State contributions.

On the question,

Will the House agree to the bill on third reading?

Mr. LOVETT. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Title, page 1, line 7 of title, by inserting after the word "purchase" the following: "or"

Amend Title, page 1, lines 7 and 8 of title, by striking out the words "or eminent domain"

Amend Title, page 1, line 8 to 10 of title, by striking out the words "authorizing the acqui-" in line 8, all of line 9 and the words "public purposes and" in line 10

Amend Bill, page 2, lines 12 to 16, both inclusive, by striking out all of said lines

Amend Bill, page 2, by inserting between lines 19 and 20 the following section: "Section 2. Sections six hundred fifty, six hundred fifty-one and six hundred fifty-two of said act as last amended by the act, approved the eighteenth day of April, one thousand nine hundred and thirty-five (P. L. 46), are hereby further amended to read as follows:"

Amend Sec. 2 (Sec. 650), page 3, lines 2 and 3, by striking out the words "or the exercise of the power of eminent domain"

The SPEAKER. Will the House give unanimous consent to the offering of amandments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 1166, Printer's No. 461, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 174, Printer's No. 474, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1318, Senate Bill No. 528, Printer's No. 132, was passed over at the request of Mr. ACHTERMAN.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 599, (Senate Bill No. 159), enittled:

An Act Making an appropriation to the Department of Military Affairs for the purpose of erecting constructing and equipping an auditorium at Indiantown Gap Military Reservation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—177

Achterman,	French,	Maxwell,	Royer,
Allmond,	Gallagher,	McClanaghan,	Rush,
Baker,	Gates,	McDermott,	Sarge,
Balthaser,	Gillan,	McDowell,	Sarraf,
Baugher,	Gillette,	McFall,	Scanlon,
Bentley,	Goodwin,	McGrath,	Schwab,
Bentzel,	Greenwood,	McIntosh,	Shaffer,
Boies,	Gross,	McKinney,	Shaw,
Boney,	Gryskewicz,	McLanahan,	Shepard,
Boorse,	Habbyshaw,	McLane,	Simons,
Bower,	Haberlen,	McMillen,	Skale,
Bradley,	Haines,	McSurdy,	Snyder,
Breth,	Hall,	Melchiorre,	Stambaugh,
Bretherick,	Hamilton,	Mihm,	Stank,
Brunner, P. A.,	Hare,	Modell,	Stine,
Burns,	Heatherington,	Monks,	Stockham,
Burris,	Helm,	Mooney,	Tarr,
Cadwalader,	Herman,	Moran,	Tate,
Chudoff,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hirsch,	Munley,	Thompson, R. L.,
Cook,	Holland,	Nagel,	Van Allsburg,
Cooper,	Huntley,	Nunemacher,	Verona,
Cordier,	James,	O'Brien,	Vincent,
Corrigan,	Jefferson,	O'Dare,	Vogt,
Croop,	Jones, P. N.,	O'Mullen,	Voldow,
Cullen,	Keenan,	O'Neill,	Voorhees,
Dalrymple,	Kenehan,	Petrosky,	Watkins,
Dennison,	Kline,	Pettit,	Weiss,
DiGenova,	Kolankiewicz,	Polaski,	Welsh, E. B.,
Dix,	Komorofski,	Polen,	Welsh, M. J.,
Dolon,	Krise,	Powers,	Wilkinson,
D'Ortona,	Lee, E. A.,	Prosen,	Williams,
Early,	Lee, T. H.,	Rausch,	Winner,
Eckels,	Leisey,	Readinger,	Wolf,
Elder,	Leonard,	Reagan,	Wood, L. H.,
Elliott,	Lesko,	Reese, D. P.,	Wood, N.,
Ely,	Levy,	Reese, R. E.,	Woodring,
Falkenstein,	Lichtenwalter,	Regan,	Woodside,
Finestone,	Longo,	Rhea,	Wright,
Fiss,	Lovett,	Riley,	Yeakel,
Fleming,	Lyons,	Rooney,	Yester,
Fletcher,	Malloy,	Rose, S.,	Young,
Foor,	Marks,	Rose, W. E.,	Kilroy,
		Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment

BILL PASSED OVER

There being no objection House Bill No. 1355, Printer's No. 475, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 229, as follows:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liqud fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combuston engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure per-

mits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commisioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lieu of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carrirs county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" as last amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 55) is hereby further amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A permanent State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States Government on presentation of a duly authorized United States Government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax and additional emergency State tax of one cent a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for the period begining on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred and [forty-one] forty-three

Distributors shall be liable to the Commonwealth for the collection and payment of the tax imposed by this act The tax imposed by this act shall be collected by the distributor at the time the liquid fuels are used or sold and delivered by the distributor and shall be borne by the consumer

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

The department shall allow such handling and storage losses of liquid fuels as are substantiated to its satisfaction

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, I desire to comment just briefly on House Bill 229 and at the same time I shall also comment, if the House does not object, on House Bill 228.

The SPEAKER. The Chair hears no objection. The gentleman will proceed.

Mr. ACHTERMAN. Both measures are tax measures of an emergency nature, Mr. Speaker, and represent the beginning of the disclosure to this House of the results of the study of the Democratic Appropriations Committee of this House in relation to the particular measures as well as the result of the study of the budget.

I realize perhaps it is a bit annoying to the Republican administration that the figures their Governor submitted to this House should be challenged and questioned. As a matter of fact, the result of the study has indicated it was about time some one did challenge the Republican party for the manner in which they were operating and for the manner in which they hoped to be able to operate for the coming two years.

I am saying, Mr. Speaker, that in the course of the next few weeks the Appropriations Committee will disclose to this House and at the same time unfold to the people of Pennsylvania a program that is both constructive and meritorious. It will differ, Mr. Speaker, in a radical degree from that which has been submitted to this House by the Governor of Pennsylvania. I believe the program that we will submit will meet with universal approval by the people of this Commonwealth.

I do not intend at this time to discuss that program; it will, however, be discussed at a later session of this House. I do, however, wish to comment on the two particular measures now before the House, because they disclose the value of the studies. They also disclose that there was a real, urgent necessity that there be a study.

May I point out, Mr. Speaker, first of all the gasoline bill, that is, the one cent emergency tax on gasoline? That is the bill immediately before us here. You will note in the budget that the Governor has estimated that this particular tax in the biennium now ending would yield in the negihborhood of $29,845,010. May I state to the members of this House that that sum is about equalled at the present moment. As a matter of fact, up to the last day of April that tax has yielded $29,137.844.

That included a collection of one and one-half million dollars in the month of April, but I point out to the members of the House that as a matter of fact in this month of May there will be collected in excess of two million dollars on that particular tax. That may be challenged by the other side, but may I say in the first few days of May there has been collected in excess of $515,000. It means, Mr. Speaker, that the collection in that particular instance will amount to somewhat in excess of $31,000,000.

Now, here is the thing of real importance to the members of this House. The Governor in estimating his budget for the coming biennium estimates the amount that will be collected by that particular tax as $31,668,000, a truly conservative estimate, Mr. Speaker. Our committee has made a careful and exhaustive study of what might be anticipated in the form of yields for the coming two years, and we have arrived at the conclusion that the correct amount and the amount that we should proceed on in forming our budget and determining our plans for the coming biennium is $37,236,000. In other words, we anticipate a collection of five and a half million dollars in round numbers in excess of the amount designated to this House by the Governor of this Commonwealth.

You will say "How did we arrive at that?" We arrived at it by a number of different methods. We used our own particular method of arriving at it by determining the increased income of the Commonwealth of Pennsyl-

vania and determining by a formula what increase of taxes could reasonably be anticipated from that source. We arrived at practically the figure I have designated. We then sought to verify and prove that particular figure. We wondered what the Republican Members of the House, particularly the Republican Members of this House who sat in the last session of the Legislature, had in mind in relation to this particular figure, so we had recourse to the figures collected by the Local Government Commission

If you will turn to Senate Bills 297 and 298, in which there is an effort to redistribute certain funds collected from the gasoline taxes, you will discover there is a considerable increase in the amount intended to be allocated out of the general taxes so collected to local governments, and you will also learn that the Local Government Commission has said it will make very little additional expenditure from the highway fund. All we are doing is spending the amount of money we had appropriated heretofore plus taking the anticipated increases. We took the figures that the Local Government Commission had prepared and broke them down and found, Mr. Speaker that those figures indicated that the Local Government Commission is in hearty accord with the figures that I am now giving to the Members of this House, that is, the sum of $37,236,000.

Then again we thought we would compare it and see whether or not our figures might be justified and proven by any other source, and so we made a comparison of the figures of tax collections on gasoline for the last five months of 1940 and 1941, and compared them with a like period of 1940. We found that the increased sum was one and a half million dollars in taxes, an indication that we were safe in anticipating an increase for the coming biennium of at least $6,000,000.

The Governor has anticipated thirty one million dollars that we will collect in this bienium, and, by taking those figures you will find the figures we are now submitting to this House of thirty seven million dollars will be completely justified.

May I turn to the second bill that is on the calendar, that is, House Bill 228, the cigarette tax. The Governer's estimate for the biennium now ending is that the tax should yield $23,982,658. As a matter of fact, up to the end of April there has been collected on this tax $23,285 652. That included, Mr. Speaker, a collection of $1,077,851 in the month of April.

It is safe to assume that there will be a collection of a like amount in the month of May. That again may be challenged by the Members on the other side. I believe I am on sound ground in so saying, and I point out that for the first few days in May on that particular tax there has been collected the sum of $256,137, indicating, that there will be an amount considerably in excess of twenty four million dollars collected for the present biennium; $24,750,000 is anticipated by the Governor in the coming biennium. I submit to the members of this House that the formula we have evolved has indicated that it can be sustained, and that formula, Mr. Speaker, indicates that we are safe in assuming that for the coming biennium this particular tax will yield the sum of $25,800,000.

This House will find as it goes to the emmergency fiield of taxes that to a large extent in most instances the story will be similar to the one I am telling now, that is, that the budget receipts have been underestimated. For what reason? I will hazard my opinion at a later date, but I think I know the reason.

However, Mr. Speaker, I am not rising for the purpose of opposing these two bills. I advise the Democratic members of this House to adopt the bills as a part of the James tax program. It is obvious to all that money is needed, but not, Mr. Speaker, in my mind to the extent that he has indicated to the members of this House when he delivered his budget message.

However, I can say, Mr. Speaker, these two bills should be passed.

The SPEAKER. If there is no objection, the Chair extends to the gentleman from Dauphin the same privilege that was extended to the gentleman from Monroe, that is, the privilege of discussing both bills at the same time. The Chair hears none and the privilege is extended.

Mr. WOODSIDE. Mr. Speaker, again we have the gentleman on the other side refusing the remarks which he made immediately after the budget message was delivered by the Governor in the hall of this House on February third of this year. At that time the gentleman got up on the floor of the House and said this message was marked by one great underlying thought, and that was there was too much hope—too much hope. Too much hope in what? Too much hope in the estimate of revenue. And now the gentleman, after months of study, comes back and says this is a terrible budget, that these estimates were made too high; then he corrected himself and said they were too low, "They are made too low for a purpose which I know, but which I am going to keep secret for a while, but later on I will tell this House." But today, the answer was what? The keynote of the answer to the message given by the gentleman on the other side is that there is always too much hope in these revenues. This is an outrage to the people of Pennsylvania, that the Governor should get up before this House and suggest that he can pay off the deficit with the increased amount of revenue. Too much hope! And now it is deliberate pessimism.

Well, that is about the consistency that we can expect in criticism of this budget. I would like to interrogate the gentleman, Mr. Speaker.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I tried to follow the gentleman as to how he arrived at the figures he gave me. I am talking now particularly about the liquid fuel tax. I would like to ask the gentleman—I have the total figures here, but I would like to ask the gentleman to repeat how he arrived at the sum of $27,236,000 as the estimate of the revenue from the liquid fuel tax for the coming biennium.

Mr. ACHTERMAN. Mr. Speaker, I pointed out that we used three methods. We used the old method of determining the income of Pennsylvania, using that as a basis and determining what the anticipated income of Pennsylvania would be in the coming biennium. We then made a study of the increase and decrease of taxes of this type as the income of Pennsylvania increases or decreases, and we found there was a slight variable; as income increases taxes go up; as income decreases the taxes decrease. That system, Mr. Speaker, was based on the period of ten years past. Taking the income of Pennsylvania as it was an-

ticipated for the coming biennium, we then proceeded to determine the amount of the tax. We proceeded to ascertain whether or not we could prove those particular figures.

Mr. WOODSIDE. Will the gentleman yield, Mr. Speaker? Let us take one point at a time, please.

Will the gentleman state what was the amount of revenue he took as the actual amount now received during this biennium?

Mr. ACHTERMAN. Would the gentleman mind repeating his question? I do not know whether I understand it.

Mr. WOODSIDE. Mr. Speaker, the amount of revenue the gentleman stated has now been received by the Commonwealth of Pennsylvania for the liquid fuel tax for the present biennium.

Mr. ACHTERMAN. The amount received to date, Mr. Speaker?

Mr. WOODSIDE. That is right, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, the amount at the end of April was $29,137,844.

Mr. WOODSIDE. My figures, Mr. Speaker, are a few thousand dollars more favorable to him.

Mr. ACHTERMAN. Then, Mr. Speaker, so far in the month of May we have figures which cover a period of seven days and that would be added to the sum I have given $515,354.90.

Mr. WOODSIDE. What does the gentleman assume it would be for the month of May? I believe he stated $2,000,000, is that correct?

Mr. ACHTERMAN. Something in excess of two million dollars, Mr. Speaker.

Mr. WOODSIDE. How did the gentleman arrive at the sum of two million dollars for the month of May?

Mr. ACHTERMAN. From the collections made to date in the month of May, Mr. Speaker.

Mr. WOODSIDE. There is a very marked fallacy, Mr. Speaker, in that figure. Does the gentleman know how the gasoline tax is paid; what system is used in collecting the liquid fuel tax?

Mr. ACHTERMAN. Oh yes, Mr. Speaker.

Mr. WOODSIDE. Will the gentleman please explain it to the House?

Mr. ACHTERMAN. The collection is made from the companies and generally made in the form more or less of monthly returns.

Mr. WOODSIDE. Well, the gentleman is wrong about that. As a matter of fact, the collections are made upon monthly returns. In other words, gasoline that is used during the month of March—by used I mean sold by the companies to the retailers—is paid for on the last day of April. As a matter of fact, the true situation is that if it were not for a special effort which is being made by the Revenue Department to have the oil companies cooperate with them in paying in advance of the time they would pay in May and the income for the month would be very substantially less than a million dollars. The reason for that is this, that the thirtieth of May comes at the end of the month, and the Departments on the Hill will be on vacation, and when the money is paid at the end of May it would be carried over and included in the month of June. The figures which the gentleman gave as payable in the month of May are really hangovers from the month of April and are absolutely meaningless in arriving at any figures. I just point that out as one of the many fallacies in the method the gentleman has used in arriving at the sum that will be realized during the month of May. What it will be is difficult to determine but the method the gentleman has used to determine it is absolutely fallacious.

QUESTION OF INFORMATION

Mr. ACHTERMAN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. ACHTERMAN. Would the Chair permit me to answer the gentleman during the course of his interrogation when he feels it is essential to make some remarks?

Mr. WOODSIDE. Mr. Speaker, I would ask the Chair for permission both for the gentleman from Monroe, Mr. Achterman, and myself to carry on a conversation and debate the interrogation across the floor of the House.

The SPEAKER. If there is no objection, the Chair gives both gentlemen permission. The gentlemen will proceed.

Mr. ACHTERMAN. Mr. Speaker, I am delighted to learn how the oil crowd is cooperating in operating the state of Pennsylvania in connection with the gasoline act. I always had on idea that they did have much to do with the operation of our state government, and at the present time the gentleman rather confirms my thought in the matter.

I presume if the half million dollars collected so far in May, however, is as the gentleman terms it a hang-over from the preceding month of April, I would suppose that the one and a half million collected in April is a hang-over from March and so we can go on and on with these hang-overs into millions of dollars. However, referring to the manner in which taxes are collected and the manner in which at present they are being received, may I point out that in 1941, in January, we had collected the sum of $355,000.

Mr. WOODSIDE. Will the gentleman yield? Will he please tell us what he is reading from?

Mr. ACHTERMAN. I am reading the collections of the one-cent gasoline tax for the month of January, 1941. In February, there was a collection of $1,042,000; in March $1,796,000, and I have already given the figures for May, indicating, Mr. Speaker, that there has been a regular consistent collection of taxes. Of course, it might be a Republican trick to fool the people, and they come along and say, "We have collected money in April and we won't collect anything in May." Then again, it is possible that taxes will flow in naturally because of the great desire of the oil companies and the gas companies to help the government of Pennsylvania out of it's dilemma.

Mr. WOODSIDE. Mr. Speaker, the gentleman has difficulty in staying on the point and likes to inject a little politics now and again, and since he has, I ar going to take a little time to answer.

Of course, the method of collection is the same as was adopted under the Earle administration; there is no change in it whatsoever. In the second place, as frequently happens the departments have asked cooperation in order to do what? That the picture may be more favorable to the position which the gentleman has taken? At any rate, let us go over the figures. He says there is a fair con-

sistency between the March figures of $796,000 and the month of April figures of $1,521,000. If we go back to November the figure is $604,000 and the month of December is $2,168,000. Is that a fair consistency? Is there a fair consistency between August with $787,000 and September with $1,545,000? Is there a fair consistency between the month of June, 1940, with $843,000 and July with $2,311,000?

The gentleman has taken the figures of one or two months and attempted to prove something with them. I have attempted to explain the method of payment of these taxes to indicate that the amount received during any one month or any two months is no indication of trend, nor is it any indication of the amount of money that we will receive over a period of twenty-four months.

Of course, if you take your figures over an entire year you have a consistent basis on which to base an estimate, but even then there are a lot of things that enter into it. If you have an open winter you will have a lot more taxes than if you have a cold winter. Inasmuch as he is talking that type of figure and has given the figures for January, February, March and April of 1941, I wonder if the gentleman has compared those figures with the comparable figures for January, February, March and April of 1940? Has he?

Mr. ACHTERMAN. Mr. Speaker, as I said orginally, I have.

Mr. WOODSIDE. What does the gentleman find, Mr. Speaker?

Mr. ACHTERMAN. Permit me to answer the question, Mr. Speaker. I have taken December 1940 and January, February, March and April of 1941. I have taken December of 1939 and January, February, March and April of 1940. Now, for the gentlemen's information, the 1940 period shows a collection of $5,495,413.20. For the comparable period of 1941 there was collection of $6,877,350.55. I have anticipated the receipts for the month of May, as I pointed out, and I estimated that as around two million dollars. Might I say that in all the remarks the gentleman has made he has not stated on his part what they are going to collect in May 1941. I am curious to know what the schedule is. Mr. Speaker, may I point out this, that upon his shoulders and upon his party falls the task of supporting the budget that was submitted to this House by his party, and we are expecting them to justify and to sustain it.

Mr. WOODSIDE. Mr. Speaker, again let me point out the gentleman's fallacy. He uses a joker again. The joker is Thanksgiving this time, because over Thanksgiving you always get a peculiar situation arising between your November and your December account. In order to figure out the income he does not take the first four months of this year against the first four months of last year. He takes December from the date of Thanksgiving, and the operation on it between the time of credit not the amount of gasoline he used. He is giving us the amount when payments are credited. Let us see what a fairer test than the gentleman is giving would show. Let us take January, February, March and April, the first four months, of 1941, and there you would have in 1941 $4.718,-850. These are the last four months without any guessing.

He wants to guess what you are going to get in the month of May and then figure that in as an actual amount in order to estimate what you are going to get in the next four months. Let us take that $4,718,000 for 1941. What was it in 1940? It was $4,583,045. What is the answer to that? The percentage of increase is not as much as estimated in the budget. After all, here is what happened. There is a continual increase in the amount of gasoline which is used over a period of time. It is a fair estimate that that increase will continue and possibly slightly more rapidly during the next two years than in the last two years, but it is a pure guess, Mr. Speaker, because there is no way of telling over a period of twenty-four months what is going to happen to liquid fuel consumption upon which tax is paid.

It is fair to estimate that there will be a normal or a little better than normal increase, and that is what the budget office did, if you will take the budget figures over a period of years,—let us take back in 1935 to 1937, twenty-two million dollars. Remember that was not for the whole twenty-four months, that was only part of it, you have twenty-seven million dollars. Well, that is about the proper increase for that time, 1927 to 1929, to have had. Then you have the present amount of over twenty-nine million dollars, probably slightly over that figure —not very much. No man can tell exactly what is going to be realized. The gentleman does not presume I am sure, to stand over there and tell us what is going to be received during the next year or two years. The estimate is based upon what? Upon experience. And by whom is the estimate made? Under the head of the Department of Revenue, and quite properly so. The detail work is done by the comptroller, who has made the estimate of revenue from the beginning of the establishment of the budget, the same man during the four years previous, the same man who made the estimates during the Pinchot Administration, the Fisher Administration, the Earle Administration and now during the present Administration, and he has been reasonably accurate in his estimates. Of course, you cannot be precisely accurate if there is an unexpected increase during any particular two years or if there is an unexpected deficit, you cannot be exact about it, but in the merely normal years the estimates have been uncanily close.

That is the basis upon which these estimates were made around the first of the year.

The figures presented to this House on February 3d maybe are not accurate to the dollar, the gentleman's figures are not accurate to the dollar, nobody's figures are accurate to the dollar, but they indicate the normal trend and normal increase, and that is the reason the estimates were made as they were. If the gentleman wants to go into a lot of things that might happen in the future, we could argue until doom's day, but the normal increase would indicate that it would be in the neighborhood of thirty-one or thirty-two million dollars in the next biennium.

Let me state here a few of the estimates that were made by the Department on an annual basis: In 1935-1937, $9,137,000. The actual figure was $9,242,000 Then, in 1936-1937, the estimate was $12,000,000 and the actual was $13,000,000. But in 1939-1940, the estimate made on the annual basis was actual $14,245,000, and the estimate was $14,320,00, which is uncannily close in many instances.

Mr. Speaker, I would like to ask the gentleman another question, and that is whether he used the actual consumption of gasoline figures, or obtained them anywhere? The actual monthly consumption of gasoline.

Mr. ACHTERMAN. No, Mr. Speaker, the figures used represent actual money collected.

Mr. WOODSIDE. Mr. Speaker, I think I pointed out to the House that unless you take a very large period of time your figure is meaningless. Let me go briefly over that point again so that it can be made clear. The taxes which are due for gasoline sold by companies during the month of February, say, are payable on the last day or the thirtieth day of March. Those checks go to the Secretary of Revenue. As rapidly as it is possible they are checked with the records and the reports and handed over to the State Treasurer and by him run through his books, and at the time they are run through his books credited to that month.

Now, if the end of the month comes in the middle of the week or in the beginning of the week, most of them can be run through in the month in which they are payable and are run through, but the Treasurer's office closes its books at eleven o'clock on the morning of the last day, and so particularly if the end of the month comes on a Saturday or a Sunday or a holiday, much of the amount which is received for that month is not credited to that month, but passes over into the next month, and therefore that month would be unusually high, and the month prior would be unusually low. As a result of that situation, no month or no two months even is an index of the amount that can be truly estimated.

The gentleman has not used the actual consumption of gasoline, and if he would, it would show him a little less accurate picture than he has demostrated here,— or rather a little more accurate picture of what can be truly estimated than he used here.

Mr. ACHTERMAN. Mr. Speaker, the gentleman from Dauphin raised the question as to the propriety of the method used. Let me point out what his party has done. Apparently they have anticipated what they are going to get from the gasoline tax in this particular biennium and have assigned that as the figure for the coming biennium, which of course is a fallacy. We have assumed that there will be an increase in business produced in a large measure by the national defense activity. The amount of the increase is not definite but nevertheless positively an increase. Now, what has the increase in employment done in relation to the taxes? Can you think of anything better than what occurred the comparatively normal year of 1940 and then endeavor to learn what will be the result in Pennsylvania after the national defense program starts up? I point out to the gentleman that there is a very definite trend and very definite results occurring and we have endeavored to ascertain and anticipate that improved employment conditions be reflected very definitely in the taxes collected.

That is all we have done, and the fallacy of the gentleman's party is that they assume the employment condition as it now exists apparently will retrogress into the condition of 1940. That is what they are doing, and I am saying we are safe and this House is safe in proceeding on the theory that the national defense program will continue through the coming biennium, and if it does it is going to be reflected, Mr. Speaker, in the collection of increased taxes, and those figures I have given to the House. That is the fallacy I pointed out to you, the fallacy of their position.

In relation to the gallonage that the gentleman speaks about, it is the third method we used and when I say used, we really appropriate the method. A committee dominated by the Republicans was appointed at the last session of the legislature, the Local Government Committee, to study the one cent tax and the three cent tax and to ascertain the funds collected. It is rather simple to use those figures. Those figures I understand where based both on gallonage and collections. The Highway Department had their estimate of increase, and that was used by the Local Government Commission in arriving at their figures. Is that foisting anything upon them? Oh no, they adopted it themselves. The Commission which was appointed by their party adopted it and we merely used their figures, and those figures apparently justified the figures we obtained. I wonder how the gentleman would explain that one away.

Mr. WOODSIDE. Mr. Speaker, the fact still remains that in the first four months of 1941 the increase was less in the first four months of 1940 than the percentage of increase which has been used in estimating the tax for the coming biennium. The gentleman has suggested that in the next two years there will be an abnormal increase in the use of gasoline. His figures indicate that and he has admitted it on the floor of the House. I said, and I think truthfully so, that we can to some degree assume that the increase is going to continue during the next two years as a result of the defense program. But what is going to happen in the next two years in the way of an extremely abnormal use or abnormal increase is certainly speculation upon which we should not now base our figures. The gentleman says we are going to have great prosperity in the next two years. I wonder if that is going to be reflected in the use of gasoline on which tax is to be paid? I wonder if the gentleman is taking into consideration some of the facts that exist. According to the newspapers there are indications that we are going to start convoying ships to England. I don't think that any of us have any doubt as to what that must mean. I wonder if the gentleman recalls that during the last war we had gasless Sundays. I wonder if he realizes what a thing like that would do to the estimates that were made by the administration on the tax on liquid fuel for the next two years? Over in Europe England is having trouble getting gasoline. We are going to send, I understand, fifty tankers to carry the gasoline to be transferred to British ships to be taken over. Does the gentleman realize that the government is going to demand the use of gasoline first and thereafter there will be permitted use of gasoline by those people who will pay tax? Does the gentleman realize—and I am sure he does, that for that gasoline which is used by the Government there will be no tax paid, and that the supply of gasoline with the demands being made upon it as they are probably going to be made during the next two years, may well be reduced to the extent that we as a people will restrict the non-essential use of gasoline and greatly reduce the tax which will be realized thereon.

I say those things are speculative, but they certainly balance off any thought of a wild increase in the amount of gasoline which will probably be used in the next two years.

I think we can count on a continued increase in the amount of gasoline used on which tax is paid. The administration has counted upon that, and the estimates are pretty close in this biennium to what may likely be received. If the gentleman studies carefully the amount

of gasoline and figures the percentage of increase he will find it comes pretty close to the facts and figures presented, if fairly and honestly estimated.

I would like to ask the gentleman the percentage of increase he figures on?

Mr. ACHTERMAN. Mr. Speaker, I understand the Local Government Commission has estimated something like five per cent for each succeeding year.

Mr. WOODSIDE. Mr. Speaker, the gentleman has used a higher figure than that.

Mr. ACHTERMAN. Mr. Speaker, I am merely stating what I understand your Local Government Commission used. I merely used the results obtained by the Local Government Commission for the purpose of verifying.

Mr. WOODSIDE. Verifying what, Mr. Speaker? The percentage? What percentage did you arrive at?

Mr. ACHTERMAN. I verified their figures, Mr. Speaker.

Mr. WOODSIDE. Well, in the gentleman's study, he certainly used some percentage of increase, did he not?

Mr. ACHTERMAN. Oh yes, the gentleman means the figures adopted in the first instance?

Mr. WOODSIDE. That is right, Mr. Speaker.

Mr. ACHTERMAN. I do not have them here but I can send for them.

Mr. WOODSIDE. Mr. Speaker, I think it is important, but I am not going to hold the debate up for it.

Mr. ACHTERMAN. May I answer one statement made heretofore, Mr. Speaker? The Governor apparently has anticipated some increase in the use of gasoline for the coming biennium. May I point out that apparently the collections for this biennium are going to approximate the estimated receipts for the coming biennium. Now, if the collections for this biennium equal or approximate the anticipated collections for the coming biennium, then apparently the gentleman did not anticipate any increase in the use of gasoline for the coming biennium, even though business conditions are so much improved that it should be reflected in the total.

Mr. WOODSIDE. The gentleman's statement is wrong on that because the figures he gave on the floor of this House compared with the actual amount received is less than the estimate. The only money that will come in is that collected during the month of May, and I say again, we have practically gotten in what we will get in for the month of May because of the efforts of the Department of Revenue to get money in which is normally credited to the month of June.

Mr. ACHTERMAN. This, Mr. Speaker, is the custom which the gentleman told me has been in force and effect for the last two years, and I think the last four years. And it goes back into the preceding years and so on. In other words, there has not been any change in the conditions as they existed before, and there is no reason to believe that there would be any change in that system unless there is a falling out between the oil business and the Republican party.

Mr. WOODSIDE. The gentleman misunderstood me, Mr. Speaker. I said there is no change in the method of collecting taxes, not in the matter of trying to get in the tax earlier than usual.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180.

Achterman,	Flynn,	Malloy,	Rose, W. E.,
Allmond,	Foor,	Marks,	Rosenfeld,
Baker,	French,	Maxwell,	Royer,
Balthaser,	Gallagher,	McClanaghan,	Rush,
Baugher,	Gates,	McDermott,	Sarge,
Bentley,	Gillan,	McDowell,	Sarraf,
Bentzel,	Gillette,	McFall,	Scanlon,
Boles,	Goodwin,	McGrath,	Schwab,
Boney,	Greenwood,	McIntosh,	Shaffer,
Boorse,	Gross,	McKinney,	Shaw,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Habbyshaw,	McLane,	Skale,
Breth,	Haberlen,	McMillen,	Snyder,
Bretherick,	Haines,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hall,	Melchiorre,	Stank,
Burns,	Hamilton,	Mihm,	Stine,
Burris,	Hare,	Modell,	Stockham,
Cadwalader,	Heatherington,	Monks,	Tarr,
Chudoff,	Helm,	Mooney,	Tate,
Cohen, M. M.,	Herman,	Moran,	Taylor,
Cohen, R. E.,	Hersch,	Moul,	Thompson, E. F.,
Cook,	Hewitt,	Muir,	Thompson, R. L.,
Cooper,	Hirsch,	Munley,	Van Allsburg,
Cordier,	Holland,	Nagel,	Verona,
Corrigan,	Huntley,	Nunemacher,	Vincent,
Croop,	James,	O'Brien,	Vogt,
Cullen,	Jefferson,	O'Dare,	Voldow,
Dalrymple,	Jones, P. N.,	O'Mullen,	Voorhees,
Dennison,	Keenan,	O'Neill,	Watkins,
DiGenova,	Kenehan,	Petrosky,	Weiss,
Dix,	Kline,	Pettit,	Welsh, E. B.,
Dolon,	Kolankiewicz,	Polaski,	Welsh, M. J.,
D'Ortona,	Komorofski,	Polen,	Wilkinson,
Duffy,	Krise,	Powers,	Williams,
Early,	Lee, E. A.,	Prosen,	Winner,
Eckels,	Lee, T. H.,	Rausch,	Wolf,
Elder,	Leisey,	Readinger,	Wood, L. H.,
Elliott,	Leonard,	Reagan,	Wood, N.,
Ely,	Lesko,	Reese, D. P.,	Woodring,
Falkenstein,	Levy,	Reese, R. E.,	Woodside,
Finestone,	Leydic,	Regan,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
	Lyons,	Rose, S.,	Kilroy, Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1254, Printer's No. 498 was passed over at the request of the SPEAKER.

BILLS ON THIRD READING.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 228, as follows:

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel subject to regulations of the Secretary of War and Secretary of the Navy of

the United States and persons engaged in making such sales

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as last reenacted and amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 57) are hereby reenacted and further amended to read as follows

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cigarette Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale or who or which purchases cigarettes directly from any manufacturer for purposes of resale The term "retail dealer" shall include every person other than a wholesale dealer who or which receives from any source whatsoever cigarettes for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales or cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale within this Commonwealth or for any person excepting commissaries ship's stores and voluntary unincorporated organizations of the Army or the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy to continue to engage in or thereafter to begin to engage in the sale of cigarettes at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail with this Commonwealth except those persons exempt under Section 3 (a) hereof shall file an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of one dollar ($1) for each permit

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued

All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of one dollar ($1)

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of fifty cents ($.50)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate

of one cent per ten cigarettes or fraction thereof except such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States and except such sales as are made to authorized purchasers by commissaries ship's stores and voluntary unincorporated organizations of the Army or the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy Provided That only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth except those persons exempt under Section 3 (a) hereof shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall concel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and cancelled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be visible to the purchaser Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such manner as may be prescribed by the Department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department shall appoint wholesale dealers in cigarettes within this Commonwealth and may appoint any other persons within or without the Commonwealth as agents to affix the stamps to be used in paying the tax herein imposed upon sales of cigarettes but a wholesale dealer shall at all times have the right to appoint the person who is to affix the stamps to any cigarettes under his control and whenever the department shall sell consign or deliver to any such agent any such stamps such agent shall be entitled to receive as compensation for his services and expenses as such agent in affixing such stamps and to retain out of the moneys to be paid by him for such stamps a commission of seven and one-half per centum on the par value thereof if and when such agent has purchased the stamps affixed by him directly from the department The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaged in the sale of cigarettes at wholesale within this Commonwealth and every person engaged in the sale of cigarettes at retail within this Commonwealth except commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorized representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have been sold to commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy for resale to authorized purchasers or have become unfit for use and consumption or unsaleable or have been destroyed such dealers shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

The department may promulgate rules and regulations to relieve manufacturers and dealers from affixing the stamps on such cigarettes as are sold and shipped to points outside the Commonwealth for use outside the Com-

monwealth or on such cigarettes as are sold to commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy for resale to authorized purchasers

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarette permit or permits as required by this act shall upon conviction in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof to undergo imprisonment for not more than ten (10) days

(b) Any person who shall sell cigarettes without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred ($100.00) or more than one thousand dollars ($1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term not less than six (6) months or more than three (3) years

(c) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

(d) Any person who falsely or fraudulently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and willingly utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

Section 13 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 14 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred [forty-one] forty-three

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I understand that the gentleman estimates the yield of the cigarette tax is approximately one million dollars more than that estimated by the Department of Revenue in January of this year. May I call the attention of the House to the fact that in 1937-1939, the actual amount of tax was $22,450,008.08, and that the amount realized to April 30th, 1941 was $23,285,673, and that there will be some additional taxes during the month of May. The increase, as will be noticed there, is more or less a normal increase.

There is one factor that ought to be taken into consideration in connection with that. That is that the amendment put into the bill in committee which was suggested by the administration, relative to the exemption of tax upon cigarettes sold to the soldiers and in government camps and things of that sort, will reduce the amount of cigarette tax which would otherwise have been realized. The exact amount which it will reduce the tax is somewhat difficult to estimate because there is nothing upon which you can base that, but there is certainly a reduction of at least $250,000 a year, which is half a million dollars a biennium, and some estimates have been made as high as a million dollars. So in taking into consideration the estimates for the next biennium, that fact should be taken into consideration, and I believe if it is, the gentleman will find that the Department of Revenues estimate is pretty close to what will actually be realized.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	French,	Maxwell,	Royer,
Allmond,	Gallagher,	McClanaghan,	Rush,
Baker,	Gates,	McDermott,	Sarge,
Balthaser,	Gillan,	McDowell,	Sarraf,
Baugher,	Gillette,	McFall,	Scanlon,
Bentley,	Goodwin,	McGrath,	Schwab,
Bentzel,	Greenwood,	McIntosh,	Shaffer,
Boles,	Gross,	McKinney,	Shaw,
Boney,	Gryskewicz,	McLanahan,	Shepard,
Boorse,	Habbyshaw,	McLane,	Simons,
Bower,	Haberlen,	McMillen,	Skale,
Bradley,	Haines,	McSurdy,	Snyder,
Breth,	Hall,	Melchiorre,	Stambaugh,
Bretherick,	Hamilton,	Mihm,	Stank,
Brunner, P. A.,	Hare,	Modell,	Stine,
Burns,	Heatherington,	Monks,	Stockham,
Burris,	Helm,	Mooney,	Tarr,
Cadwalader,	Herman,	Moran,	Tate,
Chudoff,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hirsch,	Munley,	Thompson, R. L.,
Cook,	Holland,	Nagel,	Van Allsburg,
Cooper,	Huntley,	Nunemacher,	Verona,
Cordier,	James,	O'Brien,	Vincent,
Corrigan,	Jefferson,	O'Dare,	Vogt,
Croop,	Jones, P. N.,	O'Mullen,	Voldow,
Cullen,	Keenan,	O'Neill,	Voorhees,
Dalrymple,	Kenehan,	Petrosky,	Watkins,
Dennison,	Kline,	Pettit,	Weiss,
DiGenova,	Kolankiewicz,	Polaski,	Welsh, E. B.,
Dix,	Komorofski,	Polen,	Welsh, M. J.,
Dolon,	Krise,	Powers,	Wilkinson,
D'Ortona,	Lee, E. A.,	Prosen,	Williams,
Duffy,	Lee, T. H.,	Rausch,	Winner,
Early,	Leisey,	Readinger,	Wolf,
Eckels,	Leonard,	Reagan,	Wood, L. H.,
Elder,	Lesko,	Reese, D. P.,	Wood, N.,
Elliott,	Levy,	Reese, R. E.,	Woodring,
Ely,	Leydic,	Regan,	Woodside,
	Lichtenwalter,	Rhea,	Wright,

Falkenstein,	Longo,	Riley,	Yeakel,
Finestone,	Lovett,	Rooney,	Yester,
Fiss,	Lyons,	Rose, S.,	Young,
Fleming,	Malloy,	Rose, W. E.,	Kilroy,
Fletcher,	Marks,	Rosenfeld,	Speaker.
Foor.			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1442, as follows:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four hundred thousand dollars ($400,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Commerce out of the Motor License Fund for the two fiscal years beginning June first one thousand nine hundred forty-one for the proper conduct of the work of the department in advertising publicizing and otherwise promoting the tourist travel facilities advantages and attractions of the Commonwealth or any political subdivision thereof in the manner provided in the Commerce Law the sum appropriated by this act shall from time to time be transferred from the Motor License Fund to the General Fund in such amounts as the Secretary of Commerce with the approval of the Governor shall direct and shall be used in continuing the functions formerly exercised by the Pennsylvania State Publicity Commission The sums so transferred shall be credited to the current appropriation made to the Department of Commerce out of the General Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Foor,	McClanaghan,	Royer,
Allmond,	French,	McDermott,	Rush,
Baker,	Gallagher,	McDowell,	Sarge,
Balthaser,	Gates,	McFall,	Sarraf,
Baugher,	Gillan,	McGrath,	Scanlon,
Bentley,	Gillette,	McIntosh,	Schwab,
Bentzel,	Goodwin,	McKinney,	Shaffer,
Boles,	Greenwood,	McLanahan,	Shaw,
Boney,	Gross,	McLane,	Shepard,
Boorse,	Gryskewicz,	McMillen,	Simons,
Bower,	Habbyshaw,	McSurdy,	Skale,
Bradley,	Haberlen,	Melchiorre,	Snyder,
Breth,	Haines,	Mihm,	Stambaugh,
Bretherick,	Hall,	Modell,	Stank,
Brunner, P. A.,	Hamilton,	Monks,	Stine,
Burns,	Hare,	Mooney,	Stockham,
Burris,	Heatherington,	Moran,	Tarr,
Cadwalader,	Helm,	Moul,	Tate,
Chudoff,	Herman,	Muir,	Taylor,
Cohen, M. M.,	Hersch,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Nagel,	Thompson, R. L.,
Cook,	Hirsch,	Nunemacher,	Van Allsburg,
Cooper,	Holland,	O'Brien,	Verona,
Cordier,	Huntley,	O'Dare,	Vincent,
Corrigan,	James,	O'Mullen,	Vogt,
Croop,	Jefferson,	O'Neill,	Voldow,
Cullen,	Jones, P. N.,	Petrosky,	Voorhees,
Dalrymple,	Keenan,	Pettit,	Watkins,
Dennison,	Kenehan,	Polaski,	Weiss,
DiGenova,	Kline,	Polen,	Welsh, E. B.,
Dix.	Kolankiewicz,	Powers,	Welsh, M. J.,
Dolon,	Komorofski,	Prosen,	Wilkinson,
D'Ortona,	Krise,	Rausch,	Williams,
Duffy,	Lee, E. A.,	Readinger,	Winner,
Early,	Lee, T. H.,	Reagan,	Wolf,
Eckels,	Leisey,	Reese, D. P.,	Wood, L. H.,
Elder,	Leonard,	Reese, R. E.,	Wood, N.,
Elliott,	Lesko,	Regan,	Woodring,
Ely,	Levy,	Rhea,	Woodside,
Falkenstein,	Lichtenwalter,	Riley,	Wright,
Finestone,	Longo,	Rooney,	Yeakel,
Fiss,	Lovett,	Rose, S.,	Yester,
Fleming,	Lyons,	Rose, W. E.,	Young,
Fletcher,	Malloy,	Rosenfeld,	Kilroy,
Flynn,	Marks,		Speaker.
	Maxwell,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1070, Printer's No. 284, was passed over at the request of the SPEAKER.

REPORT FROM COMMITTEE

Mr. GOODWIN, from the Committee on State Government, re-reported as amended, House Bill No. 834, entitled:

An Act requiring persons selling "merchandise" as herein defined, to place weighing and measuring devices in full view of the purchasers; imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures; and providing penalties.

BILLS INTRODUCED AND REFERRED

By Messrs. PETROSKY and LICHTENWALTER.

HOUSE BILL No. 1543.

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

Referred to the Committee on State Government.

By Mr. RHEA (By request). HOUSE BILL No. 1544.

An Act for the better government of cities of the second class of the Commonwealth by providing, among other things, for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council, the creation abolition and change of departments, and the addition to departments of certain functions pertaining to parks, planning within the city, improvement of the civil service, increased control over finances by requiring balanced current and capital budgets, and by greater control over the collection of charges fees and taxes and over payments of salaries and other expenditures out of the city treasury, and the grant of home rule to such cities, and penalties.

Referred to the Committee on Cities—Second Class.

By Mr. MOUL. HOUSE BILL No. 1545.

An Act to amend section one of the act, approved the twenty-seventh day of May, one thousand nine hundred thirty-seven (P. L. 901), entitled "An act for the protec-

tion of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by redefining the term dealer.

Referred to the Committee on Agriculture.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. RUSSELL E. REESE and WILLIAMS.

RESOLUTION No. 93.

In the House of Representatives, May 8, 1941.

Whereas, The office of Production Management, and particularly Leon Henderson, Price Commissioner of the said office of Production Management of the United States, is actively interested in maintaining the prices of commodities, so that there shall be no unjustifiable increase in such prices; and

Whereas, The purpose of this activity is to prevent profiteering and the exploiting of the individual consumer during the present emergency; and

Whereas, There have been unjustifiable price increases in foodstuffs in Washington County to the detriment of the individual consumer residing in such county; therefore be it

Resolved, That the House of Representatives hereby memorializes the Honorable Leon Henderson and the entire office of Production Management in Washington, D. C., to immediately investigate such unjustifiable price increase in foodstuffs in Washington County, Pennsylvania; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of this House to the Honorable Leon Henderson.

Referred to the Committee on Rules.

INVESTIGATION OF WESTERN PENNSYLVANIA HOSPITAL

Mr. MORAN offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The Clerk read the resolution as follows:

Whereas, The Western Pennsylvania Hospital of Allegheny County is a Recipient of an appropriation from the Commonwealth of Pennsylvania; and

Whereas, Quotations of the officials of the Hospital in the local daily press indicate that services at the Hospital are being curtailed; and

Whereas, There is at present a dispute between the management and the employees of this Institution; and

Whereas, This controversy appears to be continuing without any signs of the parties envolved in this dispute in reaching a settlement in the near future; therefore

Be It Resolved, That in the interest of the citizens of this Commonwealth that the Speaker of the House appoint a Committee of five members of the House of Representatives to investigate this controversy at the Western Pennsylvania Hospital and report their findings to this Session of the House of Representatives.

Referred to the Committee on Rules.

The SPEAKER. This is not a privileged resolution and will be filed with the Clerk under the Rules.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 692:

An Act to amend clauses (k) and (l), and to add clause (n) to section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the leasing of Indiantown Gap Military Reservation to the United States.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "amend" the words "clauses (k) and (l) and to add clause (n) to section two thousand four hundred two of;" also on page 2, by inserting after the word "determined" in the third from the last line of the title, the following: "as amended by making further provisions for the granting of easements or rights-of-way upon across over under or along lands and waters of the Commonwealth making further provision for the granting of commissions to certain air pilots authorizing the Pennsylvania Historical Commission to charge certain admission fees conferring power upon the Department of Property and Supplies to control and supervise certain buildings devised to the Commonwealth authorizing the micro filming of records in the various administrative departments boards or commissions and"; also in the next to the last line, by inserting after the word "Reservation" the words "and certain other real estate of the Commonwealth."

Amend Section 1, page 2, line 1, by striking out after the figure "1" the words "Clause (k) of section two thousand four hundred two" and inserting in lieu thereof the words "Section five hundred fourteen"; also on page 3, line 8, by striking out after the word "as" the words "added by the act approved the twenty-first" and inserting in lieu thereof the following: last amended by the act approved the twenty-second day of May one thousand nine hundred thirty-five (P. L. 241) and the act approved the twelfth day of July one thousand nine hundred thirty-five (P. L. 791) is hereby further amended to read as follows:

Section 514 Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Commonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place in or upon any dry or submerged land or bridge of or maintained by

the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or if such line is necessary for the service of [persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line] the public and it is necessary or reasonably required to cross the Commonwealth's land to afford such service or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line Every such license shall be revocable for reasonable cause upon six months' written notice by the Commonwealth and [upon] also after like notice for violation of such [other] proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe when the license issues [and unless] Unless any such line is primarily for the benefit of a State building or State institution the license shall provide for the payment to the Commonwealth of compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

But nothing herein contained shall authorize the Commonwealth to impose and collect from any municipality or township any compensation for a license granted to such municipality or township for the runnig of a public service lie over any such bridge

This section shall be deemed the exclusive system for the granting of licenses consents and permits to place public service lines upon in or over any dry or submerged lands of the Commonwealth In the case of submerged lands such licenses shall be granted only by the Water and Power Resources Board and the permit shall prescribe such terms and conditions as shall be deemed necessary by the board to protect the interests of the public In the case of dry lands licenses shall be issued by the department board or commission having the management of such lands

(b) Any department board or commission having control over lands of the Commonwealth underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonwealth Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

(c) Any department board or commission having control over any water supply serving any State institution or sanitorium may with the approval of the Governor permit and authorize the public authorities of any political subdivision to which no other source of supply is available under suitable regulations to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanitorium and may impose reasonable charges payable periodically by such political subdivision for the water so furnished All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue

(d) In the event that the facilities of any corporation heretofore created under the act approved the twenty-ninth day of April one thousand eight hundred seventy-four (P. L. 73) section two clause eleven as amended by the act approved the eighth day of May one thousand eight hundred eighty-nine (P. L. 136) are located by virtue of a permanent easement right of way upon across over under or along lands of the Commonwealth which lands were acquired by it subject to such easement or right of way and in the interest of National Defense such corporation consents or is required to remove or dispose of such facilities and abandon such easement or right of way any department board or commission having control over such lands of the Commonwealth may with the approval of the Governor and upon the surrender to the Commonwealth of the easement or right of way pertaining to such facilities grant to such corporation a permanent easement or right of way upon across over under or along lands of the Commonwealth in the same locality Every such department board or commission is hereby authorized and empowered to execute and deliver and to receive deeds or other legal instruments necessary to effectuate such grant and surrender which deeds or instruments shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

Section 2 Paragraph (j) of section seven hundred one of the said act which was added to said section by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1865) is hereby amended to read as follows

Section 701 The Governor The Governor shall have the power and it shall be his duty

* * * * *

(j) To grant to pilots engaged in [the] aeronautical work [of the Department of Revenue] under the provisions of The Aeronautical Code of May twenty-five one thousand nine hundred thirty-three (P. L. 1001) and its amendments commissions of such grades as the Governor may prescribe

Section 3 Paragraph (f) of section one thousand three hundred nine of the said act is hereby enacted to read as follows

Section 1309 Pennsylvania Historical Commission Subject to any inconsistent provisions in this act contained the Pennsylvania Historical Commission shall have the power

* * * * *

(f) To assume the preservation care and maintenance of historical buildings grounds monuments or antiquities committed to its custody by the General Assembly and to make and enforce rules and regulations for the visitation of such places by the public and its discretion to charge admission fees therefor such fees to be paid into the State Treasury through the Department of Revenue and credited to the General Fund

Section 4 Paragraph (a) of section two thousand four hundred two of the said act as amended by the act approved the sixteenth day of May one thousand nine hundred forty (Act No. 7) is hereby further amended to read as follows paragraph (i) of said section is hereby amended to read as follows paragraph (k) of said section as added by the act approved the twenty-first; also in line 11 by striking out after the syllable "lows" the word "clause" and inserting in lieu thereof the word "paragraph"; also in line 15, by striking out after the word "new" the word "clause" and inserting in lieu thereof the word "paragraph"; also by inserting after the word "be" the following:

"(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol Building and the public grounds and buildings connected with the State Capitol including the State Arsenal any building or buildings that may have been devised or may hereafter be devised to the Commonwealth within the City of Harrisburg the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and the Executive Mansion and to make or supervise the making of all repairs alterations and improvements in and about such grounds and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided

* * * * *

(i) To rent to individuals firms or corporations or the Government of the United States or any branch or agency thereof such real estate owned by the Commonwealth as is not being used in connection with the work of any department board or commission thereof upon such terms and conditions as the Secretary of Property and Supplies may prescribe with the approval of the Governor in writing Provided however That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year"

Also on page 4, line 8, by inserting after the word "writing" the following:

"Section 5 Article five of the said act is hereby amended by adding at the end thereof a new section to be known as section five hundred twenty-five and to read as follows:

"Section 525 Any administrative department board or commissoin may with the approval of the Executive Board have micro film records made of any correspondence records or other papers for the purpose of protecting and safeguarding the original correspondence records or other papers or for the purpose of conserving filing space and such micro film reproduction shall when properly identified be admitted in evidence in any proceedings in place of the original correspondence records or other papers

Section 6 All acts or parts of acts inconsistent herewith are hereby repealed".

Amend Section 2, page 4, line 9, by striking out after the word "Section" the figure "2" and inserting in lieu thereof of figure "7".

On the question,

Will the House concur in the amendments made by the Senate?

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the message together with the bill be laid on the table.

The motion was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. REUBEN E. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker, it has come to my attention that some newspapers in Pennsylvania have misconstrued the action on my bill, which was to change the Labor Day Holiday for this year in Pennsylvania. The newspapers, they tell me, have indicated that the Democratic majority decided to kill the bill because they made a mistake in getting it out originally.

So that the record may be clear, may I state that when the bill was introduced, it was introduced solely because the Assembly of the State of New York had passed such a bill and at the time it was lying on the Governor's desk for his signature. I introduced the bill here so that we in Pennsylvania might be ready in case Governor Lehman of New York signed the bill, to make our holiday coincide with the New York holiday in order to protect the vacation industry in Pennsylvania, and that the banking circles might be in harmony on the legal bank holiday. I was surprised on last Saturday to hear that Governor Lehman had vetoed the bill, so on Monday night I moved to recommitt my bill, hoping that it would remain in committee silently and peacefully, so that it would never come out again. It was my idea, my thought, and the Democratic majority had nothing to do with it. I hope the newspapers will publish and correct this mistake.

The SPEAKER. We are honored today to have with us students of the Indiana State Teachers College, who won the highest award of the American Musical Arts Foundation in competition with three hundred colleges and universities on May sixth.

They are the guests of the gentleman from Indiana, Mr. McMillen, the gentleman from Indiana, Mr. Hewitt, and also the Senator from Indiana, Senator Wilson. We will be privileged to hear them sing today.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and declares a recess for fifteen minutes.

The students of the Indiana State Teachers' College beautifully rendered several vocal selections.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Elmer Kilroy) in the Chair.

THANKS EXTENDED TO

The SPEAKER. The sentiments of the House have been expressed in a resolution which was passed in this House today, and which will be transmitted to Dr. Schiett, and Miss Muldowney. The Chair thanks the boys and girls for their splendid performance.

Mr. WOODRING. Mr. Speaker, further augmenting the remarks of the Chair, in view of the spontaneous and enthusiastic applause that was given to this fine chorus, I know we have in some measure expressed our appreciation for the splendid work they have done. I feel, Mr. Speaker, we have had the rare pleasure of hearing unusually fine acappella singing. The freshness of the voices, the richness of the melody, the delicacy of shading, the precision of attack, all tend to mark this very unusual choir as one worthy of the recognition it has already gained. I know all the Members join me in expressing our appreciation, and I trust that we may have the pleasure of their company again.

Mr. SHAW. Mr. Speaker, I believe the thanks of this House are due also to the Members of the House who are responsible for bringing this aggregation here as our guests.

The SPEAKER. The Chair thanks the gentleman from Allegheny.

COMMITTEE MEETING

Municipal Corporations, Monday, May 12, 1941 at 7:30 p. m., E. S. T., in Room 323.

PUBLIC HEARINGS

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, May 13, 1941 at 6:00 p. m., E. S. T., in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Elections on House Bill No 636, Printer's No. 425 on Friday, May 9, 1941 at 2:00 p. m., D. S. T., in Room 254, City Hall, Philadelphia.

There will be a Public Hearing before the Committee on Judiciary Special on House Bill No. 365, Printer's No. 495, on Wednesday, May 14, 1941 at 7:00 p. m., E. S. T., in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Professional Licensure on House Bill No. 1118, on Wednesday, May 14, 1941 at 7:00 p. m., E. S. T., in the old House Caucus Room.

ADJOURNMENT

Mr. RILEY. Mr. Speaker, I move that this House do now adjourn until Monday, May 12, 1941, at 8 p. m.

The motion was agreed to, and (at 12:17 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., MONDAY, MAY 12, 1941. No. 51.

SENATE

MONDAY, May 12, 1941

The Senate met at 3:30 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

O Lord, Our Heavenly Father, who art tender and compassionate and merciful and who doth heal all our diseases and comfort us in all our distresses, we do thank Thee for the hospitals of our land on this day when the entire nation evaluates these institutions of mercy and helpfulness.

Bless by Thy Presence the physicians and nurses in each hospital and their board of directors as well as those who affect the mechanics of each institution. May they ever be aware that the ideals of the hospital came with the great Physician unto the children of men and that rightfully, unto Thee should our thanksgiving be rendered.

Especially are we thankful for hospitals in this day when the imminence of belligerent action seems so obvious and the necessity for medical skill and tender ministration unto the sick and wounded seems so pronounced.

Remember those today in our hospitals who seek the restoration of health and the return unto the daily routine of life. Be very near to those whose diseases are incurable and who very soon must "join that innumerable caravan which moves to that mysterious realm where each must take his chamber in the silent halls of death," and may they be sustained by a sure and certain trust in Thee.

Guide and keep us here assembled today in the service of our great Commonwealth. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. T. B. WILSON and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary of the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 12, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Calvin L. Bolster, Pittsburgh, 147 Hemphill Street.
Miss Madeline H. Bradshaw, Pittsburgh, 430 Winterhill Street.
Mrs. Elmira J. George, Turtle Creek.
Miss Evelyn E. MacPherson, Pittsburgh, 717 Park Building.
Ralph T. Seneff. Turtle Creek.
John A. Wagner, Pittsburgh, Wonder, Wabash and McKnight Streets.

BEAVER COUNTY

Miss Ruth Keefer, Conway.

BUCKS COUNTY

Atlee Stephan, Jr., Morrisville.

CLEARFIELD COUNTY

Miss Estelle DeViney, Clearfield.
Scott S. Gill, Coalport.

DAUPHIN COUNTY

John E. Hartwick, Jr., Harrisburg.
Geo. H. Van Wagner, Middle Paxton Twp., R D 1, Dauphin.

LANCASTER COUNTY

Mrs. Frances Rogers, Mount Joy.

LUZERNE COUNTY

Neil E. McCall, Wilkes-Barre.

McKEAN COUNTY

M. E. Parmeter, Eldred.

MERCER COUNTY

Rolla Lowndes, Sharon.
Mrs. Katherine C. Vallely, Wheatland.

PHILADELPHIA COUNTY

Louis Bank, Phila., 1745 Fairmount Avenue.
Henry Brooderson, Phila., 121 North Broad Street.
Miss Grace Clymer, Phila., 23d and Westmoreland Streets.
Harry R. Felton, Jr., Phila., Phila. Saving Fund Bldg., 12 South 12th Street.
Anthony S. Lorenzo, Phila., 348 East Price Street.
A. E. Turner, Jr., Phila., 1500 Walnut Street.

WASHINGTON COUNTY

Mrs. Mabel J. Allman, Charleroi.

YORK COUNTY

Mrs. Pauline M. Uhler, York.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment at Notaries Public, for terms of four years to compute from the dates set opposite their names:

LUZERNE COUNTY

Miss Mary G. Dunnigan, Hazleton, May 19, 1941.

ALLEGHENY COUNTY

Fred J. Hann, Homestead, May 25, 1941.
Miss Jeannette E. Young, Pittsburgh, 1520 Beaver Ave., North Side, May 25, 1941.

BEAVER COUNTY

Mrs. Helen A. Marshall, Beaver, May 25, 1941.

CAMBRIA COUNTY

John F. Barnyak, Johnstown, May 25, 1941.

DAUPHIN COUNTY

Miss Ellen T. Madden, Harrisburg, May 25, 1941.

NORTHUMBERLAND COUNTY

Miss Elsie C. Housner, Milton, May 25, 1941.

PHILADELPHIA COUNTY

Raymond J. Chestnut, Phila., 1239 North 12th Street, May 25, 1941.
Michael Darmopray, Phila., 809 N. Franklin Street, May 25, 1941.
L. V. Hofmann, Phila., 4649-51 Chestnut Street, May 25, 1941.
James E. Kerns, Phila., Erie Ave. and D Street, May 25, 1941.
Arthur Marshall, Jr., Phila., 4356 Frankford Avenue, May 25, 1941.
John J. Owens, Phila., 100 South Broad St., May 25, 1941.
Alfred O. Schumacher, Phila., 4706 North 5th Street, May 25, 1941.
J. C. Vuncanon, Phila., 344 E. Hortter Street, May 25, 1941.

WESTMORELAND COUNTY

Miss Sarah B. Fogg, Greensburg, May 25, 1941.

BERKS COUNTY

Roland S. Rhode, Kutztown, May 26, 1941.

CRAWFORD COUNTY

Mrs. Dorothy M. Lewis, Conneaut Lake, May 26, 1941.

PHILADELPHIA COUNTY

William S. Bender, Phila., 9508 Bustleton Avenue, May 26, 1941.
Charles Lazaroff, Phila., 6134 Market St., May 26, 1941.
Bernard J. Markowitz, Phila., 1328 Chestnut St., May 26, 1941.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EDMONDS,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Crider,	Heyburn,	Reed,	Watkins,
Crowe,	James,	Ruth,	Wilson, H. I.,
Dent,	Kephart,	Snowden,	Wilson, T. B.,
DiSilvestro,	Letzler,	Stevenson,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS JUSTICE OF PEACE IN LANCASTER COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., May 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Merrill L. Hassel, Bart, Lancaster County, for appointment as Justice of the Peace in and for the Township of Bart, Lancaster County, until the first Monday in January, 1942, to fill a vacancy.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF PEACE IN LAWRENCE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., May 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Pauline V. Isaac, R. D. 7, Mahoningtown, Lawrence County, for appointment as Justice of the Peace in and for the Township of North Beaver, Lawrence County, until the first Monday in January, 1942, vice William Raney, deceased.

ARTHUR H. JAMES.

RECALLING NOMINATION OF RICHARD WEGLEIN, AS MEMBER OF THE DELAWARE RIVER JOINT COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., May 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made to your Honorable Body on January 7, 1941, for the appointment of Richard Weglein, Philadelphia, as a member of The Delaware River Joint Commission, Mr. Weglein now being deceased.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF DELAWARE RIVER JOINT COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., May 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edwin R. Cox, The Warwick, 17th and Locust Streets, Philadelphia, Philadelphia County, for appointment as a member of The Delaware River Joint Commission, for the term of five years, and until his successor shall have been appointed and qualified, vice Richard Weglein, deceased.

ARTHUR H. JAMES

COMMUNICATION FROM THE GOVERNOR

He also presented a communication in writing from his Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL NO. 81

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., May 8, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 81, Printer's No. 34, entitled, "An act to amend section one thousand one hundred and forty-seven of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' by extending the power to accept roads streets lanes and alleys dedicated as public highways."

ARTHUR H. JAMES

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for conceurrence bills of the House, as follows:

House Bill No. 228, (Senate Bill No. 846), entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (P. L. 349), entitled, as amended, "Cigarette Tax Act," as previously enacted and amended, by extending the provisions of the act for a further period of time

Which was committed to the Committee on Finance.

House Bill No. 229, (Senate Bill 847),

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149), entitled "Liquid Fuels Tax Law," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

Which was committed to the Committee on Finance.

House Bill No. 358, (Senate Bill No. 848), entitled:

An Act to further amend clauses three and four and subsection (b) of section 913 of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled, "Pennsylvania Election Code,"; by fixing the fee for filing nomination petitions for the office of jury commissioner.

Which was committed to the Committee on Elections.

House Bill No. 812, (Senate Bill No. 849), entitled:

An Act to amend clause (b) of section three hundred and two of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," by providing for the display of the standard flag of the United States at polling places; and imposing such duty on county boards of elections.

Which was committed to the Committee on Elections.

House Bill No. 1185, (Senate Bill No. 850), entitled:

An Act to further amend section five hundred and two and section five hundred and four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," requiring submission of all plans for public improvements to the county planning commission for approval, and prohibiting the recording of plans and sales of lots before their approval, under penalties.

Which was committed to the Committee on County Government.

House Bill No. 1442, (Senate Bill No. 851), entitled:

An Act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work.

Which was committed to the Committee on Appropriations.

HOUSE CONCURS IN SENATE BILL NO. 159

He also returned to the Senate, Senate Bill No. 159, entitled:

An Act making an appropriation to the Department of Military Affairs for the purpose of erecting, constructing and equipping an auditorium at Indiantown Gap Military Reservation.

With the information that the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 646. enitled:

An Act establishing certain public roads and streets as

a State highway, and providing for their construction, reconstruction and maintenance by the Department of Highways, subject to certain terms and conditions.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

BILLS INTRODUCED

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 852, entitled:

An Act to further amend subsection (4) of section one thousand four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by limiting the liability of insurance exchange subscribers to assessment.

Which was committed to the Committee on Insurance.

Mr. WADE read in his place and presented to the Chair Senate Bill No. 853, entitled:

An Act to further amend section six hundred and one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing qualification, regulations, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws", extending the definition of insurance agent to include persons, copartnerships, associations and corporations giving advice, counsel, recommendations or information to holders of policies of insurance or annunity contracts.

Which was committed to the Committee on Insurance.

He also read in his place and presented to the Chair Senate Bill No. 854, entitled:

An Act to further amend paragraph six of subsection (b) and subsection (f) of section one thousand two of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by increasing the legal speed of certain vehicles and changing penalties provided therefor.

Which was committed to the Committee on Highways.

Mr. WATKINS read in his place and presented to the Chair Senate Bill No. 855, entitled:

An Act establishing certain public roads and streets and certain roads and streets not yet in existence in the City of Pottsville, Township of North Manheim, an Borough of Palo Alto, in the County of Schuylkill, as a state highway and providing for their laying out, opening, construction, and maintenance by the Department of Highways subject to certain terms and conditions.

Which was committed to the Committee on Highways.

TIME OF NEXT MEETING

Mr. HOMSHER offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 12, 1941.

Resolved, (if the House of Representatives concur), that when the Senate adjourns this week, it reconvene on Monday, May 19, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, May 19, 1941, at 8 o'clock p. m. (Eastern Standard Time).

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

PERMISSION TO ADDRESS SENATE

Mr. MUNDY. Mr. President, under the order of business of resolutions I ask permission to address the Senate.

The PRESIDENT. If there is no objection the gentleman from Luzerne will proceed.

Mr. MUNDY. Mr. President, after the session of the Senate last Wednesday, May 7th, I announced I would postpone interrogation which I had announced I would make until to-day, in order to facilitate matters.

I would like at this time to interrogate the Chairman of the State Government Committee.

The PRESIDENT. Will the gentleman from Lehigh permit himself to be interrogated?

Mr. TALLMAN. I will, Mr. President.

Mr. MUNDY. Mr. President, I would like to ask the Senator from Lehigh if he has or has had at some time in his committee a bill which would authorize the erection of a mansion for the Governor of the State of Pennsylvania?

Mr. TALLMAN. Mr. President, I have had in my committee a bill, introduced by the gentleman from Luzerne, Senator Mundy, for the purpose of amending the act relating to the General State Authority, which amendment is to make possible a provision to erect a new mansion.

Mr. MUNDY. Mr. President, may I interrogate the gentleman from Lehigh further?

The PRESIDENT. Will the Senator from Lehigh permit himself to be further interrogated?

Mr. TALLMAN. I will, Mr. President.

Mr. MUNDY. Mr. President, will the Senator from Lehigh tell me whether or not any action has been taken on that bill in the committee of which he is chairman?

Mr. TALLMAN. Mr. President, no action has been taken on the bill.

Mr. MUNDY. Would the gentleman from Lehigh, Mr. President, consider me inopportune if I asked the gentleman further if there was any serious reason advanced for not considering that bill in committee?

Mr. TALLMAN. Mr. President, it has been my understanding that an opinion has been rendered by counsel for the General State Authority to the effect that no such bill is necessary in order to give the General State Authority permission to erect a new mansion.

Mr. MUNDY. Mr. President, I take it that the Senator from Lehigh is quoting as his authority Pennsylvania law of 1935, page 454, section 4, which says that the State authority has the power to erect buildings at the seat of government, which I would consider now to be Harrisburg, and further quoting from the amendments of 1937 which gave this Authority permission to erect buildings outside of the seat of government.

Is that correct, Senator?

Mr. TALLMAN. Mr. President, I might state that my answer to the gentleman from Luzerne has been based on information that had been given to me and is not my interpretation of the acts which he now cites.

Mr. MUNDY. Mr. President, may I interrogate the Majority Floor Leader?

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. MUNDY. Mr. President, I ask the gentleman from Allegheny, Senator Geltz, if he is aware of the fact that the other day I presented on the floor of this Senate a resolution asking that the Senate ask the State Authority to erect a mansion for the Governor; is that correct?

Mr. GELTZ. Mr. President, I know my colleague from Luzerne presented some resolution but I do not know what it was.

Mr. MUNDY. Well, Mr. President, that seems strange to me because I recall the gentleman from Allegheny, Senator Geltz, getting up on the floor and objecting to immediate consideration of that resolution and now he says he does not know what the resolution was.

Mr. GELTZ. That is correct, Mr. President, that is the reason I objected to immediate consideration of the resolution. I think these things should be studied and we should have time to think about them.

Mr. MUNDY. Mr. President, there were exactly about ten lines in that resolution, which were clearly read by the Clerk and easily understood by even the most obtuse mind and I cannot understand why the thing was not presented very clearly.

Mr. President, I wish at this time to make a few remarks, if granted permission.

The PRESIDENT. If there is no objection the gentleman from Luzerne will proceed.

Mr. MUNDY. In 1864-65 General Grant was made Commander in Chief of the Union Army and General Sheridan made his famous ride in the Shenandoah Valley. General Sherman drove through the heart of the South to the sea. Mobile was captured by the Union Forces. Lee surrendered at Appomattox Court House. Nevada and Nebraska were admitted as states in the Union. President Lincoln was re-elected, then cruelly assassinated, to be succeeded by Andrew Johnson who failed of impeachment by one vote. The Thirteenth Amendment was passed—and the sovereign State of Pennsylvania erected a mansion for the Governor of Pennsylvania by taking over an old home and remodeling it at a cost of $300,000, and have spent triple this sum in maintenance since. All the other events have been catalogued in history, but the old mansion still stands.

Now, Mr. President, the Governor said—I refer to Governor James—in his St. Patrick's Day speech at the Penn Harris Hotel, that the mansion was a rather ghostly place full of blood curdling strange noises when through the rafters the wind sighed plaintive lullabys, despite its protecting oil burning furnaces.

Governor James, in his original speech to the combined General Assembly—and I quote from the Journal, these are the Governor's own words, "if the Authority funds permit, I propose the erection of a new Executive Mansion, so that the next Governor of Pennsylvania, whoever he may be, may have a residence in keeping with the state's respect for the dignity of the high position he holds."

Then again, Mr. President, the Governor in another address before the Assembly, on February 3, 1941, made the following statement: "Enacted and successfully carried out, it would give the next chief executive a house of government with the mortgage paid off—a household in which the cost of living would be reduced to many millions of dollars below the present level of tax income."

The Governor and I for the first time are in agreement about something. I felt as he did, that a Commonwealth which boasted of its vast natural resources, its material wealth, its educational progress, and the beauty of architecture of its governmental buildings, old and new, was certainly especially remiss in not erecting a home for its chief executive, which would compare favorably with all of this.

When Senator Taylor of Harrisburg introduced a bill to condemn additional land for a Capitol Park, I was foolish enough and I dreamed a dream of a beautiful ornamental bridge extending across the river, and at its western terminus on yonder hills a beautiful executive mansion overlooking the silvery shimmering Susquehanna as it wends its way lazily down to the sea. But you gentlemen in the majority have cruelly blasted that dream of mine into oblivion, and I have alone only memories to urge me to faintly raise my voice in mild protest at such an infamous and such a sordid act.

That the Governor may have other cause for complaint other than those he mentioned, but he was too conservative to include, was attested by fact.

In the good old days of supreme Republican rule the only aroma that was wafted out of the mansion down there was that of the finest bourbon, which was constantly wafted on the breeze until Pinchot came.

I remember former Governor George Earle complaining bitterly of the pungent odor of the house and furnishings because of the indelible impression made on them by the Pinchot dogs. Considerable money was spent by the state to expunge the lurking odors left by passing pittling diabetic Pinchot Pinchers without avail. George Earle then imported bigger and better dogs and threw in a pet skunk for good measure. Now, Mr. President, we agree with the present Governor that any odor from his predecessors would offend his sensitive highly trained nasal mucosa, or that of any modern "Diogenes" of his type.

Now, Mr. President, I am in a paradoxical position in presenting a resolution proposing the erection of a new

mansion for the governor. I have attempted to lay aside all political partisanship in order to try to serve the best interests of the people of this Commonwealth.

I had believed there might be some opposition upon the part of the Democrats but I am certainly astounded to learn that the real serious opposition was found in the Senate, among the members of the same political faith as is Governor James.

For some time, gentlemen, I have sensed there was some dissatisfaction with the Chief Executive upon the part of certain members of the majority party, but I did not realize it was so widespread as to affect Caucus action.

The vocal protestation we have listened to today and the magnificent legal interpretation of the chairman of the committee and of the Majority Floor Leader are but a subterfuge to conceal the real situation.

Mr. President, when Wendell Willkie toured this state in quest of the Presidency of the United States it should have been, according to well established custom, the prerogative of the Governor of the State of Pennsylvania to welcome him and introduce Mr. Willkie to the Pennsylvania voters. When Governor James took the rostrum at New Castle to perform this function he was received with cold indifference, except for a few cat calls and some scattered boos.

The next day Mr. Willkie was scheduled to appear at Forbes Field in Pittsburgh, and former Senator Frank Harris wired for the good of the party to keep the Governor off the platform, because his very appearance would lose votes for the Republican Party in Allegheny County, and the Governor of Pennsylvania sat in the third row of the bleachers that night and Wendell Willkie never referred to him in his speech at all, but the next day, out here in front of the Capitol, Mr. Willkie for the first and for the only time mentioned the Governor's name while talking to a group of the state payrollers.

Your chairman over in Lancaster County the following day wigwagged and said for the "love of mike" keep James in Harrisburg, and the Governor stayed at home.

When the party reached Lackawanna County, I really felt sorry for the Chief Executive because the Republican County Chairman, Dr. Leonard Frieda and Mayor Heuster said they would leave Mr. Willkie's party if Governor James introduced Willkie, but your national committeewoman, Mrs. Marjorie Scranton, in return for favors rendered, insisted that James do the honors.

Mr. President, we were there and we really felt sorry for the Chief Executive, to see Dr. Frieda and Mayor Heuster walk out and dub him a "persona non grata."

Their good judgment was vindicated a few minutes later by the hostile demonstration of the crowd at the station when the Governor vainly tried to introduce the Presidential Candidate and later, on the following day, I stood in the Sterling Hotel the afternoon of Mr. Willkie's visit to Wilkes-Barre. With me were a group of your sterling Republican leaders and someone asked who was going to introduce Mr. Willkie. The answer was James.

Immediately, Mr. President, in unison some of them chorused, "why can't James get sick tonight for the good of the Party."

Because of these events even the most saturated minds capable of not grasping the trend of events could grasp the fact that Governor James was literally in the dog house with the rank and file of the Republican Party, but gentlemen of the majority, I could believe that the Republican majority of the Senate would refuse to erect a badly needed home for the Governor because of patronage differences, particularly since Governor James has repeatedly stated that many of you rode into office on his coat tails.

I want you to clearly understand that Arthur James' former friends, of his breaker boy days, the gentleman from Luzerne, Senator Miller, is familiar with them from Plymouth, have not petitioned me to present this bill or this resolution.

The present unpretentious edifice is more in keeping with his former humble position in life as a little breaker boy. The few old friends from Luzerne County who occasionally visit and who are still welcome at the brown stone mansion on Front Street would hardly recognize our present Chief Executive in more palatial surroundings. Rather, Mr. President, do I ask for building of this mansion so that he may more fittingly and more properly entertain his new-found friends, the millionaires of special privilege, say from over in Bucks County, or from the City of Brotherly Love and also from that famous State of Allegheny.

I believe Senator Edmonds, in addressing Senator Shapiro on this floor last week, when he said he is always suspicious of Greeks bearing gifts, that really reflected the truth of your attitude of suspicion of my motive.

You are afraid if you passed my bill or resolution I might ask that a new wing be added to the house to accommodate a certain gentleman from cactus lands of Texas, the real power behind the throne, Colonel Carl Estes.

Now, gentlemen, taking in consideration the attitude of the many old line Republicans to whom I have talked, and your present attitude on that side, if the Governor's social list continues to curtail itself automatically we may change our minds and ask the architect to design a moderate size, well ventiated telephone booth so that he may properly entertain his friends.

Mr. EALY. Mr. President, I am glad the gentleman from Luzerne, Mr. Mundy, was able at last to get his speech off his chest. It sounded well over the amplifing system.

However, the Senator's remarks in regard to the mansion are just a little out of date. The General State Authority has already been investigating sites and so far as I know proposes to erect a mansion for the next governor and for the remainder of the term of this Governor, if that is possible.

A few weeks ago I introduced a bill in this Legislature and the same was passed by the Senate, which required the General State Authority to undertake no projects without prior consent of the Legislature. I think that was a good bill. Senator Mundy was among those who voted in the negative and I am wondering why, if he feels it necessary now to interest the Legislature in this proposition which he voted against only a few weeks ago.

Personally, Mr. President, I think the Legislature should pass an act for the erection of a new mansion. The present site was secured under an act of Assembly; the funds for its building or change were provided through an act of Assembly and it seems to me the proper thing is for the Legislature to pass an act which will deal with this subject.

As I tried to point when the other bill was passed by the Senate, I think the Legislature is surrendering a considerable amount of its power in passing these general acts which allow some other group or commission to go ahead

and spend our money without our supervision. I think the bill which I introduced, and which lays in the Committee on State Government, should be brought out on the floor and passed, which requires the State Authority to do nothing further than what it has already undertaken. But, if we are going to pass an act of Assembly or if we are going to pass a resolution in regard to this, it requires study as the acts which have already been passed.

It would not do simply to amend the General State Authority Act; if we are going to pass an Act of Assembly we should amend or change the act which provided for the present location, so that the bill which the gentleman from Luzerne, Senator Mundy, introduced, and the resolution which he introduced are not the proper ones to deal with this subject.

I do not propose to discuss the other part of his speech, in regard to the present Governor; I think he is perfectly capable of taking care of himself and I think when this administration passes into retrospect it will be regarded much more highly than it is at the present time; but I am perfectly willing that this Senate do stand on its dignity and destroy this General State Authority as far as any new projects are concerned, or pass an act properly relating to this Governor's mansion.

Mr. President, as I have stated, this resolution and this bill introduced by the Senator from Luzerne are not proper ones for this purpose.

Mr. COLEMAN. Mr. President, myself and my distinguished colleague from Luzerne have generally seen eye to eye on propositions that have been before us in the Senate of Pennsylvania and I dislike intensely to differ sharply with him on this question, which I must do with respect to this question of the building of an executive mansion.

The learned gentleman from Luzerne has suggested that the architect who builds the proposed mansion should build it to dimensions of a telephone booth so that the present Governor of the Commonwealth can accommodate all his friends.

During the four great years of Governor Earle's administration the executive mansion was the scene of many splendid social events and those of us on the Democratic side are inclined to disagree with my colleague from Luzerne when he suggests the building of an executive mansion so small. We are looking ahead, Mr. President. A mansion of that type may be all right for the next two years, but we are looking ahead to January of 1943 and we do not want to put up with the same crowded conditions in the executive mantion that we had during the four years of Governor Earle's administration, and we suggest if and when a mansion is to be built it be built with the thought in mind of taking care of many a splendid celebration in that mansion. We want it built so spacious that we will not have to put up with the overcrowded condition which existed all during the four years Governor Earle was the Governor of this great Commonwealth.

Mr. EALY. May I suggest to the gentleman from Lackawanna I have no fear whatever he will have a chance to get his Governor in that mansion.

Mr. MUNDY. Mr. President, may I correct a false impression created by the President Pro Tempore of the Senate, when he stated this affair was on my chest. That is decidedly incorrect. My interpretation is that all this responsibility, when the present Governor is in office, the responsibility of doing the proper thing at the present time, really falls upon the leadership on the part of the party, of which he is a member. Of course, if the gentleman from Somerset insists that I substitute for him and "carry the ball" I will be very glad to do so.

He also stated, Mr. President, that I voted against the measure which he proposed to curb the power of the State Authority, and might I remind him that in 1937, whenever we did propose to erect a building, whenever we did propose to create a new hospital, we, the then Democratic majority, always passed an enabling act on this floor and submitted it to the Senate and the House for their approval.

Now, Mr. President, if the responsibility really devolves upon the party in power, they should be very, very willing to accept it and carry it and not try to shift it to one who tries to show them the light and the direction but can not pass that way without obstruction.

Mr. WALKER. Mr. President, while we are all offering suggestions to the architect for that dream mansion, and our colleague from Scranton suggested we were building this for the incoming Democratic Governor, if there might be a faint possibility of that, may I suggest to the architect that he also provide in this new mansion a twenty foot boxing ring so the Democratic Party can settle their factional differences.

BILL ON NON-CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 253, entitled:

An Act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions; providing for an election on such question; and regulating hours of service, hours of rest and annual vacations.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. WALKER. Mr. President, this bill is now before the Senate for concurrence in the amendments placed in the bill by the House.

There are several amendments placed in the bill, one on page 1 of the bill, at line 4; one on page 3, line 4; and one on page 3, line 5.

There is also an amendment placed in the bill on page 3, lines 18 and 19.

Mr. President, at this time I would like to suggest that the Senate concur in the amendment as it appears on page 3, lines 18 and 19, and that the Senate do not concur in the amendments appearing on page 1, line 4 and at the top of page 3, and in the amendments appearing on page 1, line 4, and the amendments appearing on page 3, line 4 and line 5.

POINT OF ORDER

Mr. EALY. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Somerset will state his point of order.

Mr. EALY. Mr. President, as I understand parliamentary procedure, we can not pick out certain features of this bill on which we may concur, and certain other features on which we can not concur.

The PRESIDENT. The point of order raised by the gentleman from Somerset is well taken. The Chair understands the Senate can either concur or to non-concur in the amendments adopted by the House. In the event of non-concurrence, the bill then goes back to the House with that information, and then the proper procedure would be the appointment of a Conference Committee.

MOTION THAT SENATE NON-CONCUR IN HOUSE AMENDMENTS

Mr. WALKER. Mr. President, I move that the Senate do non-concur in the amendments placed in Senate Bill No. 253 by the House.

Mr. SHAPIRO. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. BARR. Mr. President, being new, I do not know just what to do, but I want to object. I ask my colleagues to vote "no" on this motion, and I ask for a roll call.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, a vote "aye" is a vote to non-concur?

The PRESIDENT. That is correct.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Bartlett,	Edmonds,	Miller,	Tyler,
Becker,	Farrell,	Scarlett,	Wade,
Carr,	Geltz,	Shapiro,	Walker,
Chapman,	Heyburn,	Snowden,	Watkins,
Crider,	Homsher,	Stevenson,	Wilson, H. I.,
Crowe,	James,	Tallman,	Wilson, T. B.,
Deitrick,	Kephart,	Taylor,	Woodward
DiSilvestro,	Letzler,	Thomas,	Ziesenheim.
Ealy,	Mallery,		

NAYS—15

Barr,	Dent,	McCreesh,	Reed,
Cavalcante,	Frey,	McGinnis,	Ruth,
Coleman,	Haluska,	McQuiddy,	Stiefel,
Cox,	Jaspan,	Mundy,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

The PRESIDENT. It is ordered, That the Clerk inform the House of Representatives that the Senate has non-concurred in the amendments.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate bill No. 30, entitled:

An Act providing for the establishment, construction, operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through, bordering or accessible to the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike to be known as the "Rim Parkway," providing for the creation of the Pennsylvania Parkway Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of parkway revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such parkway, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the parkway; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such parkway shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission; conferring powers and imposing duties on the Department of Highways; and authorizing the issuance of parkway revenue refunding bonds

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Mallery,	Tallman,
Bartlett,	Ealy,	McCreesh,	Taylor,
Becker,	Edmonds,	McGinnis,	Thomas,
Carr,	Farrell,	McQuiddy,	Tyler,
Cavalcante,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsher,	Scarlett,	Wilson, H. I.,
Crider,	James,	Shapiro,	Wilson, T. B.,
Crowe,	Jaspan,	Snowden,	Woodward,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,
Dent,	Letzler,		

NAYS—3

Haluska,	Reed,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 32, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike heretofore constructed by said commission, to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio; or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade

changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President, I desire to interrogate the gentleman from Westmoreland, Mr. Dent.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. I will, Mr. President,

Mr. REED. Mr. President, I desire to ask the gentleman from Westmoreland whether or not he has found out whether the contractors that he spoke about last week as not having been paid, have since been paid.

Mr. DENT. Mr. President, in answer to the question I might say the complaint that I had on the part of the contractors was based upon my argument that they should be allowed to accept turnpike bonds in lieu of cash payment. However, the Committee on Highways have decisively defeated my argument, and therefore, rather than jeopardize the extension of the turnpike, I thought I would not get into an argument on the merits of allowing contractors to receive bond payments. I still believe, of course, that it would be proper, and I might say, in direct answer to the question of the gentleman from Washington, that the contractors have not been paid.

Mr. REED. Mr. President, I desire to further interrogate the gentleman from Westmoreland.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be further interrogated?

Mr. DENT. I will, Mr. President.

Mr. REED. Mr. President, does the gentleman from Westmoreland know whether the farmers whose lands have been taken have been paid the damages they are entitled to.

Mr. DENT. Mr. President, the last information I have on the matter of farm payments, or adjustment of claims, is that out of 760 odd claims against the turnpike, 532 have been adjusted. However, I want to say I offered an amendment to this bill in committee along that line, stating, no construction work should be started on this new extension of the turnpike until all former claims would have been paid. However, that was decisively defeated by the committee.

Mr. REED. I desire to thank the gentleman from Westmoreland. Now, Mr. President, I desire to interrogate the sponsor of this bill, the gentleman from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. McGINNIS. I will, Mr. President.

Mr. REED. Mr. President, does the gentleman from Allegheny, Senator McGinnis, know whether enough money was realized from the sale of the turnpike bonds to meet the necessary expense of construction, including the amounts due the contractors.

Mr. McGINNIS. Mr. President, I am advised that there is sufficient money to pay the contractors and all damage claims.

Mr. REED. Mr. President, does the gentleman from Allegheny know why the contractors have not been paid?

Mr. McGINNIS. Mr. President, I do know that in a project of this size there may be some disputes with contractors. I know that has happened heretofore on much smaller projects, and I am sure that if there are any disputes with contractors that they have been already paid.

Mr. REED. I wish to thank the gentleman from Allegheny.

Mr. President, it seems to me this bill should go over in order until we have had an opportunity to ascertain from those who control the turnpike whether the contractors have been paid, and if they have not been paid, what the reason is for non-payment, and also to determine whether the farmers have been paid and in the event they have not been paid, what is the reason for non-payment.

I believe the Turnpike Commission would very readily appear and give us that information and I believe we are entitled to that information before we vote on this bill.

SENATE BILL NO. 32 OVER IN ITS ORDER

Mr. REED. Mr. President, I move that Senate Bill No. 32 go over in its order until we have had an opportunity to get this information.

Mr. CAVALCANTE. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. McGINNIS. Mr. President, I do not object to having this bill go over for one day, but we are getting towards the end of the session, I hope, and if we keep putting these bills over, they will come on us in a rush towards the end.

I am willing to let this bill go over until tomorrow, because anybody can call the commission on the telephone or go down to see them, and in five minutes they can get this information.

Mr. WOODWARD. Mr. President, I might be sick tomorrow, and may I ask my question of the Senator today?

The PRESIDENT. Which Senator?

Mr. WOODWARD. The distinguished Senator from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. McGINNIS. I will, Mr. President.

Mr. WOODWARD. Mr. President, I would like to ask the Senator from Allegheny, Mr. McGinnis, to explain the term—probably he cannot—why the Controller of the Currency in Washington ordered the turnpike bonds out of the portfolio of a national bank in Harrisburg, as an unworthy companion of the other bonds in the portfolio; that gave them a black eye.

Mr. McGINNIS. I have not the slightest idea, Mr. President; I do not know that.

Mr. WOODWARD. I do, Mr. President.

Mr. McGINNIS. If that is so, Mr. President, I have not the slightest idea.

Mr. WOODWARD. I have sitting near me a director of the bank which suffered this insult. I do not want to call upon him, to take him out of his privacy, unless it is absolutely necessary, but he is here.

Mr. McGINNIS. Mr. President, I will consent to have this bill go over in order for one day.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDENT. The Chair wishes to call the Senate's attention to the fact that this procedure we have just concluded is somewhat irregular. The bill had passed third reading and it was up for final passage and the roll had been started, and it was only because the Chair wishes to give everybody an opportunity to be heard and not cut off debates that the procedure was allowed, but if a point of order had been raised, the debate would have been cut off.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 122, on third reading, entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designed as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions; and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 136, as follows:

An Act to amend section four of the act approved the fourth day of April one thousand nine hundred and twenty-five (P. L. 127) entitled "An act relating to adoption" permitting natural parents in certain cases to retain their rights as natural parents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the fourth day of April one thousand nine hundred and twenty-five (P. L. 127) entitled "An act relating to adoption" is hereby amended to read as follows

Section 4 Decrees of Court Records If satisfied that the statements made in the petition are true and that the welfare of the person proposed to be adopted will be promoted by such adoption and that all the requirements of this act have been complied with the court or judge shall make a decree so finding and reciting the facts at length and directing that the person proposed to be adopted shall have all the rights of a child and heir of such adopting parent or parents and be subject to the duties of such child but otherwise shall make a decree refusing the adoption and dismissing the petition If desired by the parties the decree may also provide that the person adopted shall assume the name of the adopting parent or parents Where the petitioner is the spouse of the natural father or mother of the person the petitioner desires to adopt and the natural father or mother of the person the petitioner desires to adopt although joining in the prayer of the petition nevertheless requests that he or she be permitted to retain all his or her rights as a natural parent the court or judge if satisfied that the welfare of the person proposed to be adopted will be promoted by such adoption shall make a decree directing that the person proposed to be adopted shall have all the rights of a child and heir of such adopting parent and shall continue to have all the rights of a natural child and heir of the spouse of the petitioner and the spouse of the petitioner shall continue to have all the rights of a natural parent and heir of the adopted child All such decrees shall be filed and spread at length upon the records of said court and shall be sufficient evidence of the adoption and shall be open to the public All other papers pertaining to the case and the testimony if written out shall be kept in the files of said court as a permanent record thereof and may in the discretion of said court or judge be withheld from inspection by a proper order in which case no person shall be allowed access thereto except upon an order of court granted upon cause shown

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Faly,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Letzler,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 219, as follows:

An Act requiring prothonotaries and clerks of courts except in counties of the first class to notify officers charged with the duty of collecting taxes of all judicial sales and taxing the cost of such notices

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any court except in counties of the first class shall order either a public or private sale of any real property which will have the effect of a judicial sale in respect to the discharge of liens upon such real property the prothonotary or clerk of such court shall not less than ten days prior to the day fixed for such sale give written notice by registered mail thereof to each tax collector receiver of taxes and other officer charged with the duty of collecting taxes in any political subdivision the territory of which takes in the real property to be sold or any part thereof and shall make return of his action upon the record of the court The cost of giving such notices shall be added to the costs of the proceeding

Section 2 This act does not relieve any tax collector receiver of taxes or other officer charged with the duty of collecting taxes from any duty or obligation in connection therewith imposed on him by any other law

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Bartlett,	Edmonds,	Letzler,	Thomas,
Becker,	Farrell,	Mallery,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Cavalcante,	Haluska,	Reed,	Walker,
Chapman,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Wilson, T. B.,
Deitrick,	Jaspan,	Tallman,	Woodward.
Dent,	Kephart,	Taylor,	Ziesenheim,
Ealy.			

NAYS—12

Barr,	DiSilvestro,	McGinnis,	Ruth,
Coleman,	Frey,	McQuiddy,	Shapiro,
Cox,	McCreesh,	Mundy,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 224, as follows:

An Act to amend section three hundred and ten of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" providing for the administration of the finances of institution districts in counties having a county controller and conferring powers and imposing duties on county controllers commissioners and treasurers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred and ten of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" is hereby amended to read as follows

Section 310 Fiscal Administration Accounts and Audits (a) The commissioners of each county and the county treasurer shall keep accurate accounts of the moneys of the institution district In the case of institution districts in counties having no county controller such accounts shall be audited by the county auditors The commissioners and the treasurer as officers of the institution district shall be subject to the same fiscal supervision and control as are provided by law with respect to county funds

(b) In counties having a county controller the county controller shall have general supervision and control of the fiscal affairs of the institution district and of the accounts and official acts of all officers or other persons who shall collect receive or distribute the public moneys of the district or who shall be charged with the management or custody thereof He may at any time require from any of them in writing an account of all moneys or property which may have come into their control He shall immediately on the discovery of any default or delinquency report the same to the commissioners and the court of common pleas of the county and shall take immediate measures to secure the public moneys or property and remove the delinquent party if in office and not removed by the commissioners

(c) The controller shall furnish the commissioners of the county whenever required by them a detailed account of any officer or other person having in his possession or under his control funds belonging to the institution district and shall between the hours of ten o'clock antemeridian and two oclock postmeridian give information respecting any of said accounts to any taxpayer of the county demanding the same

He shall have power and authority to require each and every county officer to make a quarterly statement with respect to moneys in his possession or control as an institution district officer showing the amount of cash on hand and the amount deposited in banks banking institutions and trust companies together with the names of such institutions He shall have power to examine every such account of an institution district officer in any bank bank-

ing institution or trust company to verify the accuracy of the statement of such officer and it shall be the duty of every such bank banking institution or trust company its officers and agents to furnish full information to the controller in relation to such account of such officer No bank banking institution or trust company its officers or agents shall be subject to prosecution under other laws of this Commonwealth for disclosing any such information with respect to any account of an institution district officer

(d) The county controller shall have the custody of all title deeds to real estate owned by the district and of all contracts entered into by or on behalf of the district and of all books documents and papers relating to its financial affairs and of all bonds and other obligations issued by said district when paid Such bonds and other obligations when so paid shall be distinctly cancelled by the controller and carefully and regularly filed a register of which cancellation shall be kept by him in a book to be provided for that purpose

(e) The controller shall keep a full and regular set of books in detail by double entry of all the fiscal operations of the institution district embracing as many accounts under appropriate titles as may be necessary to show distinctly and separately all the property of the district its receipts and expenditures and all debts and accounts due by the officers of the district or others and amount raised from each source of revenue and the expenditures in detail and classified by reference to the objects thereof He shall prescribe the form and manner of keeping the books and papers used by each of the officers of the district in connection with the fiscal affairs of the district

(f) He shall in the month of January in every year make a report verified by oath or affirmation to the court of common pleas of the county of all receipts and expenditures of the institution district for the preceding year in detail and classified as required in the preceding section of this act together with a full statement of the financial conditions of the district Such report shall thereupon be published one time in such newspapers published in the county as the controller may direct the aggregate cost of which shall not exceed five hundred dollars in any one year to be paid for out of the funds of the institution district Such report may be published in conjunction with and as a part of the similar report of the fiscal affairs of counties

(g) The county treasurer as treasurer of the institution district shall receive all moneys due or accruing to the county He shall keep a just and true account of all moneys received and disbursed The books of the treasurer shall at all times during office hours be open to the inspection of the county controller He shall report daily to the collector all moneys received by him for the district the person by whom and on what account they were paid The treasurer shall give his receipt for all moneys paid into the treasury of the institution district Such receipts shall be countersigned by the controller who shall keep an accurate record of the same

(h) The controller shall scrutinize audit and decide on all bills claims and demands whatsoever against the institution districts All persons having such claims shall first present the same to the controller and if required make oath or affirmation before him to the correctness thereof The controller may if he deems it necessary require evidence by oath or affirmation of the claimant and otherwise that the claim is legally due and that the supplies or services for which payment is claimed have been furnished or performed under legal authority He may inquire or ascertain whether any officer or agent of the district is interested in the contract under which any claim may arise or has received or is to receive any commission consideration or gratuity relating thereto or whether there has been any evasion of section three hundred and fifteen of this act by making two or more contracts for small amounts which should have been in one If he shall find that there has been any evasion or that any such officer or agent is so interested he shall refuse to approve the claim All claims which he shall find legally due he shall certify to the commissioners The commissioners shall draw no warrant on the treasury for any debt claim or demand whatsoever not audited and approved by the controller as provided for in this section

(i) All warrants drawn on the treasury of the institution district by the commissioners shall be countersigned by the controller who shall keep a correct register thereof noting the number date and amount of each the date of payment and to whom and for what issued The controller shall report to commissioners monthly or oftener if required by them the amount of outstanding warrant registered and the amount of money in the treasury The treasurer shall pay no money out of the treasury of the institution district except on warrants drawn by a majority of the commissioners and countersigned by the controller He shall cancel all warrants when paid by distinctly spearing or cutting them and shall deliver such warrants to the controller who shall also cancel the same He shall report daily to the controller all moneys paid out by him giving the number of the warrant and the party to whom paid All outstanding warrants issued before the controller enters upon the duties of his office shall be presented to him as other claims against the district

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Frey,	McQuiddy,	Taylor,
Carr,	Geltz,	Miller,	Thomas,
Cavalcante,	Haluska,	Mundy,	Tyler,
Chapman,	Heyburn,	Reed,	Wade,
Cox,	Homsher,	Ruth,	Walker,
Crider,	James,	Scarlett,	Watkins,
Crowe,	Jaspan,	Shapiro,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Wilson, T. B.,
DiSilvestro,	Letzler,	Stevenson,	Woodward,
Ealy,	Mallery,	Stiefel,	Ziesenheim,
Edmonds,			

NAYS—4

Barr,	Coleman,	Dent,	McGinnis,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 284, as follows:

An Act to amend section 901 of and to add sections 901.1 901.2 901.3 901.4 901.5 901.6 901.7 901.8 to the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by regulating the dismissal of employes and subordinate officers of the city

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 901 of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 901 Appointment and Removal of Officers and Employes Council shall have the power to appointment of all employes and subordinate officers of the city except where otherwise provided by this act

Section 2 Said act is hereby amended by adding after section 901 eight new sections to read as follows

Section 901.1 Exclusive Method to Suspend or Dismiss

Et Cetera Employes and Subordinate Officers No employe or subordinate officer of the city other than per diem employes in the employ of the city for less than one year and those whose suspension or dismissal is provided for in article forty-four of this act shall suffer a deduction from salary or be suspended or dismissed without his consent in writing except after hearing before the Board of Review and then only in the manner hereinafter provided Provided however That Council may reduce the number of employes and subordinate officers at any time for purposes of economy but such removal shall be of persons last employed in such positions as are discontinued and reappointments thereafter made to such positions as were vacated shall be made from those persons who have been removed therefrom in the order of their previous term of service

Section 901.2 Board of Review Created Appointments Compensation Oath Officers In each city there is hereby created a Board of Review which shall be composed of three disinterested and impartial persons appointed by the council for terms of six years each The three persons first appointed shall be appointed for terms of two four and six years respectively and thereafter one person shall be appointed every two years for the full term of six years Any vacancy occurring in the membership of the Board of Review shall be filled by the appointment of a member for the unexpired term The members of the Board of Review shall not receive any compensation Each member of the Board of Review shall take and subscribe an oath of office to perform his duties impartially and without fear or favor which oath shall be filed in the office of the city clerk The oath shall be administered by the mayor The members of the Board of Review shall elect one of their number as chairman The city clerk shall be the secretary of the Board of Review It shall be his duty to keep the minutes of the board and to preserve all records and proceedings of the board Each member of the Board of Review shall have the power to administer oaths to witnesses appearing before the board

Section 901.3 General Powers of the Board of Review The Board of Review shall have power and its duty shall be

(a) To hear charges lodged against employes and subordinate officers of the city other than those whose dismissal or suspension is provided for in article forty-four of this act and filed with the council All such charges shall be in writing and shall clearly specify the reasons on which they are based

(b) To receive written charges from the council after the same have been filed.

(c) To fix the time and place when hearings on any charges so received shall be held and to give due notice of the time and place of hearing to any employe or subordinate officer against whom charges have been lodged Such hearing shall be fixed not later than sixty days after the receipt of charges from the council

(d) To issue subpoenas under the signature of the chairman requiring witnesses to appear and testify before the board and to produce papers documents and records pertinent to such hearing

(e) Within ten days after the completion of the hearing of charges lodged against any employe or subordinate officer to make recommendations to council in writing either that (1) the charges lodged against such employe or subordinate officer be dismissed (2) the employe or subordinate officer suffer a deduction from salary not exceeding one hundred dollars ($100) during such period of time as the board shall specify (3) the employe or subordinate officer be suspended from duty without pay for such period of time not exceeding one year as the board shall specify or (4) that the employe or subordinate officer be dismissed from service and also to immediately furnish a copy of such recommendations to the employe or subordinate officer affected

Section 901.4 Nature of Charges The only charges which shall be sufficient to make an employe or subordinate officer liable to suffer deduction from salary suspension or dismissal shall be

(a) Physical or mental disability affecting his ability to continue in service In such cases the Board of Review may recommend honorable discharge from service

(b) Neglect or violation of any official duty

(c) Violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony

(d) Inefficiency intemperance disobedience of orders or conduct unbecoming an employe or subordinate officer

(e) Intoxication while on duty

Section 901.5 Effect of Recommendations The recommendations of the Board of Review in any case shall be advisory only and shall have no force or effect unless adopted by the council within thirty days after receipt thereof by said council If the recommendations made are adopted the council shall act only in accordance with such recommendations Notice of the adoption of such recommendations shall immediately be given to the employe or subordinate officer

Section 901.6 Appeals Any employe or subordinate officer aggrieved by the recommendations made by the Board of Review which shall have been adopted by the council shall have the right to appeal by petition within thirty days after such adoption to the court of common pleas of the county which court shall hear the charges lodged against the employe or subordinate officer de novo The issue before the court shall be whether the recommendations of the Board of Review shall be affirmed or modified in any respect or whether the charges should be dismissed

Section 901.7 Refusal to obey Subpoena If any person shall fail to obey any subpoena of the Board of Review or shall refuse to testify or to produce any papers documents or records the board may present a petition to the court of common pleas of the county setting forth the facts whereupon the court if it deems the testimony or the papers documents or records pertinent shall issue its subpoena requiring such person to appear before it and there to testify in relation to the matter

Section 901.8 Suspension of Employes The council may suspend any such employe or subordinate officer of the city against whom charges have been lodged before or during the trial thereof for any period not exceeding thirty days but such suspension may be extended if after the recommendations of the Board of Review have been adopted by council an appeal is taken to the court of common pleas as herein provided Such extended suspension may in the discretion of council cover the duration of the proceedings in court Where any employe or subordinate officer has been suspended and the charges are dismissed by the Board of Review or on appeal the said employe or subordinate officer shall receive full compensation for the entire period of suspension otherwise the suspension shall be without pay

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. MALLERY. Mr. President, Senate Bill No. 934 is a bill which amends Section 901 of the third class city code, which was enacted in 1931.

I want to call to the attention of the Senate that the Act of 1931 provides that police in cities of the third class, as well as the firemen and those employed in the engineering department, in the electrical bureau, as well as building inspectors and health officers, are protected by civil service. Among the city employes are a great many men and women employed in the Finance Department, in the Bureau of Highways, in the State Treasurer's office and in the Water Department, who have no such protection. In most cities you will find men and women in those departments that are not covered by civil service who have reached the age where they could not go out into private

industry and obtain employment. For all the years they have worked in the various third class cities, they would not come under the Federal Social Security Act. If many of those cities had not provided retirement systems, there would be nothing much for those employes to do other than to go on relief.

Mr. President, this act, the gist of which is on page 2, simply provides that no employe or subordinate officer of the city other than per diem employes in the employ of the city for less than one year, and those whose suspension or dismissal is provided for in article 44 of this act, shall suffer a deduction from salary or be suspended or dismissed without his consent in writing, except after hearing before the Board of Review and then only in the manner hereinafter provided. The bill sets up a Board of Review which shall be appointed by council and whose members shall serve without pay and who will hear and determine the complaints.

I want to call your attention to the fact that council has five causes for which they can discharge an employe. The first is physical or mental disability affecting his ability to continue in service; in such cases the Board of Review may recommend honorable discharge from service. Second, is neglect or violation of any official duty. The third is violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony. The fourth cause is inefficiency, indifference, disobedience of orders or conduct unbecoming an employe or subordinate officer. The fifth cause is intoxication while on duty.

Now, Mr. President, the only reason I can see why anyone would not want to do justice to this class of employes of third class cities is the hard-boiled politician who thinks he can browbeat anyone in the Commonwealth into voting for him or his party.

I heard a statement made on the other side of this hall with which I am heartily in accord, and that is if we want our party to be the controlling party in Pennsylvania, we must seek to have laws enacted that are good and for the benefit of the great majority of the people of the state. I think the time has passed when you can browbeat anyone into voting for any individual or for any party. The old saying, "You can lead a horse to water but you can not make him drink" applies; you can not make the people of this Commonwealth vote for any individual or any party; you can not compel them to do that any more, and I hope my colleagues will support this bill.

Mr. DENT. Mr. President, I rise also in support of this measure. My senatorial district has five third class cities in it and I have witnessed on many occasions dismissal of men who stood by the city in the days when there were high wages and they worked for normal wages. For instance, in one particular city, in which I happened to serve as councilman, they dismissed at one time three men who had served on the city payroll as laborers for fifty-five or sixty cents an hour, during the twenty dollar a day days of the World War. Then, when the depression came along in the early thirties, other persons who had made big money in the days of the war wanted these small jobs and because they had political influence, they had these poor old-timers dismissed and they themselves took the jobs.

I think it is perfectly right we should try in some measure to protect these men who do the dirty work of the cities of this state when times are good, and they certainly ought to be entitled to those jobs when times are bad.

Mr. ZIESENHEIM. Mr. President and gentleman of the Senate, I merely want to second the remarks of the gentleman from Blair, Mr. Mallery, and the gentleman from Westmoreland, Mr. Dent, and call your attention to the fact that in every third class city there are many men who have given the best years of their life to their municipality and at the present time, they have neither seniority rights, retirement rights, nor social security rights.

This bill will go part way toward remedying that condition and I ask my colleagues to vote favorably for it.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	DiSilvestro,	Mallery,	Shapiro,
Carr,	Edmonds,	McCreesh,	Stevenson,
Cavalcante,	Farrell,	McQuiddy,	Stiefel,
Chapman,	Geltz,	Miller,	Thomas,
Coleman,	Haluska,	Mundy,	Tyler,
Cox,	Heyburn,	Reed,	Wade,
Crowe,	Jaspan,	Ruth,	Walker,
Deitrick,	Letzler,	Scarlett,	Ziesenheim,
Dent,			

NAYS—14

Barr,	Frey,	McGinnis,	Taylor,
Becker,	Homsher,	Snowden,	Wilson, H. I.,
Crider,	James,	Tallman,	Wilson, T. B.,
Ealy,	Kephart,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 316, on third reading, entitled:

An Act to amend clause (b) of section five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergenry Relief Board," by providing that the judge of the court of common pleas, the president of the board of county commissioners, and the coroner shall constitute the county board of assistance in certain cases.

go over in its order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. SHAPIRO, and were as follows, viz:

YEAS—33

Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	Miller,	Tyler,
Carr,	Geltz,	Reed,	Wade,
Cavalcante,	Heyburn,	Scarlett,	Walker,
Chapman,	Homsher,	Snowden,	Watkins,
Crider,	James,	Stevenson,	Wilson, H. I.,
Crowe,	Kephart,	Tallman,	Wilson, T. B.,
Deitrick,	Letzler,	Taylor,	Ziesenheim,
Ealy,			

NAYS—15

Barr,	DiSilvestro,	McCreesh,	Ruth,
Coleman,	Frey,	McGinnis,	Shapiro,
Cox,	Haluska,	McQuiddy,	Stiefel,
Dent,	Jaspan,	Mundy,	

So the question was determined in the affirmative.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 339, (House Bill No. 475), as follows:

An Act to further amend section seven of the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" as amended to extend the original jurisdiction of the Superior Court to include mandamus and prohibition in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The first paragraph of section seven of the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments as amended is hereby further amended to read as follows

Section 7 The said court shall have no original jurisdiction except in actions of mandamus and prohibition to courts of inferior jurisdiction where such actions are ancillary to proceedings within its appellate jurisdiction and except that it or any judge thereof shall have full power and authority when and as often as there may be occasion to issue writs of habeas corpus under like conditions returnable to the said court but it shall have exclusive and final appellate jurisdiction of all appeals in the following classes of cases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Consitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Mallery,	Stiefel,
Bartlett,	Ealy,	McCreesh,	Tallman,
Becker,	Edmonds,	McGinnis,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Ziesenheim,
Dent,	Letzler,	Stevenson,	

NAYS—1

Jaspan,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 352 on third reading, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fourth and fifth classes; imposing certain charges on counties, and prescribing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON. Mr. President, I am not the sponsor of this bill but it seems I either adopted it or it adopted me.

The gentleman from Philadelphia, Mr. Shapiro, has asked me to move that this bill go over in its order, that he might present in the morning an amendment which he desires to present to the Senate.

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent that Senate Bill No. 402, (House Bill No. 376) on third reading, entitled:

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON. Mr. President, I make that request, as a matter of courtesy to the gentleman from Philadelphia; I would like at some time, Mr. President, to see this bill get where we can call the roll, but I am perfectly willing at this time to accede to the request of the gentleman from Philadelphia.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 445, as follows:

An Act to amend section one thousand one hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities

belonging to or in the possession of the Commonwealth and the settlement of claim against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" further regulating the making of resettlements by the Department of Revenue

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand one hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 1102 Petition for Resettlement Within ninety (90) days after the date of any settlement the party with whom or with which the settlement was made may file with the department which made it a petition for resettlement

Every petition for resettlement shall fully state the reasons which the petitioner believes entitle him or it to such resettlement

It shall be the duty of the department of Revenue within six (6) months after the date of the filing of the petition to dispose of any petition for resettlement unless the petitioner agrees and files a waiver or causes delay by his own action If the department fails to dispose of the petition as herein required interest on the account for which the petition for resettlement was filed shall cease to run after the expiration of the six months period

In the case of petitions for resettlement filed with the Department of Revenue the disposition of the petition shall be subject to the approval of the Department of the Auditor General as in the case of original settlements and if the two departments shall be unable to agree the case shall be submitted to the Board of Finance and Revenue by the Department of Revenue The Board of Finance and Revenue shall decide every such case within three (3) months from the date of the submission thereof and in case of its failure to reach a decision within such period the disposition of the Depratment of Revenue shall automatically become valid and the Board of Finance and Revenue shall immediately return to the Department of Revenue all of the papers appertaining to the case

In the case of petitions for resettlement filed with the Department of the Auditor General the petition shall be disposed of by the joint action of that department and of the Treasury Department as in the case of original settlements

Notice of the action taken upon any petition for a resettlement shall be given to the petitioner promptly after the date of resettlement by the department with which the petition was filed

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Kephart,	Snowden,
Bartlett,	Ealy	Letzler,	Stevenson,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Mundy,	Walker,
Crider,	Homsher,	Reed,	Wilson, H. I.,
Crowe,	James,	Ruth,	Wilson, T. B.,
Deitrick,	Jaspan,	Scarlett,	Ziesenheim,
Dent,			

NAYS—2

Shapiro,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. SHAPIRO. Mr. President, I desire to explain my vote "no" on this bill. I have no objection to the purpose of the bill, but I am afriad, that as the bill now reads, the department will in some cases not be able to make any settlement because the bill provides for settlement within six months after the return is filed. It should have read within six months, after the return is filed or should be filed, under the law.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 514, as follows:

An Act to further amend subsection (b) of section eight hundred one of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from

the Commonwealth and imposing penalties affecting every department board commission and officers of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" further prescribing the time within which the Department of Revenue shall make settlements of taxes and bonus due the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of section eight hundred one of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State Government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by the act approved the second day of February one thousand nine hundred thirty-seven (P. L. 3) is hereby further amended to read as follows

Section 801 Settlements to Be Made by Department of Revenue

* * * *

(b) All such settlements shall be made within the twelve month period following the date on which the tax or bonus report or return was made and where it can be shown that the failure to make settlement within the foregoing period was due to any neglect of the Department then the taxpayer shall be relieved of interest on that account after the expiration of the said period

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Kephart,	Snowden,
Bartlett,	Ealy,	Letzler,	Stevenson,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante	Frey,	McGinnis,	Thomas,
Chapman	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Mundy,	Walker,
Crider,	Homsher,	Reed,	Wilson, H. I.,
Crowe,	James,	Ruth,	Wilson, T. B.,
Deitrick,	Jaspan,	Scarlett,	Ziesenheim,
Dent,			

NAYS—2

Shapiro, Stiefel,

A majority of all the Senators having voted 'aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 545, on third reading, entitled:

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth except counties of the first class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. I might say, Mr. President, that is satisfactory to the sponsor, the gentleman from Washington, Mr. Reed.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 563, entitled:

An Act to add section four hundred four and one-tenth to article four of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," directing the board to issue liquor licenses to holders of retail dispensers' licenses upon payment of fee and furnishing of bond; and providing that the issuance of liquor licenses in such cases shall not be prevented by any law limiting the number of such licenses to be granted by the board.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to offer the following amendments:

Amend page 4, lne 6, by adding thereto the following: "or to cases where the applicant or the licensed premises do not comply with the requirements of the act pertaining to liquor licenses",

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 563, on third reading, go over in its order.

The PRESIDENT. Is there objection?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. WALKER. Mr. President, my parliamentary inquiry is, whether this bill will appear on the third reading Calendar or on final passage tomorrow.

The PRESIDENT. The way it now stands, the bill will appear on the third reading Calendar,

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Philadelphia will state his point of order.

Mr. SHAPIRO. Mr. President, I thought I heard the Chair ask consent for this bill to be read the third time and the consent was granted. If that is so, this bill will appear on final passage tomorrow.

Mr. GELTZ. Mr. President, the purpose of my request that it go over in order was so that it would not be on final passage but on third reading tomorrow.

The PRESIDENT. The Chair is of the opinion that the gentleman is correct. The Chair asked whether there was any objection to the bill on third reading as amended, and then the gentleman from Allegheny, Mr. Geltz, rose and the Chair recognized him, and he then made the motion that the bill go over in order.

Mr. SHAPIRO. If the record is straight, Mr. President, I am satisfied.

The PRESIDENT. The bill will appear on the third reading Calendar as amended.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 574, as follows:

An Act to amend section twenty of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (P. L. 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining the incorporation and regulation of cooperative agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" by limiting exemptions of and further exempting certain classes of associations formed under such act from State county and municipal taxation and from the duty of filing certain tax reports with State county or municipal agencies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (P. L. 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged ni agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" is hereby amended to read as follows

Section 20 No association organized under the provisions of this act which is engaged exclusively in selling or marketing or the services connected with or incidental to selling or marketing the agricultural products of its members stockholders or patrons shall be liable for the payment of any State county or municipal tax upon its capital stock or upon any scrip bonds certificates or other evidences of indebtedness issued by such corporation and all stocks bonds et cetera issued by such associations shall be exempt from all State county or municipal taxation such associations shall be exempt from any State county or municipal tax upon net income unless they are required to pay such a tax to the Federal Government and they shall be exempt from any State county or municipal tax upon net earnings or savings Such associations shall not be required to file with the Auditor General or the Department of Revenue of this Commonwealth or with any county or municipality the reports relative to such taxes as are or may be by law required of corporations not exempt from the payment of such taxes

This section shall not be construed or deemed to exempt any employe member stockholder or patron in their individual capacity from any taxes

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,
DiSilvestro,	Letzler,	Stevenson,	

NAYS—1

Coleman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. DENT. Mr. President, I would like to inquire how the gentleman from Lackawanna, Mr. Coleman, voted?

The PRESIDENT. The gentleman from Lackawanna voted in the negative.

Mr. DENT. I understood the Chair to announce the vote as 47 to nothing.

The PRESIDENT. The vote announced was 47 to one.

Mr. DENT. I just wanted to make sure, Mr. President, because we have a club in which membership qualification is that a Senator must have cast the only negative vote on the Senate floor on any measure. Therefore, Mr. President, we welcome into our membership the gentleman from Lackawanna, Mr. Coleman.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 613, (House Bill No. 1084), as follows:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title to any real estate situate in this Commonwealth which may have been held prior to the first day of April one thousand nine hundred and forty-one by any foreign corporation not authorized under the laws of Pennsylvania to hold the same the title to which real estate has been heretofore conveyed by such foreign corporation to a citizen of the United States or to any corporation incorporated under the laws of this Commonwealth or of any other state or commonwealth in the United States and authorized to hold such real estate is hereby declared to be good and valid and free and clear of any right of escheat by the Commonwealth and such citizen or corporation grantee as aforesaid and his or its respective heirs successors and assigns shall hold and may convey such title and estate indefeasibly as to any right of escheat which the Commonwealth might otherwise have by reason of said unauthorized holding and conveyance by such foreign corporation and all such conveyances heretofore made are hereby ratified and confirmed

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,
DiSilvestro,	Letzler,	Stevenson,	

NAYS—1

Cavalcante,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 649, (House Bill No. 971), on third reading, entitled:

An Act to further amend sections fifteen and fifteen and three-tenths, and to repeal sections fifteen and one-tenth and fifteen and two-tenths, of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing for the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in certain cases, reviving, validating, preserving and extending liens.

be recommitted to the Committee on Municipal Government.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. BARR. Mr. President, I desire to inquire of the gentleman from Allegheny whether this bill is being sent back for amendment?

Mr. GELTZ. Mr. President, this bill is being sent back to committee for further consideration with a view of possible amendment.

Mr. BARR. Mr. President, I thank the gentleman from Allegheny.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 652, (House Bill No. 1098), on third reading, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three), (Pamphlet Laws one thousand four hundred forty-nine), entitled "An act establishing a court of record in the County of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants; providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties," to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 682, (House Bill No. 1187), as follows:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania Quarantine Station property and ceding to the United States jurisdiction over said land

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Property and Supplies with the approval of the Governor of the Commonwealth of Pennsylvania is hereby authorized to convey as a donation to the United States of America title to the land and buildings on the Delaware River below Philadelphia Pennsylvania which comprise the Marcus Hook Pennsylvania Quarantine Station property and which is now leased to the United States by the Department of Property and Supplies of the Commonwealth of Pennsylvania at a rental of one dollar ($1.00) per annum

The description of the property to be conveyed and jurisdiction ceded to the United States of America shall be such as the proper officials of the Commonwealth and the United States Government may agree upon

Section 2 The Governor of the Commonwealth of Pennsylvania is authorized to furnish the Attorney General of the United States without cost to the United States such evidences of a valid title to the aforesaid land as may be necessary to permit the said Attorney General to approve said title

Section 3 The consent of the Commonwealth of Pennsylvania is hereby given in accordance with the seventeenth clause eighth section of the first article of the Constitution of the United States to the acquisition by the United States of the aforesaid land and exclusive jurisdiction in and over the aforesaid land when acquired by the United States is hereby ceded to the United States for all purposes except the service thereon of all civil and criminal processes of the courts of this Commonwealth but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands and so long as the said lands shall remain the property of the United States and no longer the same shall be and continue exempt and exonerated from all State county and municipal assessment taxation or other charges which may be levied or imposed under the authority of this Commonwealth

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SENATE BILL No. 561 CALLED UP FROM THIRD READING POSTPONED

Mr. FARRELL. Mr. President, I now call up Senate Bill No. 561, on the third reading postponed Calendar, page 15.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 561, entitled:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedures for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by amplifying and changing the powers and duties of the commission its employes and commissioners further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon the inspection of the records of the commission providing for appeals by the commission to appellate courts repealing and changing certain provisions of said act relating to removal notices and for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I ask that Senate Bill No. 561 go over in its order.

Mr. FARRELL. I object, Mr. President.

Mr. SHAPIRO. Mr. President, this is a bill which changes the registration law, and contains a number of amendments to the registration law of cities of the first class.

One of the things to which I object in this bill, particularly, is the provision which takes away from the

public the right to examine the lists at all times. That is only one of the first objections I have to it.

I understood it was to remain on the postponed Calendar and would not be called up until an opportunity was given for a conference, and following a public hearing which was held in Philadelphia last week, I think on Friday, and that was my reason for suggesting that this bill go over in its order. If, however, the gentleman insists on acting on it, I shall ask my colleagues to vote "no" on the bill.

There are some provisions in this bill which have merit; there are other provisions which I think require further consideration and further study. I am quite sure very few of the members of the Senate who will vote on this bill are familiar with the effect of all the amendments proposed; I am not sure even the sponsor is familiar with the effect of the amendments proposed.

Mr. FARRELL. Mr. President, it has been a month and three days since I presented this bill to the Senate, and it was left on the postponed Calendar for a full week. I have carefully read the bill, as did the gentleman from Montgomery, Mr. Edmonds, and others who are experts on legislation, and we have read the other bills in the House, and I regard this bill, and say with these other gentlemen, this is the best bill that has been offered, and I know it will go a long way to bring about a decent registration law for Philadelphia. This bill will go over to the House, and if they want to amend it, or the Committee of Seventy wants to amend it, I have no objection, provided they keep within the lines of a good bill.

Mr. President, I would like to say here this bill is identical with the bill the Committee of Seventy presented two years ago. If it was good then, it is good now, and I object to the bill going over in order.

On the question,

Will the Senate agree to the bill on third reading?

POINT OF INFORMATION

Mr. JASPAN. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Philadelphia will state his point of information.

Mr. JASPAN. Mr. President, my point of information is whether this is a vote on the bill on third reading or on the motion that it go over in its order.

The PRESIDENT. It is a vote on final passage of the bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	Letzler,	Thomas,
Becker,	Farrell,	Mallery,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Heyburn,	Scarlett,	Walker,
Crider,	Homsher,	Snowden,	Watkins,
Crowe,	James,	Stevenson,	Wilson, H. I.,
Deitrick,	Jaspan,	Tallman,	Wilson, T. B.,
Ealy,	Kephart,	Taylor,	Ziesenheim,

NAYS—16

Barr,	Dent,	McCreesh,	Reed,
Cavalcante,	DiSilvestro,	McGinnis,	Ruth,
Coleman,	Frey,	McQuiddy,	Shapiro,
Cox,	Haluska,	Mundy,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. MILLER. Mr. President, I ask unanimous consent that Senate Bill No. 141, on second reading, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 169, entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of preliminary street lists, and permitting the destruction of certain records.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 3, line 21, by inserting a light-faced bracket before the word "in"; amend Sec. 1, page 3, line 22, by inserting a light-faced bracket after the word "class",

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend title, page 2, line 7 of title, by striking out after the word "providing" the following: "that the county commissioners of each county"; amend title, page 2, line 8 of title, by striking out the words "in which any such city is located shall act as" and inserting in lieu thereof the following: "for the appointment by the Governor of"; amend title, page 2, line 9 of title, by striking out the word "therefor" and inserting in lieu thereof the following: "for counties within which there is located a city of the second class"; amend title, page 2, line 14 of title, by inserting after the word "a" the following: "second or"; amend title, page 2, line 17 of title, by striking out the word "eliminating" and inserting in lieu thereof the following: "changing requirements for the"; amend title, page 2, line 18 of title, by striking out after the word "of" the following: "preliminary".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 177, entitled:

An Act regulating and limiting the rights of slayers in real and personal property and in the benefits from insurance policies, arising out of or as a result of the death of the person slain; and protecting and saving the rights of purchasers and insurers dealing with slayers without notice of the slaying and repealing certain legislation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 207, on second reading, entitled:

An Act to further amend subsection (a) and (b) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the employment, suspension, and retirement of professional employes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 294, (House Bill No. 481), entitled:

An Act to amend sections eighteen and nineteen of the act aproved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties," requiring the filing of local ordinances, rules and regulations with the Dairy Advisory Council; requiring local ordinances, rules and regulations in certain cases to be consistent requiring inspectors employed by municipalities to be approved inspectors, eliminating the power of the Advisory Health Board to make rules and regulations, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon and providing for appeals to the Court of Common Pleas of Dauphin County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HENRY I. WILSON. Mr. President, I ask unanimous consent that Senate Bill No. 331 on second reading, entitled:

An Act to further amend section two of the act, approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by changing the time for the return and payment of said county (and in certain cases city and county) tax to the county treasurer

go over in its order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, before that motion is put, I should like the gentleman first to consider an amendment which I propose to offer. This bill originally was intended to make the city tax return conform to what exists now with respect to the state tax return on personal property. As it is now amended, it takes out from the act the provisions which made the tax a self-assessing tax, also made the tax returnable on the fifteenth of February.

I think the bill in its original form presented a very favorable piece of legislation, and I should like to offer

an amendment now placing the bill back in its original form.

Mr. President, I therefore offer the following amendment before the bill goes over in its order.

Mr. HENRY I. WILSON. Mr. President, I have requested that Senate Bill No. 331 go over in its order and if that would be granted I would be very glad to confer with the Senator from Philadelphia. However, Mr. President, I do want to say on the question of having the bill amended that the bill was prepared in the first instance in a manner in which I thought it was most desirable. Enough influence, or rather, enough word comes to me to make me feel I should defer passage of a very deserving piece of legislation by insisting that it be paid immediately and also by insisting it should be paid to the County Treasurer and I therefore feel the amendment should go in to defer the actual payment made on April 1st which would practically carry out the intent of the bill and would secure enough influence, I think, to pass the bill, or I hope it will.

The report, however, of the return would be made at the same time as the return for state taxes.

Now, Mr. President, as to the question or reason for this bill, it is that it comes at a time in the early spring when the municipalities need money so much. The cities and the large boroughs and many of the outlying districts need this money, and one other thing is that we have determined by actual inquiry that nearly fifteen per cent of all of the tax is lost by putting it on the duplicates and I feel the bill as now amended is in the proper form to secure passage, and if the Senate will permit the bill to go over in its order until tomorrow, I will be very glad to confer either privately or converse more at length on the merits of the proposed amendment with the gentleman from Philadelphia.

Mr. SHAPIRO. Mr. President, I withdraw the amendment.

And the question recurring,

Will the Senate agree to the motion?

Agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 446, entitled:

An Act to amend section six of the act, approved the sixteenth day of May, one thousand nine hundred and thirty-five (P. L. 208), entitled, as amended "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," authorizing the Department of Revenue to grant an additional extension of time for the filing of reports under the provisions of said act

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer amendments.

The Clerk read the amendment as follows:

Amend page 2, line 27, by inserting after the word "act" and before the word "but" the following: "of not more than sixty days after the termination of the Federal extension".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Mr. EDMONDS. Mr. President, I might say there were two sets of amendments in connection with this bill; one set was prepared by Mr. Ralph Umstead and the other by the gentleman from Philadelphia, Mr. Shapiro, dealing with the same subject matter. I have offered the amendments suggested by Mr. Umstead and will now suggest that the bill go over in its order for another day so that we may make certain the amendments are clear to all parties.

I would like the bill to pass second reading with the amendments today, Mr. President, so that it will be printed tomorrow in final form.

The PRESIDENT. The present status is that the bill will appear on tomorrow's calendar on third reading, as amended.

Mr. EDMONDS. Very well, Mr. President; if the bill is to be further amended, I will move to reconsider the vote by which the bill passed second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 469, (House Bill No. 364), entitled:

An Act to amend the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents," amplifying the provisions thereof as to persons entitled to such payments.

And said bill having been read at length the third time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 497, (House Bill No. 610), entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," changing the qualifications of historical societies to receive appropriations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 499, (House Bill No. 657), entitled:

An Act to amend sections one, two, three and four of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 787), entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the nonpayment of taxes; and the reconveyance or private sale of such property," extending the provisions of said act to properties purchased by said political subdivisions at sales for municipal claims, and to the payment of such claims from the proceeds of such compromises or sales, and changing the time when such compromises may be made.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 500, (House Bill No. 708), entitled:

An Act enabling city, county, poor, institution district, ward, school, borough, and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same by the expiration of the authority of their respective warrants, or by the expiration of their terms of office; extending the time for the collection of the same for a period of two years from the passage of this act; and validating collections and proceedings for collections made or commenced without previous authority.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 502, (House Bill No. 895), entitled:

An Act to authorize counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts, to file tax and municipal claims, not filed within the time specified by law and to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. COLEMAN. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 17, by inserting after the word "proceedings" the following: "or by reason of failure to file the same on time"; amend Sec. 1, page 2, line 22, by inserting after the word "district" the following: "has not"; amend Sec. 1, page 3, line 2, by inserting after the word "issue" the following: "or reissue".

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

On the question,

Will the Senate agree to the bill on second reading as amended?

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 502, (House Bill No. 895), on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 555, on second reading, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 706, (House Bill No. 1021), entitled:

An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one

thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. LETZLER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 17, by striking out the following: "with the approval of the Department of Public Instruction"; amend Sec. 1, page 3, line 2, by inserting after the word "prices" the following: "provided however that none of the powers granted by this act shall be used by the board of school directors of said school district without the specific and written approval of the State Department of Public Instruction".

On the question,

Will the Senate agree to the amendments?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Clearfield, Mr. Letzler.

The PRESIDENT. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. LETZLER. Yes, Mr. President.

Mr. SHAPIRO. I am somewhat confused by the provisions of this bill, which provides that where a school district wants to rebuild or build a new building where its old building has been destroyed, that it may appropriate money to an organization whose business it is to construct a school building and then lease it in return, with the right to become the purchaser at the end of the lease.

Mr. President, I would like to inquire of the gentleman from Clearfield whether that is not a rather unusual procedure; because under the wording of the bill if the school board should appropriate enough money to erect the building through this private corporation, then why would it need to lease the building and only acquire title after a period of time; is there not something wrong with this bill?

Mr. LETZLER. The answer to that, Mr. President, is probably that this bill was prompted by a peculiar circumstance that has arisen, particularly in Bellefonte, where the high school had burned and the school board received insurance amounting to somewhere around $90,000 or $100,000. That amount is entirely inadequate to build a new high school; not even under a W. P. A. appropriation could a high school be built.

This bill is, therefore, intended to permit contributions, on the part of citizens and others interested, to a non-profit corporation, and the school board also will contribute the amount of insurance it now has to this non-profit corporation, in order to accomplish the building of a new high school.

Mr. SHAPIRO. Mr. President, I would like to further interrogate the gentleman from Clearfield.

The PRESIDENT. Will the gentleman from Clearfield permit himself to be further interrogated?

Mr. LETZLER. Yes, Mr. President.

Mr. SHAPIRO. I desire to ask the gentleman from Clearfield whether it is not true then that this bill ought to be amended so that when it provides for the appropriation of money out of the general fund of the school district to any non-profit corporation, there should be some limit on the amount of the appropriation; under the provisions of this act the school board could appropriate the whole amount of money necessary.

Mr. LETZLER. Of course, Mr. President, that is the intention in this particular case, that it shall appropriate the whole amount of the money it has. The fact that it does not have enough money to build a high school will prevent it from appropriating enough to build the building.

Mr. SHAPIRO. Mr. President, may I further interrogate the gentleman from Clearfield?

The PRESIDENT. Will the gentleman from Clearfield permit himself to be further interrogated?

Mr. LETZLER. I will, Mr. President.

Mr. SHAPIRO. If it does appropriate all the money, Mr. President, it does not need a non-profit organization, but if it is not appropriating all the money, the bill should so provide, because there is nothing to prevent the school directors, except the fact that they do not now have the money, from appropriating all the money. If they have the power to borrow under the bill they could borrow the money and pay all the money over to this non-profit corporation and still only have a lease instead of a title.

Mr. LETZLER. Mr. President, the borrowing capacity is limited by law and consequently the school board is not in a position to borrow any money.

Mr. SHAPIRO. Well, Mr. President, this is the bill of the gentleman from Clearfield. I think this bill should be amended and I have called his attention to that fact and I will leave it to him.

Mr. LETZLER. Mr. President, I yield to the gentleman from Montgomery.

Mr. EDMONDS. Mr. President, I call attention to the fact that this amendment just put in provides that in every title there must be the written approval of the superintendent of public instruction; in other words, we are creating a school authority but it is a school authority that can only act under some supervision from the state and I am inclined to think when the Senator from Philadelphia reads the amendments put in today he will be satisfied with this bill.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 714, entitled:

An Act to further amend section fifteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by providing for the return of a portion of moneys received for licenses to the counties for use by Societies for the Prevention of Cruelty to Animals and specifically appropriating the same for such purpose.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 733, (House Bill No. 1087), entitled:

An Act to amend Clause (2) of Section 3 of the Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" by changing the definition of daily newspaper.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. DEITRICK. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DEITRICK on behalf of the physicians of the Senate, the gentleman from Luzerne, Dr. MUNDY, the gentleman from Warren, Dr. CHAPMAN, and himself read in place and presented to the Chair Senate Bill No. 856, entitled:

An Act providing for and regulating the State licensing and registration of nurses of several classes the biennial recording of licenses regulating nursing imposing penalties and repealing certain existing laws.

Which was committed to the Committee on Public Health.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

SENATE BILL No. 159, entitled:

An Act making an appropriation to the Department of Military Affairs for the purpose of erecting, constructing and equipping an auditorium at Indiantown Gap Military Reservation.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. EDMONDS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS, from the Committee on Education, reported as amended, Senate Bill No. 624, entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," increasing the minimum salaries of teachers in school districts of the fourth class and providing for the payment of the whole of such increase by the State for a period of two years.

Mr. FARRELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FARRELL, from the Committee on State Government, reported as amended, Senate Bill No. 171, entitled:

An Act to further amend subsection (a) of section five hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custoday and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 327, entitled:

An Act to further amend paragraph six of section thirteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," as heretofore amended by an act, approved the twelfth day of April, one thousand nine hundred and thirty-five (P. L. 25), by authorizing the civil service commission of such cities to make and establish regulations governing the reinstatement of persons who, without fault or delinquency, have resigned or have been separated from the service.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 346, entitled:

An Act to amend section two hundred one and to further amend sections two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation or calling optional in counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 587, entitled:

An Act to amend section three hundred six of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare, and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts in counties of the third class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 691, (House Bill No. 1093), entitled:

An Act to further amend the act, approved the eghth day of July, one thousand nine hundred nineteen (P. L. 764), entitled, "An act authorizing suits brought to recover in case of accidents in this Commonwealth in courts of common pleas to be certified to the Workmen's Compensation Board when discovered that suit has been brought wrongfully," extending said act to cases heretofore or hereafter so brought in any court of record; and defining the legal effect of such certifications.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 696, (House Bill No. 1205), entitled:

An Act to amend subsections (b) and (c) of section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Warren will state his question of personal privilege.

Mr. CHAPMAN. Mr. President,

WHAT'S WRONG WITH THE UNITED STATES

Since last Monday, there have been momentous changes in the world. One can sense in the acts and words of the men of affairs, who know the war situation, that time is a greater factor than ever before in the situation. Time to shift troops, time to secure ships and time to make and deliver to the weak spots of the British fronts more materials.

President Roosevelt has appealed for more haste in the delivery of the big bombing planes, and to that end has urged more action. Lord Halifax has added his voice to that of the President and Winston Churchill and has made a ringing plea for ships and more ships. The British Admiralty has given forth the figures of ship losses for the past month and they are staggering. The world's shipyards cannot begin to replace the tonnage that has been sent into Davy Jones' lockers.

And still there is loose in this country, the idea that everything is fine and that our Congressmen can spend endless days in debate. This idea is being carefully formulated and spread over the country by various groups bearing names in which "Peace" is predominant. But there can be no peace with such a group of highbinders and gangsters as Hitler, Mussolini and Stalin. These three stiletto bearing murderers recognize neither God, man,

nor the devil. Their word is but falsehood and their acts have not an iota of sincerity. They are beyond the pale of all decent men.

Certain men are leading the groups that are spreading this propaganda and to my mind it is a question whether or not they should be curbed. Some of the members of these propaganda spreading groups are doubtless sincere and it is not in harmony with American thought to forbid free speech. Yet the privilege of free speech is being abused in many quarters.

Ignorant people, devoid of thoughtful thinking, are given a mass of half truth which they absorb for the truth, and which, like Canadian thistles, once planted are hard to eradicate. These persons repeat the statements they have heard and unwillingly spread a school of thought that is most harmful. Some weeks ago I suggested that we Senators make an effort to inform ourselves on the situation in which the country today finds itself and truthfully tell our constituents. I feel we should not miss an opportunity to go before our service clubs, Chambers of Commerce and fraternal society meetings and spread the gospel of the aims and needs of our Nation.

We have been silent too long. In our state we have been hearing the Council of National Defense. I am hopeful that through this medium our people can be given the truth, and that by binding them together in the various organizations embodied in the Council of National Defense, secure some semblance of united effort. As I see it, Great Britain is today fighting a life and death battle and her efforts are as much in our behalf as they are in her own. It is a war on our system of life, it is a war on our liberties and our homes and firesides. It is a ruthless war to make free men slaves doing the bidding of a blood crazed trio of despots.

Think ye that Stalin who "liquidated" seven millions of his more prosperous farmers, sending them to Siberia where they died by millions; Mussolini, who had "a good laugh" as he was told how bombs dropping among the naked spear bearing Ethiopians, caused them to rise high in the air; Hitler who with a wave of his hand turns his murderers loose on conquered nations to shoot, rape and pillage; are men with whom peace could be made?

Churchill knows; Lord Halifax knows; the people of England, who with gritted teeth see their homes disappear into a mass of rubble as bombs drop, know. Our Secretary of War and the observers who have been over seas know, and they all echo a grand chorus "Away with the dictators and their satelites."

To that end we have promised "All Out Aid to England." And let me ask "Are we keeping our promise? Are we giving aid as we should? Have we geared our lives to that program? Are we desisting from the practice of taking from the war munition plants things they need for non-essential industry? Are our leaders cracking down as they should on those who persist in throwing encumbrances into the wheels of industry?"

It is impossible gentlemen to answer these questions. Our press, which Thank God is free and untrammeled, tells us that "we are getting into production". It pictures one tank rolling out of a factory; it pictures groups of planes lined up in airplane plants; it shows our shipyards busy; it portrays our research laboratories working on new high explosives, gas masks and sundry items, but how many of those items are being made?

Perhaps those are war secrets; perhaps we are not to know but when men like Paul McNutt come into our midst, I feel that at least a conference might be held with Legislators, and some ideas given them. I feel that we as men recognize by our constituents as worthy of seats in this Senate, could be given some insight into affairs. Then we could act more intelligently and perhaps with more speed.

Our state stands ready as it always has, ready to take up the burden of national defense. I feel that we are ready to appropriate money to aid the cause and to do whatever we are called upon to do. Our goal is to uphold the hands of our government to keep it free and in the hands of our peoples. To that end then, we should be told the truth.

I have heard it said "We are turning out more airplanes and more ships and guns than anybody knows, and I am lead to assume the factories are doing all right." For myself I think that idea is one that is causing a lag in the production. I cannot but see that people believing such a thing would tarry long with their play and feel that "George is doing it."

Personally, it is my idea that if American is falling down on the job after all the billions that have been voted for defense and all the "dollar a year" men have paraded down to Washington, and the President has more than rattled the saber, we should know it. This is no one man government. This is a government of the people, by the people and for the people, and there are ways and means to get action if the present leaders are falling down. I do not say they are, but we are entitled to know it if they are, and why? If it be politics, contracts to favorites who have to build plants to get into production and thus make the nation wait, then Congress has the right to ascertain and report to "We the People."

Our people are ready and willing to be taxed for defense. They are ready to forswear luxuries if need be. They are ready to march off into training camps, which for some reason have cost more millions than was given out but they are not ready to be deceived. It was deception by the leaders that laid France prostrate before the invader; it was deception that caused the harbor forts of Norway to withhold fire on the German transports until too late; it was deception that opened the gates of Belgium and we must have no deception here. Our streets are each day trod by young men in Kahki who are young, virile and fresh, and they must not be deceived and turned from free men into slaves.

There is today a dire need for the people to know the truth. Let us try to ascertain it and then in our capacity as leaders in the thought of our State, go forth and spread it in our home districts. It is a duty we have as I see it and as most of us are beyond the days of kahki, we must be in the first line of home defense, and no better way can be found to serve than to let our folk back home know the story of what is going on in our nation.

Have we voted enough for our Council of Home Defense? Has it funds with which to do a good job. This is one thing that is near to my heart. We have all loved ones in the ranks of the armed forces afloat or ashore and we must give to see they are properly armed and protected. It is my opinion that our national government should have liasion with every State government whereby the various states may at all times know the stark realities that are with us today.

PERMISSION TO ADDRESS THE SENATE

Mr. EDMONDS. Mr. President, I ask permission to address the Senate.

The PRESIDENT. If there is no objection the gentleman from Montgomery will proceed.

Mr. EDMONDS. Mr. President, when the debate was on concerning the attitude of those who had newly come to this country of America, I was interested sufficiently to write the historical section of the American Army to find out how many of those who served in the World War under the American flag had been foreign born, and I have some very interesting figures from the Adjutant General of the Army which I would like to read for the information of the Senate.

No compilation has been made by the War Department showing the total number of foreign born who served in the United States Army during the World War or of those who served overseas during that period. However, it may be stated that based on a study of applications for adjusted compensation under the provisions of the World War Adjusted Compensation Act in the cases of 3,138,261 individuals who served in the United States Army during the World War, 350,712 are shown to have been born in foreign countries of which number 10,388 were born in Germany. Of the latter number 378 were commissioned officers; 17 were army field clerks; 44 were nurses, of the Army Nurse Corps, and 9,949 were enlisted men. The total number of individuals who served in the United States Army during the World War was 4,057,101, of which number 2,059,629 served overseas.

In other words, Mr. President, taking three-quarters of the record of the American Army, it would be safe to say that more than ten per cent were foreign born, and of that ten per cent there was quite a sizable proportion who were born in Germany. I have always felt myself one of the great glories of this country was the quickness with which we Americanized those who came to us, and these figures help me to feel there is substantial authority for that point of view.

ERRATUM

The PRESIDENT. At page 1711 of the Legislative Journal of the Senate for April 28, 1941, several House Bills sent to the Senate for concurrence are shown as having been referred to the wrong committees.

House Bill No. 803, (Senate Bill No. 703), is shown as having been committed to the Committee on Education; it was committed to the Committee on Judiciary General.

House Bill No. 837, (Senate Bill No. 704), is shown as having been committed to the Committee on Municipal Government; it was committed to the Committee on Education.

House Bill No. 897, (Senate Bill No. 705), is shown as having been committed to the Committee on Education; it was committed to the Committee on Municipal Government.

House Bill No. 1021, (Senate Bill No. 706, is shown as having been committed to the Committee on Judiciary General; it was committed to the Committee on Education.

House Bill No. 1023, (Senate Bill No. 707), is shown as having been committed to the Committee on Education; it was committed to the Committee on Judiciary General.

The Journal of the Senate will be corrected accordingly.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, May 13, 1941, at 1:00 o'clock, p. m., Eastern Standard Time.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:55 o'clock, p .m., Eastern Standard Time until Tuesday, May 13, 1941, at 1:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, May 12, 1941

The House met at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Help us, O Lord, to love our country not less but Thy kingdom more. Help us to see our duty as citizens in the light of Thy eternal purpose. Help us to serve our country because we believe in her and feel that as we make her strong we are advancing the cause of righteousness and truth. Give us a faith that asks not to be relieved of responsibility to the world about us, that has the courage to face the problems of life, and no vain desire to live for itself alone. Help us to take our religion into the market-place and prove its power there.

Grant unto us a citizenship which is grounded in right living and devoted to the brotherhood of man. Make our country, we pray Thee, a friend of all the world, and help us, each and everyone, to strive to the end that our people may be a people who serve Thee, the one true and living God. In Jesus' name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 8, 1941.

The Clerk proceeded to read the Journal of Thursday, May 8, 1941, when, on motion of Mr. SNYDER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. MOUL (By Request). HOUSE BILL No. 1546.

An Act to amend section three of the act, approved the eighteenth day of June, one thousand eight hundred ninety-seven (P. L. 168) entitled "An act providing for the regulation of the manufacture and sale of distilled and fermented vinegars, prescribing their standard, to prevent the adulteration of the same, providing for the enforcement thereof, and punishment for the violation of the same," by making further provision for the labeling of packages or containers containing vinegar, and requiring packers, wholesalers and distributors of vinegar to keep certain records as to the manufacture thereof.

Referred to the Committee on Public Health and Sanitation

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 164. (HOUSE BILL No. 1547.)

An Act to further amend section one thousand two hundred and seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership in county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners, imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by increasing their compensation for services rendered by constables and their deputies.

Referred to the Committee on Elections.

SENATE BILL No. 223. (HOUSE BILL No. 1548.)

An Act to amend section four of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," changing the effective date of laws affecting budgets of political subdivisions.

Referred to the Committee on Judiciary General.

SENATE BILL No. 241. (HOUSE BILL No. 1549.)

An Act to further amend section two thousand six hundred and four of an act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the audit of accounts of fourth class school districts by the borough or township controller or auditors.

Referred to the Committee on Education.

SENATE BILL No. 345. (HOUSE BILL No. 1550.)

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills.

Referred to the Committee on Judiciary General.

SENATE BILL No. 551. (HOUSE BILL No. 1551.)

An Act to amend route 25008 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Referred to the Committee on Highways.

SENATE BILL No. 552. (HOUSE BILL No. 1552.)

An Act to abolish and repeal route 25008 in Girard Township, Erie County, established by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Referred to the Committee on Highways.

SENATE BILL No. 557. (HOUSE BILL No. 1553.)

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

Referred to the Committee on Highways.

RESOLUTION INTRODUCED AND REFERRED

By Mr. MORAN. RESOLUTION No. 94.

In the House of Representatives, May 8, 1941.

Whereas, The Western Pennsylvania Hospital of Allegheny County is a Recipient of an appropriation from the Commonwealth of Pennsylvania; and

Whereas, Quotations of the officials of the Hospital in the local daily press indicate that services at the Hospital are bein curtailed; and

Whereas, There is at present a dispute between the management and the employees of this Institution; and

Whereas, This controversy appears to be continuing without any signs of the parties envolved in this dispute in reaching a settlement in the near future; therefore

Be It Resolved, That in the interest of the citizens of this Commonwealth that the Speaker of the House appoint a Committee of five members of the House of Representatives to investigate this controversy at the Western Pennsylvania Hospital and report their findings to this Session of the House of Representatives.

Referred to the Committee on Rules.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

SEAMEN'S CHURCH INSTITUTE

A communication from Mrs. Carroll L. Rumsey, Phila-

delphia, addressed to the Speaker, favoring appropriation to Seamen's Church Institute.

Referred to the Committee on Appropriations.

REFUSE DUMPS

A communication from the Women's Club of Shamokin, addressed to the Speaker, favoring passage of House Bill No. 1227 providing for removal of coal stripping dumps.

Referred to the Committee on Appropriations.

BUILDING AND LOAN ASSOCIATIONS

Communications from Abernethy and Company, and Home Life Building Association, Philadelphia, addressed to the Speaker, favoring passage of Senate Bill No. 512 providing for the creation of a fund under state control by state chartered building and loan associations for insurance of deposits.

Referred to the Committee on Banking.

RECORDER OF DEEDS

Communications from Recorder of Deeds of Carbon, Huntingdon, Schuylkill and York Counties, addressed to the Speaker, favoring passage of House Bill No. 961.

Referred to the Committee on Counties.

TEACHER'S TENURE ACT

Communications from individuals and organizations addressed to the Speaker opposing passage of House Bill No. 1357, providing that un-American or subversive teaching or activity shall be a cause for dismissal under the Teacher's Tenure Act.

Referred to the Committee on Education.

SCHOOL CODE

Communications from citizens of Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1571, prescribing salary increments of elementary school teachers in First Class School Districts.

Referred to the Committee on Education.

STATE TEACHERS COLLEGE

Communications from citizens of Pennsylvania, addressed to the Speaker, protesting passage of Senate Bill No. 598.

Referred to the Committee on Education.

SCHOOL CODE

A communication from Civic Club of Allegheny County, Pittsburgh, approving passage of Senate Bill No. 4, providing for 11¾ mill school tax.

Referred to the Committee on Education.

SCHOOL CODE

A communication from the Northeastern Pennsylvania Fourth Class District Teachers' Association expressing appreciation for the passage of House Bill No. 227.

Referred to the Committee on Education.

SCHOOL TAX

Telegrams from Local Chapter Pennsylvania Association of Teachers of Colored Children and Sigma Gamma Rho Sorority, Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1402.

Referred to the Committee on Judiciary Special.

UNEMPLOYMENT COMPENSATION

A communication from Warner Company, Philadelphia, addressed to the Speaker, favoring passage of Senate Bill No. 80.

Referred to the Committee on Labor.

GASOLINE

A communication from Associated Retail Gasoline Dealers, Inc., Pittsburgh, addressed to the Speaker, expressing appreciation of passage of House Bill No. 523.

Referred to the Committee on Motor Vehicles.

STRIP MINING

Communications from Clarion and Cadogan, addressed to the Speaker, favoring passage of House Bill No. 788, relative to strip coal mining.

Referred to the Committee on Mines and Mining.

BEAUTY CULTURE

A communication from Henry's Academy of Beauty Culture, Allentown, opposing passage of House Bills Nos. 953 and 1170; Senate Bills Nos. 522 and 523.

Referred to the Committee on Professional Licensure.

OPTOMETRY

Telegrams and communications from citizens of Philadelphia favoring passage of House Bills Nos. 684 and 685.

Referred to the Committee on Professional Licensure.

NURSES

A communication from Pennsylvania State Nurses Association favoring passage of House Bills Nos. 674 and 675.

Referred to the Committee on Professional Licensure.

STATE TAX COMMISSION

A communication from The Public Education and Child Labor Association of Pennsylvania, Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1403, creating a State Tax Commission.

Referred to the Committee on Ways and Means.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

James E. Van Zandt
23rd District Pennsylvania
Home Address
Altoona, Pa.

Congress of the United States,
House of Representatives,
Washington, D. C.

The Honorable Elmer Kilroy, Speaker
House of Representatives,
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

My Dear Sir:

This will acknowledge with deep appreciation receipt of the Resolution adopted by the House of Representatives, commending me for my participation in the observance of Americanism Day on April 30, 1941.

I am greatly honored by the action taken and deeply appreciate the kindness of the Honorable George E. Jones and the Honorable D. Raymond Sollenberger in sponsoring the Resolution in the House of Representatives.

With every good wish, I am

Very sincerely,

JAMES E. VAN ZANDT

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 159.

An Act making an appropriation to the Department of Military Affairs for the purpose of erecting, constructing and equipping an auditorium at Indiantown Gap Military Reservation.

Wherupon, the Speaker in the presence of the House, signed the same

SENATE MESSAGES

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 12, 1941.

Resolved, (if the House of Representatives concur), that when the Senate adjourns this week, it reconvene on Monday, May 19, 1941, at 3:30 o'clock P.M. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, May 19, 1941, at 8 o'clock P.M. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 475.

An Act to further amend section seven of the act approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments", as amended, to extend the original jurisdiction of the Superior Court to include mandamus and prohibition in certain cases.

HOUSE BILL No. 1084.

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

HOUSE BILL No. 1187.

An Act for conveyance to the United States of America of title in and to certain land compromising the Marcus Hook Pennsylvania Quarantine Station property, and ceding to the United States jurisdiction over said land.

With the information that the Senate has passed the same without amendment.

REPORT FROM COMMITTEE

Mr. READINGER, from the Committee on State Government, reported as committed, House Bill No. 1543, entitled:

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House this evening two former Members of the House, the gentleman from Washington, Mr. Cliff S. Patterson, and the gentleman from Clinton, Mr. Joseph Simon.

UKRANIAN NATIONAL ASSOCIATION WELCOMED

The SPEAKER. The Chair welcomes to the House this evening the Ukranian National Association, who are holding their convention in Harrisburg.

Mr. O'CONNOR IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1257, entitled:

An Act to add section three and one-tenth to the act, approved the fifteenth day of May, one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks, except in certain cases; authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties," providing for an extension of time on permits for such displays when not made on the day designated in the permit.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1301, (Senate Bill No. 217), entitled:

An Act requiring the Department of Welfare to notify the Clerk of court and the county controller of all discharges or releases from institutions under its supervision.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1213, entitled:

An Act to amend an act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or

employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes" by more fully defining the times during which the benefits shall be payable and the amount thereof and to whom payable.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1295, entitled:

An Act to amend section four thousand four hundred two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for additional members of certain civil service boards.

And said bill having ben read at length the first time,
Ordered, To be laid aside for second reading.

The SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Cambria, Mr. O'Connor, for presiding.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1094, entitled:

An Act to protect the public health and safety by requiring registration with and the securing of permits from the State Board of Pharmacy by persons, copartnerships, associations and corporations engaged in the manufacture, producing and dealing in drugs and medical supplies, regulating the manufacture of drugs and medical supplies, prescribing permit, providing for inspections and the suspension and revocation of permits, conferring powers on the State Board of Pharmacy, and courts and providing penalties.

The first section was read:
On the question,
Will the House agree to the section?

Mr. ELLWOOD B. WELSH. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 19, by striking out the words "and appliances".
Amend Sec. 1, page 2, line 24, by inserting after the word "dentists" the ford: "nurses".
Amend Sec. 1, page 3, line 9, by striking out the word "lamps" and inserting in lieu thereof: "equipment".

The amendments were agreed to.
The section was agreed to as amended.
The second section was read:
On the question,
Will the House agree to the section?

Mr. ELLWOOD B. WELSH. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 3, line 26, by inserting after the word "drugs" the words: "medical or dental supplies".

The amendment was agreed to.
The section was agreed to as amended.
The third section was read and agreed to.
The fourth section was read.
On the question,
Will the House agree to the section?

Mr. ELLWOOD B. WELSH. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 4, page 5, line 3, by striking out the following: "tthe" and inserting in lieu thereof: "the".

The amendment was agreed to.
The section was agreed to as amended.
The fifth to the thirteenth sections inclusive and the title were separately read and agreed to.
And said bill having been read at length the second time and agreed to as amended.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 567, entitled:

An Act to reenact and amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect, the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," by providing for the registration and regulation of investment advisers and their solicitors; further defining "dealers" and further regulating dealers and salesmen; providing for service on registrants under provisions of this act conferring additional jurisdiction upon the courts of common pleas further regulating the business of buying and selling securities and imposing penalties

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 801, entitled:

An Act to further amend section nine of the act, approved the eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three (P. L. 503), entitled "An act relating to the sale and conveyance of real estate," by including spendthrift trusts in the provision accelerating vested remainders in certain cases.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1265, entitled:

An Act to amend section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" by changing a certain route

The first section was read.

On the question,

Will the House agree to the section?

Mr. LESKO. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 65), page 2, line 19, by striking out the word "Section" and inserting in lieu thereof: "Route."

Amend Sec. 1 (Sec. 65), page 3, line 7, by striking out the figures "13.2" and inserting in lieu thereof: "12.5."

The amendments were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1454, entitled:

An Act to further amend section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" prohibiting sales of liquor and malt or brewed beverages during certain hours unless the legislative body of a city borough town or township is in favor of the same

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1455, entitled:

An Act to further amend clause two of section twenty-three of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" prohibiting sales of malt or brewed beverages during certain hours unless the legislative body of a city borough town or township is in favor of the same

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1413, entitled:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania after the use of any highway as a detour has been discontinued to restore promptly such highway to substantially the same condition as it was prior to its use as a detour

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1188, entitled:

An Act to amend section six hundred ninety-nine and four-tenths of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" increasing the penalties for performing worldly employment games or diversion on Sunday

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 986, entitled:

An Act to amend section two thousand one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing the minimum compensation for patrolmen in such cities

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 139, entitled:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1401, as follows:

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," further regulating the establishment of standards and qualifications for assistance and imposing additional penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" is hereby amended to read as follows

Section 6 Rules and Regulations The State Board of Public Assistance shall have the power to promulgate rules and regulations concerning the administration of this act including the establishment of standards of eligibility for assistance and its nature and extent Provided however That such standards shall be based on the actual weekly cost of all assistance necessary for the maintenance of a decent and healthful standard of living determined in accordance with standards of cost in each county And provided further That no such rule or regulation shall restrict the right of any applicant for assistance who is employed but earns less than the established standard in such cases from receiving the difference between the amount of such earnings and the standard so established

The county boards shall determine the eligibility of an applicant under the standards so established subject to the right of appeal as provided under subsection (d) of section seven of this act

Section 2 Section thirteen of said act as amended by section three of the act, approved the twenty-sixth day of June, one thousand nine hundred and thirty-nine (P. L. 1091), is hereby further amended to read as follows:

Section 13. Penalties. (a) Any person who, either prior to, or at the time of, or subsequent to the application for assistance, by means of a wilfully false statement or misrepresentation, or by impersonation or other fraudulent means, secures, or attempts to secure, or aids or abets any person in securing assistance under this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00), or to undergo imprisonment not exceeding six months, or both, at the discretion of the court, and also [shall] may be sentenced to make restitution of any moneys he has received by reason of any such false statement, misrepresentation impersonation, or fraudulent means.

(b) Any person in the employ of any county board who, either directly or indirectly, influences or endeavors to influence the vote of any person receiving or applying for any form of assistance or pension under the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred ($100) dollars, or undergo imprisonment not exceeding six months (6) or both, at the discretion of the court.

(c) Any person receiving assistance, who secures employment, and fails to notify the county board with regard thereto and the consideration, salary or wages to be received therefore, within forty-eight hours, shall be guilty of a misdemeanor, and upon summary conviction thereof, shall be sentenced to pay a fine not exceeding twenty-five dollars ($25), or to undergo five (5) days imprisonment, or both, at the discretion of the court, and also may be sentenced to make restitution of any moneys received during the term of such employment.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate one of the sponsors of this bill.

The SPEAKER. Will one of the sponsors of this bill permit himself to be interrogated?

Mr. D'ORTONA. I shall, Mr. Speaker.

Mr. WOODSIDE. I would like to inquire of the sponsor of this bill whether or not it is his intention in it to create two different and separate standards upon which relief will be given, one of those standards being the determination of whether or not a person is entitled to relief, and another one being the standard to determine how much he may earn in addition to the amount which he is receiving on relief?

Mr. D'ORTONA. Mr. Speaker, it is not my intention to create two different ways of giving out relief.

Mr. WOODSIDE. Mr. Speaker, will the gentleman please tell the House what is the intention of this bill?

Mr. D'ORTONA. Mr. Speaker, the intention of this bill is to encourage people who are relief recipients to have confidence in themselves so that they can go out and earn a decent living.

In further answer, I want to say that a person receiving $4.80 a week first class counties, if he had one day's work, he would turn it down because his relief would be discontinued for the one day's work he would have in that one week. He would then have to be re-investigated and wait for three more weeks before he could be placed on the eligible roll.

The intention of bill 1401 is to have the people who are receiving relief, if they are offered or have an opportunity of receiving one or two day's work, that they could go out and earn that money without having their relief discontinued.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman whether there is not some standard or basis upon which the sum of $4.80 per week for a single person in the city of Philadelphia is arrived at.

Mr. D'ORTONA. Mr. Speaker, that standard was fixed by the Department of Public Assistance.

Mr. WOODSIDE. Mr. Speaker, it is not the intention to interfere with that?

Mr. D'ORTONA. It is not, Mr. Speaker.

Mr. WOODSIDE. But, Mr. Speaker, it is the intention

of the gentleman to provide if a man earned say four dollars a week, he would still be entitled to $4.80, is that correct?

Mr. D'ORTONA. Mr. Speaker, if the Department of Public Assistance according to Bill No. 1401, would set up a helpful and decent standard of living in the separate counties.

Mr. WOODSIDE. Mr. Speaker, am I to understand the gentleman then to say that the $4.80 standard or the method of arriving at the same is not to be changed by this bill, but that there is to be set up some additional standard to measure a fair rate, and that sum would be in addition to the $4.80

Mr. D'ORTONA. Mr. Speaker, if the man should find work, yes.

Mr. WOODSIDE. Mr. Speaker, then there really would be two standards, there would be the $4.80 for example and $6.80 standard for example?

Mr. D'ORTONA. Mr. Speaker, there would not.

Mr. WOODSIDE. Mr. Speaker, how would the gentleman determine how much in addition to the $4.80 anyone person is entitled to?

Mr. D'ORTONA. Mr. Speaker, the State Board would fix that standard.

Mr. WOODSIDE. Mr. Speaker, and that standard would not be $4.80?

Mr. D'ORTONA. Mr. Speaker, that I do not know, what standard they would think would be healthful in the separate counties.

Mr. WOODSIDE. Mr. Speaker, it is the thought of the gentleman to have that amount in excess to $4.80, is it not?

Mr. D'ORTONA. Mr. Speaker, if a man can earn it.

Mr. WOODSIDE. Mr. Speaker, then the amount would be in excess of $4.80?

Mr. D'ORTONA. Mr. Speaker, if he had the opportunity to earn it, I would say yes.

Mr. WOODSIDE. Then, Mr. Speaker, supposing a man is on relief and he is receiving $4.80 per week, and the board sets a standard of $6.80, he would then be entitled to earn two dollars and still continue to get the $4.80, is that correct?

Mr. D'ORTONA. That is right, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the Board in order to determine that situation of course would have to set the $4.80 standard and also the $6.80 standard, so that there would be two separate standards, but in addition to that suppose you have a man who is now on relief and earning nothing, and he gets $4.80 per week. The Board sets a second standard of $6.80, the man earns two dollars, he is then receiving $6.80, $4.80 from the State and two dollars from his job, he is entitled to it, is that correct?

Mr. D'ORTONA. That is correct, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, suppose you have a man who is not on relief but who is earning two dollars a week and exhausts his money, he continues to earn two dollars a week, would he then be entitled to $4.80?

Mr. D'ORTONA. Mr. Speaker, not unless he had made application and he would be eligible to be placed on the relief rolls.

Mr. WOODSIDE. That is the point I was getting to, Mr. Speaker.

The bill then creates this situation: there are two standards set up by the board, one standard upon which they will permit the person to receive relief, the second which they will consider the fair living standard which will be in excess of that amount. Then you have this situation: I am going to use figures in excess of this amount,—suppose we have a man and wife and several children, because it demonstrates the situation a little more clearly,— you have a man who we will say is receiving fifteen dollars a week on relief, and the board sets the proper living standard for him at twenty-five dollars per week; then he gets a job and he makes ten dollars a week on that job. He is receiving twenty-five dollars a week, fifteen dollars he is receiving from being on relief and ten dollars from his job.

Here is another man who did not happen to get on relief, he is earning on his job fifteen dollars a week. Under the law to-day he would not be entitled to receive anything in addition, and according to the standards set up by the bill as written he would still not be entitled to anything because he did not happen to be on relief.

So you have this situation; here is a man working on a job making fifteen dollars a week and not entitled to anything from the State, while right next door you will find his neighbor who happens to be on relief, and a week before he got the job this man was receiving twenty-five dollars a week from relief and his job together. That is going to cause havoc throughout the State, not only costing the state a tremendous additional sum of money but it is going to create a situation which would be definately unfair to all the people on relief, and create a condition whereby people side by side with exactly the same status, one will be receiving money from the state because he happens to be on relief, and the other who in the same situation would not be receiving any money from relief.

It sems to me this bill is entirely unwarranted and does not meet the problem which I think the gentleman wants to meet. I fully realize the thing the gentleman is aiming at. It is something that has given all of us a lot of serious trouble ever since we started giving relief. It is the thought that here is a man on relief, there ought to be some encouragement for him to go out and earn a dollar or two or three dollars, and he should not be punished, and he should not receive too severe a blow from relief because he is willing to go out and earn a little money. I realize that there is a situation that ought to be met, and if there is any sound way to meet it by legislation I certainly am one hundred percent for it. I know that two years ago it was a problem that we struggled with considerably and one to which we gave considerable time and thought. All of us would like to do something to meet that situation, but this bill, although it may be aimed at it, certainly is creating a far more serious, difficult and more unreasonable situation than the one which this bill aims to meet.

Mr. D'ORTONA. Mr. Speaker, House Bill 1401 is offered as a step in the direction of increasing the self-respect of our unfortunate people now on the Assistance rolls by giving them a chance to enjoy better and more healthy ways of living as the result of their own efforts rather than as the result of increased grants by the State.

When the State Board of Assistance sets its "Minimum Decent Living Standard" and the person on Relief knows that he may earn the difference between that standard and the amount the States can give him before anything is taken from his Relief cheque, not only will he and his family enjoy a much better living but also, he will become

interested in the matter of securing regular work of some sort that will enable him to continue his new mode of living. Once that point has been reached his self-respect and confidence will have been restored and he will be leaving the Relief rolls.

As to the argument that it will cost a great deal to check on him, there is no reason to believe that such check-up will cost any more than is now the case when some part of a Visitor's duty is to check on the eligibility of a person to continue on the Relief rolls.

The average American is only too glad to get off Relief and to again be free to spend his income as he deems best.

Under House Bill 1401 not one person will be added to the Relief rolls since eligibility for Relief is decided solely on the basis of need. Any "Standard" set by the Board will NOT be the amount the State will be obliged to give, it will only be the amount the person may have as a TOTAL income, including Relief grant, while continuing to receive such Cash grant.

It is hard to see how any person who voted for and believes in the principles covered by the work-relief plan can object to any plan such as offered under House Bill 1401 which is essentially a plan to encourage a person to seek to work for his living.

Mr. LEVY. Mr. Speaker, I rise very reluctantly to disagree with the minority floor-leader. I believe that the minority floor-leader rather misunderstood the bill as introduced. The bill does not confuse the issue, it does not raise two standards for relief. House Bill 1401 in my opinion merely gives the right to relief recipients, or the opportunity to earn as much as the State Department of Public Assistance thinks should be the standard of living in that particular community. I believe the bill is a meritorious one. I think it is a step in the right direction, because I feel that if this bill is enacted into law, it will not only curb what we have been annoyed with, which is known as chiseling, but it will give to the relief recipient encouragement and initiative to go out and earn more money. I believe that is the real intent of House Bill 1401.

The argument proposed by the minority floor-leader relative to two standards of relief, I believe, is an erroneous one, in view of the fact that he is taking two entirely different people. One person he would assume is on the relief rolls without employment, and the other person is on the relief rolls and has employment. They are two entirely different subjects and should be treated differently. I say to the membership of the House that House Bill 1401 is a meritorious bill, should be supported and deserves the vote of every Member of the House.

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia Mr. Levy.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. LEVY. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the information I have in regard to this bill I received from the sponsor rather than from reading the bill. Therefore, I do not think that I can be very far wrong.

In reference to the two standards of relief I would like to have the gentleman explain to me just how he assumes that there are not two separate bases or standards that the Board is going to set up.

May I ask first whether the Board does not set up a standard upon which it is going to give the person relief?

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Dauphin, Mr. Woodside, I would say there is a definite standard.

Mr. WOODSIDE. Mr. Speaker, will not the Board also under this bill set up the amount of money which they will permit that person on relief to earn in addition to the sum he is receiving from relief?

Mr. LEVY. Mr. Speaker, I would say in answer to the interrogation of the gentleman from Dauphin Mr. Woodside, no, and I regret to inform the gentleman from Dauphin if he received that impression from the interrogation of the gentleman from Philadelphia, he has received the wrong impression.

Mr. WOODSIDE. Mr. Speaker, will the gentleman tell me,—suppose we use an example, suppose I am on relief and I am receiving twelve dollars per week, there is a standard of the Board upon which that twelve dollars a week is arrived at, is that correct?

Mr. LEVY. That is true, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, under this bill can I go out and earn an additional sum and not have it deducted from my twelve dollars.

Mr. LEVY. Mr. Speaker, under this bill, in answer to the gentleman from Dauphin, this bill specifically gives the state Department of Public Assistance the right to determine a fair and reasonable standard of living. In that fair and reasonable standard is assessed the money to be received, but in assessing the correct standard the Board is not granting relief, it is granting the relief recipient the right to earn up to that amount.

Mr. WOODSIDE. Mr. Speaker, up to that amount. In other words that amount would be in addition to my $12, to be specific?

Mr. LEVY. No it would not, Mr. Speaker, because at the time you would be appealing to the Board for a fair and reasonable amount you would not be in a position to obtain relief, because at that time you would be employed.

Mr. WOODSIDE. Mr. Speaker, will the gentleman please try to help me out of my dilemma? As a party on relief receiving $12 a week I am on relief and I am not working. That standard is set by certain rules of the Board. I want a job and I get a job, and I receive $5 a week from that job. Under the law as it is today I receive $7 above relief and $5 which I have earned making a total of $12. Under this bill would I or would I not be entitled to $12 plus the $5 or any part thereof?

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Dauphin, Mr. Woodside, I would say that my interpretation of the bill would not give the relief recipient the right to get more than $7 supplemental relief.

Mr. WOODSIDE. Mr. Speaker, will the gentleman tell wherein the bill changes the law as it is now?

Mr. LEVY. Mr. Speaker, the bill will change the law in this particular instance; a person receiving $12 a week from the Department of Public Assistance would then become gainfully employed, for instances he would receive a position as a laborer and receive $18 a week. As the public assistance law now is enacted in the Commonwealth, the relief recipient immediately upon receiving $18 per week would necessarily have to refund to the state the amount in excess of the amount granted to him under the act, notwithstanding the fact that under the proposed legislation that man is receiving a maximum of eighteen dollars a week, whereas he merely receives a relief grant of twelve dollars per week, and then would

be permitted to receive eighteen dollars per week without any strings attached to it.

Mr. WOODSIDE. Mr. Speaker, does the gentleman mean to tell me if I am on relief and receiving fifteen dollars a week and I get a job for eighteen dollars a week that I am then compelled to pay the three dollars a week back to the relief board or the state?

Mr. LEVY. Mr. Speaker, no, that is not correct. That is not my understanding.

Mr. WOODSIDE. Mr. Speaker, that is what I understood the gentleman to say this bill prevented. Do I understand the gentleman then that it is his opinion if I am on relief and getting $12 a week and I earn $5 a week, I will be entitled to $7 relief today, and I will be entitled to seven dollars a week after this bill would be enacted into law, if it were to be?

Mr. LEVY. No sir, Mr. Speaker, it is not.

Mr. WOODSIDE. Mr. Speaker, what would I be entitled to if I were on relief and getting $12 a week and then would get a job making $5 a week?

Mr. LEVY. Mr. Speaker, the gentleman from Dauphin would then be entitled to the amount of money he received from his labor, plus the difference between that amount and the amount which would be set up by the State Board of Public Assistance as a reasonable and fair standard.

Mr. WOODSIDE. That amount which would be set by the State Board of Public Assistance as a reasonable standard would be an amount which would be different than my $12 a week?

Mr. LEVY. Mr. Speaker, that might be the case if the State Board of Public Assistance would so desire.

Mr. WOODSIDE. Mr. Speaker, then there would be two standards, one upon which they are paying relief and one which they consider a fair standard?

Mr. LEVY. No, Mr. Speaker, I wouldn't say there are two standards because I believe the gentleman from Dauphin is attempting to confuse two different and separate cases; one case in which a man is not employed receiving no money for his employment, and the other case where he is being employed for some nominal amount. That is the purpose of the bill in order to give encouragement to those on relief to accept any sort of employment, so that they might receive some nominal wage so as to reduce the relief costs or to reduce the relief status.

Mr. WOODSIDE. Mr. Speaker, suppose I am on relief and receiving $12 a week, that is a standard set up by the Board, does this bill not provide that some method or some standard may be set whereby I may earn some money but still receive the $12 a week?

Mr. LEVY. Yes, Mr. Speaker.

Mr. WOODSIDE. How much, Mr. Speaker?

Mr. LEVY. Mr. Speaker, the bill confers upon the State Department of Public Assistance the right to set those standards.

Mr. WOODSIDE. Mr. Speaker, that standard is going to be something in excess of $12 a week?

Mr. LEVY. That is true, Mr. Speaker.

Mr. WOODSIDE. Then, Mr. Speaker, you would have one standard of $12 and another standard in excess of $12?

Mr. LEVY. Yes, Mr. Speaker, in answer to the gentleman from Dauphin.

Mr. WOODSIDE. Mr. Speaker, are we going to have two standards?

Mr. LEVY. I am in agreement with the gentleman from Dauphin in regard to his deductions in certain cases but I refuse to be confused on this one issue. The two cases which the gentleman proposes are two separate and distinct cases.

Mr. WOODSIDE. No, Mr. Speaker, I am talking about myself, and the standards for myself as a recipient.

Mr. LEVY. Mr. Speaker, the gentleman from Dauphin is talking about himself but in two separate and distinct cases. First he talks about himself as an unemployed person and then he is talking about himself as being partially employed.

Mr. WOODSIDE. Mr. Speaker, I think that we have definitely established something which seems to me was evident in the first place and did not have had to be established.

The Board under this method would have to establish two separate standards for two separate amounts which would be arrived at in the same case: what's in the amount of money which I as an unemployed person would be entitled to receive in my case, and secondly what amount would I be entitled to earn if I were able to go out the week after I got relief, or the month or the year after I got relief, and earn some money? That is exactly what the gentleman has finally come to and what the sponsor of the bill said to me upon the floor of the House and privately that the bill provided. That being true you must have this situation; I am on relief and I am entitled to $12 a week, I get a job. We will have to assume that the board sets some amount, let us say that they set $17, it would be some amount in excess of $12. Say I go out and earn $5 a week. If I do go out and earn five dollars a week then I am still receiving twelve dollars a week which I am entitled to on relief. In other words my income during that week is $17, $12 on relief and $5 for my employment, is that not true?

Mr. LEVY. Yes, that is true Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the point I am making is this: that being true suppose I were not on relief today, I have a little money, I have a little nest egg and a job in which I earn $5 a week. Now my nest egg is exhausted, I am still on the job and I am still earning $5 a week. Under the law of today I could go in and apply for relief and receive $7. In other words, I could then receive a supplemental grant, as they call it, to bring my amount up to $12 per week. But if the sponsor of the bill has properly stated upon the floor of the House, I not being on relief could not come in under this bill if enacted into law, and collect the $12 a week. My neighbor who happened to be on relief before he got the $5 would be getting $12 a week from relief and $5 for his job or $17 a week, and I next door because I did not happen to be on relief would get only $5 plus $7 to which I would be entitled, or a total of $12. There are two people side by side earning the same amount in exactly the same status, one of them entitled to $12 a week and the other one entitled to $17 a week. That is what the gentleman from Philadelphia Mr. D'Ortona, the sponsor of this bill, said was the effect of it.

Mr. LEVY. Mr. Speaker, I do not know for what purpose the gentleman from Dauphin is attempting to confuse the issue, because I think the bill is very clear and I believe the gentleman from Dauphin thinks the bill is very clear. If he feels that the bill raises a question as to the difference between one family on relief and a family on relief with probably some employment, then I say to him there is

very little difference, if it should exist, in regard to the entire problem.

The gentleman from Dauphin knows, and every Member of the House who is interested in the subject of relief knows, that every county board of public assistance with the Commonwealth of Pennsylvania has since the inception of this present session tendered Members of the House, to the Governor and to the State Board of Public Assistance, resolutions calling for an increased standard in the Department of Public Assistance. The Governor probably in his wisdom, feeling that he cannot appropriate, or cannot request an appropriation large enough to care for relief needs in the Commonwealth of Pennsylvania, has, and I say this in all seriousness, straddled the issue. The Republican membership if they follow the dictates of the Governor, will also straddle the issue in their opposition to this bill.

This bill is very clear. The intention is, once and for all to give to the relief recipient the encouragement and the initiative to go out and make a nominal wage in some industry or some particular place of employment. If in the passage of this act, and if in the administration of this amendment, some people may be taken advantage of, as the gentleman from Dauphin points out, I believe this bill if it takes care of the vast majority it is intended to take care of it has done a fair job. I would say to the gentleman from Dauphin if a family, as he illustrates, has been on relief, and one particular member of that family receives a bit of employment, netting $5 a week, then I think it is the duty of this Legislature to encourage that employment rather than discourage it.

Mr. SHEPARD. Mr. Speaker, of course the gentleman from Dauphin puts up a hypothetical case, supposing he is on relief. That may be more real than fiction for some of us. If the Legislature stays in session much longer a whole lot of us will be on relief. Nevertheless, this bill seeks to set up a reasonable, decent standard of living for the people on relief; it seeks to encourage the people to go out and earn a decent standard of living, supplemented by what the relief board is able to give according to its budget.

If some person in private employment is not receiving a decent wage then it is up to us to try to legislate a minimum wage or in some way to take care of that situation. We cannot dictate to private employers as to what they must pay. It is a fact that many private employers are not paying a decent wage to their employees, but that cannot be the subject of this present bill. The present bill seeks to aid persons on relief to gain a decent standard of wage. Of course we cannot go into all the particulars, that is up to the Department of Public Assistance. Whether private employment gives a decent wage or not is not the subject of the present bill. The present bill is setting up a decent standard for persons on relief, and whether or not a person in private employment gets a decent wage is not the subject of this bill. I think we ought to support this bill and let the people on relief, and even let the private employers, know that the state of Pennsylvania does recognize a decent standard of living, set that standard and seek to encourage the person on relief to attain that standard.

Mr. SHAW. Mr. Speaker, as you know it was my Committee on Welfare from which this bill came. I am quite in accord with Mr. Woodside's statement that for a long time he and most of the leaders, not only during this session but during the last session, the 1937 session, felt very deeply concerned at the plight of those people for whom the state is doing its utmost in the matter of grants. But those grants were inadequate according to the best standards of living. I am very sorry that the debate has taken any turn on the political side. I can assure you that the bill has not been considered as a political bill.

Most of you who have served with me for several years know I have at all times felt that our system of granting relief, of granting assistance, has really pauperized the people whom it was intended to help. We certainly never at any time intended to encourage any person to sit down and wait for the postman to come with the check, rather than go out and try to earn a living for himself, or herself, as the case may be.

For a long time the State Board of Assistance, both the present one and the former one, has complained that under the amounts set up by the state it was absolutely impossible for them to live decently and in the proper way.

In Pittsburgh, for instance a single man on relief getting four dollars and forty cents per week, if he goes down street and he rubs off some man's car he gets fifty cents for it, if he goes and rubs off my car I would give him fifty cents and so on. If he reports the sums which he makes, and which incidentally he is supposed to report, not only are those sums taken off his relief check but they go on the suspicion that even then he didn't tell the truth, so they will wipe him off the rolls entirely and let him start all over again.

This bill is designed primarily to do away with that kind of thing and make that man an honest man again. I know the bill is not perfect, and I know that no bill that ever went through this House was perfect, and no panacea for all troubles, but certainly there is no price too much to pay that will insure that a man or women now on relief will regain his or her self respect and the desire to go out and work.

I can assure you that every Member of my Committee has talked this bill over after it was introduced. It came out of Committee only after serious consideration and it came out incidentally without one adverse vote. I certainly believe that the organizations throughout the state who were so anxious to have the standard of living raised will be in favor of any step such as this, which is considered to be a step in the right direction.

Mr. WOODSIDE. Mr. Speaker, I appreciate that there is hardly anybody in the state of Pennsylvania who without financial return gives more time and more effort and spends more of his own money on studying and investigating problems of relief in Pennsylvania than the Chairman of the Welfare Committee. I have a great deal of respect for him. I have a great deal of respect for the efforts he is putting forth and I have a great deal of respect for the knowledge he has concerning relief, but I do think this particular bill, although it is aiming at something we all admit to be a problem, is attempting to solve that problem, which we all admit and realize exists, by going about it in the wrong way.

Let me give you one more example how this bill would operate in an unjust manner. Suppose you had a man who was entitled to $15 a week as a standard of relief, and on the over all standard he would be entitled to earn ten additional dollars, or $25. You may have another man

next door who is working hard and earning $15 a week all the time and is not eligible to go on relief at all. He continues to earn just $15 a week, while the man who is on relief at $15 a week gets a job, part time or otherwise, and earns $10 making his income $25 a week. The man next door continues to struggle working for $15 a week. Those are the situations which this bill creates and because it does create those situations it is not fair and will not solve the problem which we all admit does exist.

Mr. D'ORTONA. Mr. Speaker, we have listened to arguments pro and con about people receiving relief of $15 a week and $12 a week. I wish to bring out an example: here is a family of five receiving $11.80 a week on relief. One of the little girls receives a job which pays $13 a week. This family pays $25 a month from the salary of $13 with ninety cents deducted for car-fare, the county relief board or the State Board of Assistance allows her twenty cents for lunch, which would mean $1.20 per week. Then they allow twenty-five per cent of her earnings which would be $3.45 for her stockings and her shoes and for whatever else she needs or a total of $5.35. The amount of $5.65 will be deducted from the $11.80. There is a sum of $6 per week for rent, and I am wondering whether any Members of this House or any citizen that is on relief, would believe that a family of five, who would have to dress more decently to go to work than a person sitting down in a house, could be fed properly with $5 a week for five people. Therefore, I say, Mr. Speaker, this bill is very important, and I ask the support of every Member of this House upon the statement I made here tonight.

Mr. ECKELS. Mr. Speaker, I do not believe this bill has any political implications and I agree with the things that have been said by the proponents of this bill. I heartily agree with the Chairman of the Welfare Committee in his aims and purposes. I know that these people are all conscientiously for this bill, believing that it will increase or raise the standard of living.

However, I think I see an evil in this bill that will lower the standard of living and will depress wages, and I would like to hear an answer to it. I would like to ask a hypothetical question. Consider that I am on relief getting $12 a week from the State, and I would like to have $18 a week. The Department of Public Assistance establishes the fair standard of living to be $18 a week. That means that I can go out and earn six dollars more, and I can have $18 a week. That means that I would be willing to go out and take a job for six dollars a week at which somebody else has been earning $18 a week. In other words, I would replace an $18 a week man for six dollars a week. Labor has always opposed the competition with prison made articles which is also on the basis of depressing wages. I would like to know the fundamental and logical difference, and I would like to know the practical difference, between this bill which will permit a man to go out for six dollars a week and work at a $15 or $18 a week job, and the prison contract which will prevent a man who is getting his keep from the State in prison, from making goods and putting them out in competition with the American laborer who has to earn his living. This would depress wages; it would decrease the standard of living instead of raising it.

Mr. LEVY. Mr. Speaker, I am very reluctant to spoil the calm and tranquillity of the Chairman of the Welfare Committee who desires to see the bill pass the House with the greatest of ease, but I do not have much regard for the roses being thrown from one end of the House to the other. I say to the minority floor leader, and I say to him in all seriousness, that he knows and every Member of this House that sat in the 1939 session knows, that if it was Republican policy to increase the standard of living in relief grants they had the opportunity to do it. They know that in 1939 General Welfare Bill amendments were introduced increasing the standards of the Department of Public Assistance, and they continuously voted them down on this very floor.

I say to the gentleman from Dauphin if he were trying to raise the standards of relief then he would vote for this measure. If he were crying for a high standard of relief to alleviate the horrible plight recipients of relief find themselves in Pennsylvania today, he would have accepted the amendments made in 1939 to the General Welfare Bill. I recall very distinctly that amendments were introduced, and I think the Legislative Journal of that session will bear me out in this, by the gentleman from Philadelphia, Mr. Scanlon and by myself, attempting to get the Department of Public Assistance to raise its meager standard and the entire Republican majority voted down by voice every amendment we attempted to put in on this floor. Therefore, I say to the gentleman from Dauphin shed no tears for these people because 1939 when the opportunity was presented the Republican Party failed them. I say to you, Mr. Speaker, in answer to that attempt that House Bill 1401 is now upon the floor of the House, and if we cannot give them according to the budget estimates, if we cannot give them at least a higher standard of relief, at least we can encourage those who have the courage to go out and earn a nominal wage in addition to the relief they receive.

Mr. TURNER. Mr. Speaker, the gentleman from Philadelphia, always reminds me of the story of the man who in making speeches always wove into them some place the statement of Patrick Henry, "Give me liberty or give me death." The gentleman from Philadelphia always at some point in any debate is able to find some way of accusing the Republican Party of all the crimes in the calendar and to place upon them the onus of having defeated something which he now thinks is good.

I do not intend to prolong this debate except simply to say this: it seems to me the majority party ought to get together over there and get some team work in what they are doing. The majority leader, the gentleman from Monroe, Mr. Achterman, has continuously cried on the floor of this House about the terrific deficit which the James Administration has and is going to have at the end of this biennium. He has belabored us with speeches from the time the Governor brought in his budget message, until last week I think was the last diatribe we had on that subject.

On one hand the majority leader is accusing the James Administration of creating a greater deficit and is giving the James Administration a bally-hoo for having had such a deficit, and on the other hand the gentleman from Philadelphia, Mr. Levy, is now accusing us of keeping down the relief grants. If we had done the things he now says we should have done in 1939, we would have created a greater deficit. It seems to me you just cannot

please anybody on the other side.

Mr. LEVY. In answer to the gentleman from Delaware, Mr. Turner, I might say that I heard the majority floor-leader in this session talk about a ninety-two million dollar deficit, but I never heard the majority leader say that the deficit came from the heart action of the Republican Governor in giving out relief grants. The people of the Commonwealth know the condition of public assistance in Pennsylvania today. I know and the majority leader knows the condition of public assistance in Pennsylvania today, and also the minority leader.

I say again to Mr. Turner the fault was in 1939 when we introduced amendments to the general welfare bill. I do not have the Legislative Journal of 1939 at hand, but I know and everyone who sat in that session knows that amendments were offered to raise the standard of relief and they were refused. He knows in 1940 the governor of the Commonwealth of Pennsylvania was compelled after he stated in 1939 he knew all about the budget and the amount required for relief, had to call a special session to appropriate twenty-five million dollars for relief, and that he knew it in 1939 when he appropriated the small amount of money which he did. I say to the gentlemen on the other side of this House, let us face this issue honestly. If we say to the people of the Commonwealth our standards of relief are not up to par, then let us give it to them. If we say our standards of relief are just, then I say vote against this bill.

Mr. TURNER. Mr. Speaker, the gentleman from Philadelphia seems to be no better than the gentleman from Monroe, Mr. Achterman, in his argument on figures, because apparently the gentleman from Philadelphia, Mr. Levy, has forgotten that we had a deficit in the relief appropriation in the Earle Administration, and that in the last six months of that biennium and the first six months of the James Administration we had to appropriate money because the drawer was empty and the till was dry and we didn't have any money. I do not have the figures distinctly in mind but I think I am correct in saying that the James Administration spent more money for relief than was spent by the Earle Administration, and that perhaps is not any credit to either administrations, because, in the first place, the Governor thought the Federal Government was going to do the right thing in Pennsylvania and keep up WPA to the same extent it had during the Earle Administration. We got short changed a lot by the Federal Government during the early part of the James Administration. In the second place in the fall of 1939 we had perhaps the heaviest relief load we have ever had. So it is not a question over which any administration has any control as to the amount of money that is required for relief under the present standards and under the present conditions, but they meet the situation as it arises created by unemployment. That is away off from the things the gentleman from Philadelphia, Mr. Levy, is talking about. On the one side the Democrats are complaining about the deficit and they are trying to hang it on the James Administration where it does not belong. It was not the fault of that administration and had nothing to do with it. On the other hand, they say that in 1939 we ought to have set up these standards, which would have meant more money and would have created a greater deficit, and that would have been more to holler about.

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Delaware, Mr. Turner, I only want to say that my quarrel is not over the special session to supplement the relief deficit, but it is in the beginning of the regular session when the problem was not attacked honestly. In 1939, Governor James was faced with the problem of appropriated morey for relief. He knew at that time that the Commonwealth was spending approximately ten to ten and a half million dollars a week, and using arithmetic with paper and pencil would have shown that the relief appropriation could not possibly last more than one year or thirteen months. Notwithstanding that argument, and notwithstanding the proof that was shown in black and white, he nevertheless stood stubborn in his figures and appropriated so much money. Not content with that when the Legislature went home, he took something like twenty-million dollars from the relief budget.

In answer to the gentleman from Delaware, I say to him that Governor Earle during his administration ran short of relief funds, but in those days we appropriated the money according to our figures, and if we felt we needed $220,000,000 for the biennium, that was the money appropriated. Unfortunately, the money was not sufficient and another special session was necessary. At least in the beginning when the budget estimates were first adopted, the budget director, along with the Members of the Assembly, and I do not recall the gentleman from Delaware, then the minority floor-leader, raising any objection to the amount of relief in 1937. He thought it was enough then, but we in 1939 on this side of the House pointed out that the James estimated budget for relief was not sufficient and it turned out not to be so.

Mr. TURNER. Mr. Speaker, I apologize for rising for the third time. I would just like to say this, when it comes down to estimates I remember the Members on the other side of the House weeping and wailing about the fact that the estimates of the James Budget would only carry the relief to the first of January 1940. As a matter of fact we carried it down to May of 1940, so if it is a question of who is the best guesser I think we guessed a little bit better than the other side.

Mr. D'ORTONA. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Hering, Hersch, Kolankiewicz, Melchiorre, DiGenovo, Breth, Cochran, Polaski, Reynolds Shaw, Bentzel, Malloy, Gallagher, McLane, Gryskewicz, Voldow, Tate, Rosenfeld, Heatherington, Shaffer, Goodwin and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—170

Achterman,	Finestone,	Lee, T. H.,	Readinger,
Allmond,	Finnerty,	Leonard,	Reagan,
Auker,	Fisher,	Lesko,	Reese, R. E.,
Baker,	Fiss,	Levy,	Reynolds,
Balthaser,	Fleming,	Leydic,	Rhoda,
Baugher,	Fletcher,	Lichtenwalter,	Rooney,
Bentzel,	Flynn,	Longo,	Rose, S.,

Boies,	French,	Lovett,	Rose, W. E.,
Boney,	Gallagher,	Malloy,	Rosenfeld,
Boorse,	Gates,	Marks,	Rush,
Bower,	Gerard,	Maxwell,	Scarf,
Bradley,	Gillette,	McClanaghan,	Scanlon,
Breth,	Goodwin,	McClester,	Schwab,
Brown,	Greenwood,	McDermott,	Serrill,
Brunner, C. H.,	Gross,	McFall,	Shaffer,
Brunner, P. A.,	Gryskewicz,	McIntosh,	Shaw,
Burns,	Gyger,	McLanahan,	Shepard,
Burris,	Haberlen,	McLane,	Skale,
Cadwalader,	Haines,	McMillen,	Stank,
Chervenak,	Hamilton,	McSurdy,	Tarr,
Chudoff,	Harkins,	Melchiorre,	Tate,
Cochran,	Harmuth,	Mihm,	Taylor,
Cohen, M. M.,	Harris,	Modell,	Thompson, E. F.,
Cohen, R. E.,	Heatherington,	Monks,	Thompson, R. L.,
Cook,	Helm,	Mooney,	Trout,
Cooper,	Hering,	Moran,	Verona,
Cordier,	Herman,	Moul,	Vincent,
Corrigan,	Hersch,	Muir,	Vogt,
Croop,	Hewitt,	Munley,	Voldow,
Cullen,	Hirsch,	Nunemacher,	Voorhees,
Dalrymple,	Holland,	O'Brien,	Watkins,
Dennison,	Huntley,	O'Connor,	Weiss,
DiGenova,	Imbrie,	O'Dare,	Welsh, E. B.,
Dix,	Jefferson,	O'Mullen,	Welsh, M. J.,
Dolon,	Jones, G. E.,	O'Neill,	Wilkinson,
D'Ortona,	Jones, P. N.,	Owens,	Williams,
Duffy,	Keenan,	Petrosky,	Wolf,
Early,	Kenehan,	Pettit,	Woodring,
Elder,	Kline,	Polaski,	Wright,
Elliott,	Knoble,	Polen,	Yester,
Ely,	Kolankiewicz,	Powers,	Young,
Falkenstein,	Komorofski,	Prosen,	Kilroy,
	Lee, E. A.,	Rausch,	Speaker.

NAYS—17

Bretherick,	James,	Turner,	Winner,
Foor,	McKinney,	Van Allsburg,	Wood, L. H.,
Habbyshaw,	Reese, D. P.,	Wagner,	Wood, N.,
Hall,	Royer,	Weingartner,	Woodside,
Hare,	Snyder,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. WALTER E. ROSE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Cambria will state his question of personal privilege.

Mr. WALTER E. ROSE. Mr. Speaker, I refrained from raising this point during the debate on the bill just passed, lest I offer further complications in an already confused situation.

The point I make is one I mentioned once before on the floor of the House, and is one which I have taken up privately with the Sergeant-at-Arms and with the Page boys, and that is that the bills are not being placed on the Members' desks. This bill in particular is not in my desk or the desks of other members around me. They skip from 483 to 527. I know the men who put these bills on the Members' desks have an endless job in handing out the bills but there is no reason why they cannot look at the last bill number on the Member's desk to insure that there is not a gap. This bill is not on my desk or on the desk of many of the Members here. All these bills should be on the Members' desks during the debate so that we may go over them.

The SPEAKER. The Chair thanks the gentleman from Cambria for calling this important matter to the Chair's attention.

The Chair requests the Chief Clerk to take notice of the question raised by the gentleman from Cambria, Mr. Rose.

The Chair would also request Members who find bills are not in their files to please notify the Chair when the bill comes before the House, or at any other time.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 124, as follows:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providig for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase by giving certain additional rights to producers' and farmers' unions or organizations producing milk setting up a price fixing procedure restricting powers of the Governor and providing for the payment of funds in the hands of the commission owing to producers and handlers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and sections 103 203 301 304 305 307 308 310 311 401 402 403 404 405 410 501 502 503 505 506 508 510 511 512 513 703 801 802 803 804 807 808 809 904 1003 and 1101 of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entilted "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the is-

suance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" are hereby amended to read as follows

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery handling bailment brokerage consignment purchase and sale of milk and certain products thereof providing for the licensing of milk dealers or handlers and the payment of fees therefor requiring milk dealers or handlers to file bonds to secure payment for milk to producers and certain milk dealers or handlers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon the courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers or handlers and producers requiring the keeping of records and the filing of reports by milk dealers or handlers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products [subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto] setting-up a price fixing procedure restricting powers of the Governor providing for the payment of funds in the hands of the commission owing to producers and handlers providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commision defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

Section 103 Definitions Construction The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Books and records" or "books or records" shall include all pertinent books ledgers journals records papers memoranda correspondence vouchers bills receipts cancelled checks accounts exhibits photographs and other documents

"Commission" means the State agency created by this act to be known as the "Milk Control Commission"

"Consumer" means any person other than a milk dealer or handler who purchases milk for his own consumption or use

"Handle" to handle means the doing of any one or several or all of the following acts to buy sell barter acquire store process consign receive transport control as owner buyer seller consignee consignor bailee bailor broker or factor

"Milk Dealer" or "Handler" means any person including any store or subdealer or subhandler as hereinafter defined who on his own behalf or on behalf of others purchases or receives within the Commonwealth milk from producers associations of producers or other handler who handles milk within the Commonwealth for sale shipment marketing storage processing manufacture consignment or brokerage whether as owner consignee consignor bailee bailor buyer seller broker or factor A producer who delivers milk to a milk dealer or handler only shall not be deemed a milk dealer or handler A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer or handler but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer or handler as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers or handlers and others

"Licensee" means a licensed milk dealer or handler

"Market" includes any county city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portions thereof or any other land within the territorial limits of the Commonwealth designated by the commission as a marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk flavored milk or milk drink buttermilk ice cream mix and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans

["Milk dealer" means any person including any store or subdealer as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers and others]

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned [by two or more individuals] or conducted by or on behalf of two or more individuals or other persons

"Price" includes the amount paid or to be paid and the proceeds returned or to be returned whether the transaction be one of purchsae sale consignment sale or return accounting or otherwise

"Producer" means a person producing milk

"Store" includes a grocery store hotel restaurant soda

fountain dairy products store or any similar mercantile establishment which sells or distributes milk

"Subdealer" or subhandler" means any milk dealer or handler handling milk within the Commonwealth who sells or delivers all such milk to consumers or stores in the same containers as those in which he acquired it from other milk dealers or handlers

Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

Article or section headings shall not be construed to affect in any manner the scope or meaning of any article of section of this act

The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 203 Secretary Administrative Code The commission may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission [with the approval of the Governor] shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the commission

Except as otherwise specifically provided in this act the commission and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) its amendments and supplements which apply generally to independent administrative boards or commissions

No person employed in the work of the commission shall for a period of two years after leaving the service of the commission be eligible to appear before the commission representing any person interested in any proceeding pending before the commission

Section 301 Regulation of Milk Industry The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power to supervise investigate and regulate the entire milk industry of this Commonwealth including the production transportation disposal manufacture of food products made from or with milk processing storage distribution delivery handling bailment brokerage consignment purchase and sale of milk and milk products in this Commonwealth and including the establishment of reasonable trade practices systems of production control and marketing area committees in connection therewith Provided however That nothing contained in this act shall be construed to alter amend or repeal any of the laws of this Commonwealth relating to the regulation of public utilities or to the public health or to the prevention of fraud and deception except as herein otherwise specifically provided

Section 304 Hearings Witness Fees Privilege and Immunity The commission [or] any member thereof [may] or any special agent or examiner designated by the commission shall hold such hearings at the Capitol or elsewhere as [it] the commission deems necessary or appropriate to carry out the provisions of this act Provided however That all hearings for the fixing of prices for milk shall be held before one or more members of the commission Each witness required to attend before the commission [or] any member thereof or any such special agent or examiner under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County All such hearings [of the commission] shall be governed by such rules regulations and orders as shall be adopted and precribed by the commission

No person shall be excused from testifying or from producing any books and records at any hearing before the commission a commissioner or any special agent or examiner designated by the commission when ordered to do so upon the ground that the testimony or evidence books or records required may tend to incriminate him or subject him to penalty or forfeiture but no person shall be prosecuted punished or subjected to any forfeiture or penalty for or on account of any act transaction matter or thing concerning which he shall have been compelled under objection to testify or produce documentary evidence Provided That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony

Section 305 Subpoenas Oaths In order to enable the commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attendance and testimony of or the production of pertinent books and papers by milk dealers or handlers or their employes producers or their employes persons having business dealings with milk dealers or handlers or producers or other persons whom the commission believe to have information books or papers of importance to it in carrying out the purposes and intent of this act [The commission] Each member of the commission and such officers employes or others employed in the work of the commission designated by the chairman of the commission also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers The commission may issue commissions letters rogatory or other appropriate processes outside the Commonwealth

Section 307 Adoption of Rules Regulations and Orders [Subject to the approval of the Governor where such approval is hereinafter expressly required the] The commission [may] shall adopt and enforce all rules and regulations and orders necessary or [desirable] appropriate to carry out the provisions of this act and not inconsistent with law

Section 308 Posting and Service of Rules Regulations and Orders Every general rule regulation or order of the commission shall be posted for public inspection in the main office of the commission at least six days before it shall become effective where it shall remain conspicuously posted until twenty days after its effective date and shall be given such further publicity by advertisement or announcement in a newspaper or otherwise as the commission shall deem advisable At least three days before it shall become effective copies of such general rule regulation or order shall be mailed to all licensees and producers groups and organizations affected thereby Provided however That such mailing shall not be construed as a condition upon which the validity of any such rule regulation or order depends A certified copy of an order applying only to the particular person or persons named therein shall be served on the person or persons affected

An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

The posting in the main office of the commission of any rule regulation or order not herein required to be served and the giving of such further publicity thereto as the commission deems advisable or the proper service of any rule regulation or order required to be served shall constitute due and sufficient notice to all persons affected by such rule regulation or order A rule regulation or order of the commission when duly posted and so publicized or when properly served as provided in this section shall have the force and effect of law The commission shall upon request mail to any person a copy of any general rule regulation or order of the commission

The mailing or service by mail herein required shall

be by deposit in a United States Post Office or in any receptacle thereof Service by registered mail as provided in this section shall be effective notwithstanding the refusal of the addressee to accept or receive an order so served

Section 310 Entry and Inspection Pursuant to the purposes of this act any member of the commission or any employe designated for the purpose shall have access to and may enter and inspect at all reasonable hours all places and equipment where milk or any product thereof is being produced stored bottled processed manufactured sold weighed tested consigned or otherwise handled Any member of the commission or any designated employe thereof also shall have power at all reasonable hours to inspect mark or stamp for identification audit and copy all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the commission to administer this act The information obtained regarding any person by any such inspection auditing or copying or by reports or statements required or authorized by this act shall be for the confidential use of the commission and the various administrative departments boards and commissions of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court and any member or employe of the commission or other person disclosing such information except as herein required shall be subject to the penalties herein provided for a violation of this act Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data

Section 311 Interstate and Federal Compacts The commission is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states The commission is authorized to join with such authorities of other states and with the authorities of the United States to conduct joint investigations to exchange information hold joint hearings and issue joint complementary or concurrent orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

Section 401 Milk Dealers or Handlers Required to be Licensed Except as herein otherwise specifically provided a milk dealer or handler as defined in this act shall not buy [milk] or handle milk whether as a broker from producers within this Commonwealth for storage consignment brokerage manufacture processing distribution or sale within or without this Commonwealth or manufacture process handle sell or distribute milk within this Commonwealth unless such dealer or handler be duly licensed as herein provided and it shall be unlawful for a milk dealer or handler to buy or receive milk from or sell or consign milk to or handle as broker factor consignee or otherwise milk for a milk dealer or handler who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

Section 402 Milk Dealers or Handlers Subject to Exemption The commission may by official order exempt from the license requirements provided by this act milk dealers or handlers who purchase or handle milk in a total quantity not exceeding one thousand five hundred pounds in any month and milk dealers or handlers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The commission may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer or handler However milk dealers or handlers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers or handlers Provided however That in cash sales of milk at the farms of producers to consumers in containers owned and provided by the consumer the producers so selling milk shall be exempt from the provisions of this act

Section 403 Applications An application for a license to operate as a milk dealer or handler shall be completed and filed by the dealer or handler with the commission within thirty days after this act takes effect or prior to his engaging in business and annually thereafter on or before April fifteenth by mail or otherwise upon a form prescribed by the commission Such application shall be accompanied by the fee required by this act and by a bond when so required by this act in order to be complete The license year shall commence May first and shall end April thirtieth following The applicant shall state under oath or affirmation upon a form prescribed by the commission the following

(1) The nature of the business to be conducted

(2) The full name of the person applying for the license If the applicant is a copartnership or association the full name of each member shall be stated If the applicant is a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the commission filed or served as required in this act the quantity source and outlet of milk handled within the Commonwealth during the calendar year preceding the period for which the license is desired and such other facts with respect to the applicant's business as may be required by the commission pursuant to this act

Section 404 Grounds for Refusal Suspension or Revocation The commission shall grant a license to an applicant complying with the provisions of this act and the rules regulations and orders issued by the commission pursuant thereto The commission may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or handler or may prohibit a milk dealer or handler exempted from the license requirements of this act from continuing to operate as a milk dealer or handler after determination by the commission that the dealer or handler

(1) Has rejected without reasonable cause any milk purchased or acquired from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered or made available by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contract "reasonable advance notice" shall not be construed to mean notice of less than one [week] month nor more than [two weeks] three months

(2) Has [without reasonable cause failed to account and make payment for any milk purchased from a producer] if a milk dealer other than a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a producer or producers or has if a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a milk dealer Provided however That if it be shown that there was reasonable cause for any such failure to account and make payment and that such accounting and payment can and will be made promptly in addition to currently accounting and paying for milk purchased or received as aforesaid the commission shall not refuse to grant or suspend revoke or refuse to transfer a license solely for such failure to account and make payment until a reasonable opportunity has been afforded to make such accounting and payment

(3) Has committed any act injurious to the public health or public welfare or has committed any act injurious to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such

demoralization is injurious to the public health public welfare and to trade and commerce and that evidence thereof shall include any course of conduct on the part of the milk dealer or handler in violation of the terms of this act or any valid rules regulations and orders of the commission

(4) Has made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution remains wholly or partly unsatisfied

(5) Has been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders or any producers' or farmers' union or organization shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) Has continued in a course of [dealing] conduct of such nature as to [satisfy the commission of an intent of the] manifest an intention on the part of such milk dealer or handler to deceive or defraud producers or consumers

(7) Has failed either to keep records or to furnish accurately the statements or information required by the commission to be supplied to it or to producers or consumers

(8) Has made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) Is a partnership association or corporation and any individual holding any position owning any substantial interest or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) Has violated any of the provisions of this act or any of the rules regulations or orders of the commission or any stipulations entered into between the said dealer or handler and the commission in the course of any proceeding before the commission

(11) Has violated any provisions of acts repealed hereby or of rules regulations or orders issued thereunder

(12) Has previously been refused a license or has previously held a license that the commission revoked or that the commission suspended and the event upon which the suspension of the license would terminate under the order has not occurred

(13) Has rejected milk sold or delivered or made available on consignment or otherwise by or on behalf of a producer in ordinary continuance of a previous course of dealing because the producer or his employe agent or representative testified in any proceeding before the commission or in any civil or criminal case in any court whether or not of record in which any provision of this act or any order of the commission was concerned and it shall be no defense that reasonable advance notice was afforded the producer before the milk was rejected

The burden of proving reasonable cause under any provisions of this section shall be upon the milk dealer

The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the license period [unless] except where the commission or its predecessor board had proceeded against the licensee for such violation and any valid order thereon has been complied with by the licensee

The commission shall grant a provisional and temporary license to a prior licensee when if for any cause the action of the commission with respect to an application seasonably filed has not become final prior to the expiration of the period of such prior license Such a temporary and provisional license may be issued on such terms and conditions as the commission may impose and shall authorize the licensee to continue in business until final action with respect to his pending application has been taken and no longer

Section 405 Hearings and Orders Before refusing to grant or to reissue or before suspending revoking or refusing to transfer a license the commission shall afford the applicant or the licensee respectively an opportunity to be heard It shall direct a citation to such applicant or licensee by registered mail sent to his last known address giving therein at least five days' notice of such hearing and a statement of the matters complained of The direction of such citation by registered mail as aforesaid shall be sufficient notice of such hearing nothwithstanding any refusal of the addressee to accept or receive said citation The five days' notice shall be computed as from the time that the addressee accepts or receives or refuses to accept or receive said citation After such hearing and upon entry of any order thereon the commission shall serve a certified copy of such order upon the applicant or licensee filing at its office the original and a statement in writing of the findings of fact in support thereof

Section 410 Computation of License Fees Milk sold and distributed outside of this Commonwealth in any state which charges milk dealers or handlers a license fee may be deducted in the determination of the amount of the license fee required by this act Provided That such quantity of milk is actually computed in determining the amount of such license fee in such other state in computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commission shall prescribe except in the case of farm-separated sour cream used exclusively in making butter in which case the daily average total quantity of such milk shall be computed according to pounds of sour cream rather than the fluid milk equivalent thereof Nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer or handler from another milk dealer or handler subject to license hereunder which milk has been included in the computation of such other dealer's fee or milk which is produced by the applicant dealer or handler and not sold by him to stores or consumers Applicant milk dealers or handlers other than subdealers or subhandlers receiving their entire supply from milk dealers or handlers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars ($10.00)

Section 501 Milk Daelers or Handlers Required to File Bonds It shall be unlawful for a milk dealer or handler to purchase acquire or receive on consignment or otherwise milk from producers unless the milk dealer or handler shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Except as otherwise herein provided the bond shall be in a sum equal to the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed one hundred thousand dollars ($100,0000.00) The bond shall be upon a form prescribed by the commission conditioned for the payment by the milk dealer or handler of all amounts due including amounts due under this act and the orders of the commission for milk [sold by such producers to] purchased or otherwise acquired from producers by the milk dealer or handler during the license year upon such terms and conditions as the commission may prescribe

In the case of a milk dealer or handler who pays producers in full each week for milk purchased acquired or received by him from such producers the bond shall be in the sum equal to fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed fifty thousand dollars ($50-000.00)

Section 502 Computation of Amount of Certain Bonds

Milk purchased acquired or received by a milk dealer or handler from producers outside the Commonwealth and sold or distributed by such dealers or handlers as fluid milk within the Commonwealth shall be included in computing the amount of such dealer's or handler's bond except where such dealer or handler has filed a bond for the protection of such producers with the state wherein the milk is purchased acquired or received or with such producers In such computation the amount due for such milk shall be determined according to any applicable official prices or any lawful contact price

A milk dealer purchasing or handler purchasing acquiring or receiving or intending to purchase acquire or receive milk from producers but not so engaged during any month of the preceding calendar year shall file a bond in a reasonable sum to be fixed by the commission and within the time for filing his application such dealer or handler shall request the commission to fix such sum

Section 503 Time of Filing Effective Period of Bond The bond herein required shall be filed with the dealer's or handler's application for a license and shall be filed within the time for filing such application The bond shall become effective upon its being filed with the commission for the entire license year or for that part of the license year in which the milk dealer or handler became engaged in the milk business Any bond filed with the commission shall become effective upon being filed whether or not it is approved by the commission and shall no longer be of effect during the license year only when it has been replaced by a bond approved by the commission to be substituted therefor The bond herein required shall be an obligation independent of the granting of a license and shall remain in full force and effect for and during the license year designated as long as the dealer or handler purchases or receives milk from producers or is indebted to pay producers for any milk delivered during said license year whether or not a license is granted the milk dealer or handler or a license granted the milk dealer or handler remains in force The commission shall determine within a reasonable time after the close of a license year which milk dealers or handlers have paid all amounts protected by their bonds filed with the commission and if the commission finds that all amounts protected by the bond of a milk dealer or handler have been paid it shall thereafter return the bond for said past license year to each such milk dealer or handler

Section 505 Financial Statement A milk dealer or handler shall from time to time when required by the commission make and file with the commission a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the commission which financial statement shall contain the names of the producers from whom milk was purchased acquired received or handled on consignment or otherwise the amount due to the producers and any other relevant facts required by the commission pertinent to the dealer or handler or the dealer's or handler's surety or sureties

Section 506 Increase of Decrease of Bond If it shall appear from the dealer's or handler's financial statement or from facts otherwise ascertained by the commission that the bond afforded to producers selling supplying or making available on consignment or otherwise milk to such milk dealer or handler does not adequately protect such producers the commission may require such milk dealer or handler to procure an additional surety or to give an additional bond or additional security for the collateral bond in a sum to be determined by the commission which (1) shall not exceed more than fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received on consignment or otherwise by the dealer or handler from producers in any one month during the preceding or current year which value shall be computed according to the prices applicable [and] or which (2) shall be a sum not exceeding by more than fifty per centum the amount found to be due and owing producers by such dealer on a particular date determined by the commission whichever sum is greater but the total increase shall not in any event exceed fifty thousand dollars ($50,000.00) In the case of a milk dealer or handler who pays producers in full each week for milk purchased acquired or received or handled on consignment or otherwise by him from such producers any increase required hereunder shall not exceed more than twenty-five per centum of such value [and] or amount but the total increase in any event shall not exceed twenty-five thousand dollars ($25,000.00)

The commission may grant a reduction of the bond or the collateral or release an additional surety if it shall appear that owing to a decrease in the milk [purchases of the milk dealer] purchased received or handled by the dealer or handler or to other causes a bond in a lesser amount or with fewer sureties will protect producers selling supplying or making available milk to such milk dealer or handler

Section 508 Interest or Dividends upon Securities The milk dealer or handler shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer or handler with the commission and transmitted by the commission to the State Treasurer for safekeeping in accordance with the provisions of this act Provided however That the milk dealer or handler shall not be entitled to interest or dividends if there is on file with the commission a valid unpaid claim of a producer against the milk dealer or handler based on milk sold supplied or made available by such producer to the milk dealer or handler

Section 510 Effect of Order by Commission If by valid formal order refusing suspending or revoking a license after hearing with due notice to all those liable on the bond the commission has found a milk dealer or handler to be indebted thereunder such order and the findings of fact in support thereof shall be conclusive evidence of the amount due under such bond in a suit thereon by the commission unless an appeal therefrom is pending and a supersedeas granted

Section 511 Procedure for Disbursing Proceeds The commission [may] shall prescribe the procedure for the payment out of the proceeds of any bond or collateral required by this article of the amounts found due to producers or handlers or dealers based on sales or deliveries of milk by them to a milk dealer or handler who has posted a bond or collateral Provided however That if the proceeds of a bond or of collateral which has been posted by a milk dealer or handler shall be insufficient to pay in full the amounts due to producers who have sold or supplied milk to such milk dealer or handler the moneys available shall be divided pro rata among such producers

Section 512 Cooperatives A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state or any producers' or farmers' union or organization shall be deemed a producer within the provisions of this article and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this article

Section 513 Subdealers' or Subhandlers' Bonds It shall be unlawful for a subdealer or subhandler to buy acquire receive or handle milk from a milk dealer or handler who purchases acquires or receives milk from producers unless the subdealer or subhandler shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Such bond shall be executed to the Commonwealth in a sum equal to three hundred dollars ($300.00) for each route owned or operated by the subdealer or subhandler and shall be conditioned for the payment by the subdealer or subhandler of all amounts due under this act and the orders of the commission for milk purchased acquired or received from such milk dealer or handler or dealers or handlers during the license year subject however to the further condition that if at any time of default such milk dealer or handler or dealers or handlers are indebted or in arrears in their payments to producers the proceeds thereof shall be held on the account of such dealer or handler or dealers or handlers for the benefit of such

producers Such bond shall be filed annually with the subdealer's or subhandler's application for a license and shall in all applicable particulars not herein specifically mentioned be subject to terms and conditions such as are provided in the other sections of this article for the bonds of other milk dealers or handlers and for suits thereon except where the protection of such milk dealers or handlers selling delivering or making available milk to the subdealer or subhandler or of producers selling delivering or making available milk to such milk dealers or handlers requires the substitution of such dealers or handlers and producers in applying such terms and conditions to the bonds of subdealers or subhandlers

Section 703 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof producers of milk producers' or farmers' unions or organizations and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and educational information pertaining to milk by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them which agent may be the commission if it consents to be such Any such licensees producers and associations or corporations may confer and discuss the cost of production marketing market conditions and prices for [the sale of] milk

Section 801 Requisites of Orders Fixing Price of Milk The commission shall ascertain after a hearing in which all interested [parties] persons shall be given reasonable opportunity to be heard the logical and reasonable milk marketing areas within the Commonwealth shall describe the territorial extent thereof shall designate such areas by name or number and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth having special regard to the health and welfare of children residing therein

The commission shall base all prices upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer [and] which return shall not be less than the cost of production and a reasonable profit to the producer milk dealer or handler

The commission shall file at its office with each order issued a general statement in writing of the findings of fact in support of and the reasons for such order

The commission may upon its own motion or upon application in writing from time to time alter revise or amend an official order defining milk marketing areas or fixing prices to be charged or paid for milk Before making revising or amending any order defining milk marketing areas or fixing prices to be charged or paid for milk the commission shall hold a hearing after giving reasonable [notice thereof] opportunity to be heard to interested persons of whom the commission has notice and in the case of any order affecting the public after giving reasonable notice thereof to the public in such newspaper or newspapers as in the judgment of the commission shall afford sufficient notice and publicity Provided however That upon application in writing from a person aggrieved by an order of the commission hereunder filed within fifteen (15) days after the issuance of the order complained of or upon its own motion the commission may within twenty (20) days after the effective date of such order issue an order revising or amending such order without a further hearing if such revision or amendment is based on the record of the hearing held prior to the issuance of such order

"Interested persons" as used in this section means all persons who may be affected by an order of the commissions fixing prices and who have signified to the commission in writing their desire to be notified of such hearings concerning a particular milk marketing area or areas within the Commonwealth "Reasonable opportunity to be heard" may be afforded by written notice addressed to the last known address of an interested party by mail postage prepaid by deposit in a United States post office or any receptacle thereof Nothing contained in this section shall be construed to limit or modify the provisions of section three hundred eight of this act relating to the posting and publicizing of orders of the commission including orders made under this article and the force and effect thereof

At any hearing provided for herein the commission may receive as evidence on any subject material relevant to fixing any price or prices under this article and any printed typewritten duplicated mimeographed or other written treatise report or statistical data by an expert not present as a witness if and to the extent that the treatise report or statistical data is approved and read aloud or the contents thereof made known by an expert witness at the hearing

All provisions of all price-fixing orders of the commission shall be presumed to be valid and the burden of proving any invalidity of any provisions thereof shall be upon the person asserting the same Any determination by the commission or a court to which an appeal has been taken that the wholesale or retail prices provided are invalid shall not prevent the enforcement of prices to producers but any determination that prices to producers are unreasonable shall require the redetermination by the commission of wholesale and retail prices as well as prices to producers

[Every order made pursuant to this article and any revision or amendment thereof in which the commission fixes or changes the price of milk to producers or to consumers or both shall be subject to the approval of the Governor]

Section 802 Wholesale and Retail Prices The Commission shall fix by official order (except as hereinafter provided in this section) the minimum wholesale and retail prices and may fix by official order the maximum wholesale and retail prices to be charged and received by milk dealers or handlers for milk sold delivered handled or consigned within any milk marketing area of the Commonwealth wheresoever produced including milk sold delivered or consigned by

(1) Milk dealers or Handlers to other milk dealers or handlers

(2) Milk dealers or Handlers to consumers

(3) Milk dealers or Handlers to stores either for consumption [on the premises or resale] at the stores or sale to consumers

(4) Stores to consumers except for consumption [on the premises] at the store where sold

Nothing herein contained shall be construed to empower the commission to fix the price at which milk may be sold by any milk dealer or handler or producer to consumers for consumption on the premises of such milk dealer or handler or producer

The fixing of minimum wholesale or retail prices for skimmed milk condensed or concentrated whole or skimmed milk bulk cream handled between milk dealers or handlers other than stores and ice cream mix shall be discretionary with the commission

Section 803 Prices to Producers The commission shall fix by official order the minimum prices to be paid by milk dealers or handlers to producers for milk sold or delivered or made available on consignment or otherwise by producers to dealers or handlers Provided however That the fixing of prices to be paid by milk dealers or handlers to producers for milk to be used solely in manufacturing shall be discretionary with the commission

Section 804 Classification When pursuant to any statute or regulations or orders adopted thereunder or any ordinance or reasonable trade practice various grades of milk are specified orders of the commission fixing minimum or maximum prices may be applicable to each grade Orders of the commission fixing minimum or maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk and milk dealers or handlers in any reasonable manner which the commission deems advisable and may vary according to the classes to which they are applicable The orders of the commission with respect to the minimum

prices to be paid to producers and others shall apply to the area in which the milk is produced or to the area in which the milk so produced is manufactured sold or distributed as the commission shall provide and may vary in different areas according to varying uses grades and conditions Each such order may classify such milk by forms classes grade or uses as the commission may deem advisable and may specify the minimum prices therefor Other reasonable methods of classification may be prescribed by the commission

Section 807 Violations After the commission shall have fixed prices to be charged or paid for milk whether by class grade use or otherwise it shall be unlawful for a milk dealer or handler or producer [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or advertise for sale delivery purchase or receipt or hold one's self out as willing to sell deliver buy or receive milk at any price below the minimum price or above the maximum price applicable to the particular transaction

No method or device shall be lawful whereby milk is bought [or sold or offered to be bought or sold] or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise or offered to be bought or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise at a price less than the minimum price applicable to the particular transaction whether by any discount premium rebate free service trading stamps advertising allowance or extension of credit or by a combined price for such milk together with another commodity or a service which is less or is represented to be less than the aggregate of the price of the milk and the price or value of such commodity or service when [sold or offered for sale] bought or received or handled on consignment or otherwise sold or delivered or made available on consignment or otherwise or offered for sale delivery purchase handling or receiving separately or otherwise

It shall be unlawful for any milk dealer or handler to store manufacture process sell or handle or deliver or make available on consignment or otherwise any milk for which he has paid or agreed to pay a price lower than that fixed by the commission for milk of that class or grade

It shall be unlawful for a milk dealer or handler [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to store manufacture process sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise milk at a price computed upon false or erroneous weight butterfat test grade or classification or at a price from which have been made deductions not authorized by law or in excess of any deductions so authorized whether such illegal deductions be in the form of excessive transportation charges or otherwise

The act of a director officer agent or other person acting for or employed by a milk dealer shall be deemed the act of such milk dealer

Section 808 Prices of Certain Milk It is hereby declared to be the legislative intent that the instant (whenever that may be) that the handling by a milk dealer or handler of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred on the commission by this act and particularly by this article shall attach but such restrictions shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans

It is also hereby declared to be the legislative intent that the prices prescribed by the commission for milk produced in this Commonwealth and sold or delivered or made available on consignment or otherwise in this Commonwealth for shipment into and ultimate sale in another state shall not be destructive of the price structure of producers in such other state

Section 809 Cooperatives. It is hereby declared to be the legislative intent that no provision of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or in the marketing of milk for the producers thereof from blending the net proceeds of its sales or consignments or deliveries in all its markets or of its sales or deliveries within any particular market in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductions and differentials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it or from making such sales or deliveries at a blended price based upon sales or deliveries thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation. Nothing herein contained shall prevent any milk dealer or handler from contracting for his milk with such cooperative agricultural association or corporation upon such basis but all such contracts shall be upon the basis of the prices fixed by the commision with the result that the net price received for milk by such cooperative association or corporation shall be commensurate with such prices. No milk [dealer] dealers or handlers or agents thereof shall receive from any producer or from such cooperative association or corporation directly or indirectly any discounts rebates free service or compensation through rentals extension of credit or otherwise for the purpose or with the effect of reducing the net cost to the dealer or handler for milk purchased or received by or through such cooperative association or corporation.

No provision of this act shall be deemed or construed to affect the contracts of such cooperative agricultural association or corporation with its producers except as hereinafter specifically provided nor to affect or abridge the rights and powers of such an association or any of its operations Provided however, that the powers of subpoena entry and inspection vested in the commission under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agriculaural association or corporation at reasonable intervals for the purpose of administering this act. This section shall not however be construed to exempt such association or corporation from the jurisdiction of the commission over the prices at which it may sell milk to milk dealers or handlers, stores or consumers.

Any cooperative agricultural association or corporation organized after the effective date of this act or within ninety (90) days prior to the effective date hereof or which if organized over ninety (90) days prior to the effective date of this act was not marketing milk for producers upon the effective date of this act or ninety (90) consecutive days prior thereto shall not be entitled to avail itself of the benefits of this section if it pays or distributes to its producers a price which is more than one and one-half per centum (1½%) lower than the prices prescribed by the commission unless such association or corporation shall furnish reasonable proof to the commission that such one and one-half per centum (1½%) is insufficient to pay such lawful expenses and charges for its operations and maintenance as may be authorized under the contracts between the association or corporation and its producers.

Every cooperative agricultural association or corporation operating under the provisions of this section shall file with the commission a copy of its certificate of incorporation and by-laws and a copy of each form of contract employed in its relations with producers within sixty (60) days after the effective date of this act.

Section 904 Pleading and Service. The appeal provided by this article from action of the commission shall be by petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof. Such petition shall specify the petitioner's objections to the action and decision of the commission and shall state facts in support of such objections sufficient to constitute a prima facie case and any objection not so specified and supported by facts shall not be considered by the court. Every such petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed merely for purposes of delay.

Upon service of a summons upon the commission returnable at least ten (10) days from the date of service the commission may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition. If such motion is not sustained the commission shall be given leave to file an answer within not less than ten (10) days after the order of the court overruling the motion.

On or before the return day of such summons served upon the commission or within the time allowed in an order of the court denying a motion to dismiss an appeal the commission [shall] may file an answer which shall deny or admit the allegations of fact in the petition and which may also allege by way of defense the grounds for its action or decision. If no answer is filed by the commission the case shall be at issue without further pleadings as though an answer had been filed denying all the allegations of fact in the petition.

Upon the filing of an answer by the commission or if no answer is filed then on the return day or at the expiration of the time allowed for answer by an order of court the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay.

Section 1003 Actions to Enforce Compliance. The commission or any person marketing committee union or association composed of persons affected by the orders, rules or regulations of the commission may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the commision made pursuant to the provisions of this act.

Section 1101 Milk Control Fund. All moneys collected or received by the commission arising from license fees penalties permits or any other source shall be paid by the commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund." Fines imposed under this act shall be payable to and collected by the commission and similarly placed in the Milk Control Fund.

Moneys collected or received by the commission that are not funds of the Commonwealth but are due to producers, dealers or handlers for or on account of milk acquired or received by dealers or handlers from producers or other dealers or handlers and placed in the Milk Control Fund shall be paid to the persons entitled thereto by the State Treasurer as directed by the commission.

Section 2. This act shall become effective immediatelv upon final enactment.

On the question,

Shall the bill pass finally?

Mr. GATES. Mr. Speaker, I desire to interrogate the gentleman from Westmoreland, Mr. Haberlen.

The SPEAKER. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. HABERLEN. I shall, Mr. Speaker.

Mr. GATES. Mr. Speaker, for the purpose of gathering information so I may vote on this bill intelligently, I would like to ask the sponsor if the producers in Western Pennsylvania or in the counties of Armstrong, Jefferson, Clarion, Lawrence and Mercer, the Keystone Milk Producers Association has O.K'd this bill?

Mr. HABERLEN. They have, Mr. Speaker.

Mr. GATES. I thank the gentleman from Westmoreland, Mr. Haberlen.

QUESTION OF INFORMATION

Mr. VAN ALLSBURG. Mr. Speaker, I rise to a point of information.

The Speaker. The gentleman from Erie will state his point of information.

Mr. VAN ALLSBURG. Mr. Speaker, this bill, House Bill 124 was introduced as Printer's No. 149, and contained 82 pages. When it was next reported out after being recommitted on April 21st, under Printer's No. 337 it had increased its number of pages from 82 to 92. Then as reported on May 6, the bill contained 46 pages. This is an amended bill and in reading it yesterday I was at a loss in getting the last Printer's No., as now on the calendar, to know what had transpired and what had happened to the bill in committee, why it was increased from 82 to 92 pages and then finally reduced to 46. I could not tell by the bill what had been done by the committee, how it was possible.

The SPEAKER. Will the gentleman from Erie yield?

Mr. VAN ALLSBURG. I shall, Mr. Speaker.

The SPEAKER. For information of the gentleman from Erie when matter is stricken from a bill by amendment it is removed from the subsequent print entirely. There were a number of pages which the committee amended by striking them from the bill. The reprint would then show a lesser number of pages. If the gentleman will refer to the prior print he will find the matter eliminated enclosed in heavy faced brackets. Does that answer the gentleman's question?

Mr. VAN ALLSBURG. Partly, Mr. Speaker, but it seems to me, as I recall it, that I was always able to tell on the final reading of a bill what had taken place in committee, what changes had been made, inserting brackets, the next time putting them back and so forth. I would like to inquire of the Chair whether or not those do not remain in the bill in its final form?

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Achterman, and suggests the gentleman from Erie to interrogate the gentleman from Monroe, who is Chairman of the Committee on Rules.

Mr. ACHTERMAN. Mr. Speaker, I think I can clarify the situation for the gentleman. Early in the session there was an agreement between the House and the Senate, that is, between the majority and minority leaders in both Houses, that we would adopt a new system of printing and if we found the system worked satisfactorily we would finally pass rules putting into effect the new system. It is aimed, of course, at expediency in reading bills and it has economy as its background. This particular bill is an excellent example of not only the ease with which you can read a bill when it comes up for final passage, but also it discloses the amount of saving in money to the State.

In this particular instance the sponsor of the bill had in mind amending certain sections of the Milk Control Act. Subsequently during the course of its history it was decided that those particular sections would not be amended. As a result of the practice of cutting out the amendments that had been inserted the sections remained as they were originally in the law. Therefore, it no longer appears in

print because no change takes place in any section other than those which now appear before you and upon which you are voting. Does that help clarify the situation?

Mr. VAN ALLSBURG. Mr. Speaker, in a measure it does. I merely wish to say to the gentleman from Monroe that while I realize there is a saving, of course, in the cost of printing, nevertheless it seems to me it is very unsatisfactory, especially in a bill of this kind to find that forty-six pages have been dropped in the few days the bill has been in committee. One naturally suspects that probably they have dropped some portions of the original bill that they may not even have been amended but dropped out in committee. That is what I am in doubt about.

Mr. ACHTERMAN. Mr. Speaker, that is not correct in its entirety. The gentleman has before him the entire subject that is before the House at the present time. In other words, he knows that a basic law, that is, the law now inforced will be unchanged in the event of the passage of this bill, except as to the details now before you in the bill containing forty-five (45) pages. He also knows at the same time that it has been contemplated by the sponsors or someone else in this bill to change certain sections in the original bill, but that thought has been dropped, so that he knows and every Member of the House will know that the only changes to the present milk control act are those that are set forth in this particular bill. No other sections are affected by the contemplated legislation.

Mr. MOUL. Mr. Speaker, I desire to interrogate the gentleman from Westmoreland, Mr. Haberlen.

The SPEAKER. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. HABERLEN. Mr. Speaker, due to the fact that I am just an ordinary farmer and not an attorney, I yield to the gentleman from Allegheny, Mr. Brown.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Brown.

Mr. MOUL. Mr. Speaker, I would like to have the gentleman from Allegheny, Mr. Brown, explain lines 16 to 29 inclusive on page 12.

Mr. BROWN. Mr. Speaker, I hope I have not gone out into deep water by assuring the gentleman from Westmoreland, Mr. Haberlen, that I would try to explain this particular section of the bill which has been inserted as an amendment.

For the benefit of the Members, I think it would be wise to read this amendment and for us to be certain that the amendment is proper, or else the whole bill may be invalidated. I quote the section concerning which the question has been asked. Begining on page 12, line 16:

> "No person shall be excused from testifying or from producing any books and records at any hearing before the commission a commissioner or any special agent or examiner designated by the commission when ordered to do so upon the ground that the testimony or evidence books or records required may tend to incriminate him or subject him to penalty or forfeiture but no person shall be prosecuted, punished or subjected to any forfeiture or penalty for or on account of any act transaction matter or thing concerning which he shall have been compelled under objection to testify or produce documentary evidence. Provided that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony."

I presume the gentleman has reference to the constitutionality of this particular section. If the gentleman has that in mind, I would be very happy to give him a cursory examination of the records so that we may ascertain whether or not such a provision is constitutional. If the gentleman asks the interrogation on the effect that this amendment will have on the bill, I do not think I am qualified to answer that. I can only answer the question as to the constitutionality of the bill. I should like to ask him whether or not he wishes the question of the constitutionality of the amendment discussed.

Mr. MOUL. Mr. Speaker, what I am primarily interested in knowing is whether or not if this provision is permitted to remain in the bill, it will be possible for the attorneys of milk companies to go into court and have an injunction issued against any orders that might be in effect and thereby spoil the affectiveness of the act.

I might explain that in every instance in the last eight years in laws of this kind, the attorneys for the milk companies have found something in the act that permitted them to go into court and have an injuncion issued and hold up the effectiveness of the act, so that they were able to operate outside of the act. We, in York County have had the experience of going along with the consignment purchase plan during the past two years which we have had to contend with. What I would like to know is whether or not at this time it would be possible for the attorneys to jump in and use this new provision in order to spoil the effectiveness of the act.

Mr. BROWN. Mr. Speaker, I might say to the gentleman from York, Mr. Moul, that this is a new provision in this act but not new in law. This provision has been used rather extensively by the Federal Government. I call the gentleman's attention to the Federal anti-trust laws, 1938 statutes, 723, and the Interstate Commerce Act 1927 statute laws, 443, where similar provisions are made as to what we call self incriminating statutes. I believe it is a valid exercise of the power of this legislature to pass such a statute. These statutes have helped tremendously in the prosecution of cases, particularly in the Federal courts and I believe they will likewise be of benefit if used in the same connection in this act. I might say to the gentleman it seems to me that the statute is entirely constitutional. The question has been raised several times in this state and is now a part of our public utility code as found in the act of May 28, P. L. 1053—1937, Art. X, Sec. 1012.

I should like to read a part of the decision in Dole versus Philadelphia, 337 Pa. 385, which was the case regarding the constitutionality of an ordinance of the city of Philadelphia imposing a tax for general revenue purposes on salaries and wages.

> "It is also urged that the ordinance is invalid because it requires the production of books for examination without granting immunity to the taxpayer who produces them.'1'

The language "without granting immunity" is significant in that it is reasonable to assume that where immunity is granted, as is the case with the present amendment, the constitutionality of such a statute would not be doubted.

We also find a reference to the question in Kelly's Contested Election reported in 200 Pa. 430, wherein, Art. VIII,

Sec. 10 of the State Constitution was attacked and the court has this to say on the subject:

"In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withold his testimony upon the ground that he might incriminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceedings except for perjury in giving such testimony.

"The argument that section 10 is fatally repugnant to section 9 of the Bill of Rights and that the latter must prevail is without force; assuming that witness' answer would disclse the fact that he used money to purchase the votes of certain electors, his answer could not be used against him in any legal proceeding, therefore he would be subject to no penalty or fine involving deprivation of liberty or forfeiture of land or goods."

There is only one query that might be raised in this particular section of the act, and that is whether it would inure to the benefit of the agents. I have made some examination of the federal acts in the short time at my disposal and I find no case where agents can compel a witness to testify on self-incriminating facts. However, it seems to me if the agent, as used in this act we are now discussing, is to hold a hearing and have the authority from the Commission to go out and conduct a proper investigation the agent would be entitled to use the provisions of this act. As long as immunity is granted, and as long as a man shall not be subject to any penalty, I do not believe the Amendment violates section 9 of the Bill of Rights of the Constitution of Pennsylvania, or that it violates the 14th amendment to the Constitution of the United States, which prohibits the states from making or enforcing any laws which abridge the privileges or immunities of citizens of the United States.

Mr. MOUL. Mr. Speaker, in the opinion of the gentleman from Allegheny, Mr. Brown, is there any possibility of using this portion of the act to hold up the process of the act as has been done in numerous cases and numerous occasions such as in the consignment purchase plan under the present act?

Mr. BROWN. Mr. Speaker, that is such an indefinite question that I think it could not be answered categorically. Any provision of the act is subject to court procedure and this provision or any other provision would be subject to the regular and orderly processes of court procedure. I do not think this provision in itself will create any more difficulty than any of the other provisions so far as relates to the proper enforcement of this act. It is a question of relatively, and I do not think anybody in this House or any place else can answer the question categorically.

Mr. MOUL. Mr. Speaker, will the gentleman from Allegheny be willing to give us reasonable assurance that this would not provide a loophole that would be larger than we might expect from any other portion of the bill?

Mr. BROWN. That again, Mr. Speaker, is just a question of relativity. Any laws we pass are subject to every procedural defect or benefit as the case might be of the whole law of procedure. I cannot see why this provision would either enhance or decrease the obvious methods of court procedure, and the gauntlet that this bill necessarily will have to run through the courts of the land. However, I can say this, I can see nothing in this particular section that would either expedite the purpose of the act or defeat it. I think the whole question is one of relativity.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Fleming,	Leydic,	Rooney,
Allmond,	Fletcher,	Lichtenwalter,	Rose, S.,
Auker,	Flynn,	Longo,	Rose, W. E.,
Baker,	Foor,	Lovett,	Rosenfeld,
Balthaser,	French,	Lyons,	Rush,
Baugher,	Gallagher,	Marks,	Sarraf,
Bentzel,	Gates,	Maxwell,	Scanlon,
Boies,	Gerard,	McClanaghan,	Schwab,
Boney,	Gillette,	McClester,	Shaffer,
Boorse,	Goodwin,	McDermott,	Shaw,
Bower,	Greenwood,	McDowell,	Shepard,
Bradley,	Gross,	McFall,	Simons,
Breth,	Gryskewicz,	McGrath,	Skale,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Haberlen,	McLanahan,	Sollenberger,
Brunner, C. H.,	Haines,	McLane,	Stambaugh,
Brunner, P. A.,	Hall,	McMillen,	Stank,
Burns,	Hamilton,	McSurdy,	Stine,
Burris,	Hare,	Melchiorre,	Tarr,
Cadwalader,	Harkins,	Mihm,	Tate,
Chervenak,	Harmuth,	Modell,	Taylor,
Chudoff,	Harris,	Monks,	Thompson, E. F.,
Cochran,	Heatherington,	Mooney,	Thompson, R. L.,
Cohen, M. M.,	Helm,	Moran,	Trout,
Cohen, R. E.,	Hering,	Moul,	Turner,
Cook,	Herman,	Muir,	Van Allsburg,
Cooper,	Hersch,	Munley,	Verona,
Cordier,	Hewitt,	Nunemacher,	Vincent,
Corrigan,	Hirsch,	O'Brien,	Vogt,
Croop,	Holland,	O'Connor,	Voldow,
Cullen,	Huntley,	O'Dare,	Voorhees,
Dalrymple,	Imbrie,	O'Mullen,	Wagner,
Dennison,	James,	O'Neill,	Watkins,
DiGenova,	Jefferson,	Owens,	Weingartner,
Dix,	Jones, G. E.,	Petrosky,	Weiss,
Dolon,	Jones, P. N.,	Pettit,	Welsh, E. B.,
D'Ortona,	Keenan,	Polaski,	Welsh, M. J.,
Duffy,	Kenehan,	Polen,	Williams,
Early,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
Falkenstein,	Krise,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Leisey,	Reese, D. P.,	Yester,
Fisher,	Leonard,	Reese, R. E.,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
	Levy,	Rhea,	Speaker.

NAYS—2

McKinney,	Woodside,	Habbyshaw,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1172, as follows:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto" by empowering counties to acquire real estate by lease, purchase or gift for use as fairground

authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fair and farigrounds including the appropriation of funds joint action with other political subdivisions the levy and collection of taxes the creation of county fair boards and the acceptance of State contributions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The subdivision heading of subdivision (i) of Article 8 of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows:

(i) Fairgrounds, Parks, Parkways, Bridle Paths Foot Paths, Playgrounds, Playfields, Gymnasiums, Baths, Swimming Pools and Indoor Recreation Centers.

Section 2 Sections six hundred fifty six hundred fifty-one and six hundred fifty-two of said act as last amended by the act approved the eighteenth day of April one thousand nine hundred and thirty-five (P. L. 46) are hereby further amended to read as follows:

Section 650 Power to Acquire Land and Buildings. The county commissioners of any county may designate and set apart for use as agricultural fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools or indoor recreation centers any lands or buildings owned by such county and not dedicated or devoted to other public use. The county commissioners may also acquire lands or buildings for such purposes by gift [or] purchase or may lease lands or buildings in such county for temporary use for such purposes.

Section 651 Equipment and Maintenance. The authority to supervise, build and maintain fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools or indoor recreation centers may be vested in any existing body or board or in a fair board, park board or recreation board as the county commissioners may determine. The county commissioners of the county may equip, operate and maintain the fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, play fields, gymnasiums, swimming pools, public baths or indoor recreation centers as authorized by this act and may for the purpose of carrying out the provisions of this act employ play leaders, recreation directors, supervisors, superintendents or any other officers or employes as they deem proper.

Section 652 Fair Park and Recreation Boards. If the county commissioners shall determine that the power to supervise fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools or recreation centers shall be exercised by a fair board, park board or recreation board they may establish in said county such fair board, park board or recreation board which shall possess all the powers and be subject to all the responsibilities of the respective county commissioners. Entire such boards when established shall consist of not less than five persons. The members of such boards shall be appointed by the commissioners of such county and shall serve for terms of five years or until their successors are hereby further amended to read as follows: First appointed shall be appointed for such terms that the terms of all the members shall not expire in the same year. Members of such board shall serve without pay. Women shall be eligible for appointment. Vacancies in such board occuring otherwise than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments.

Section 3 Section six hundred fifty-three of said act is hereby amended to read as follows:

Section 653 Officers of Board. The members of a fair board, park board or recreation board established pursuant to this act shall elect their own chairman and secretary and select all other necessary officers to serve for a period of one year and may with the consent and approval of the county commissioners employ such persons as may be needed as authorized by this act. Such boards shall have power to adopt rules and regulations for the conduct of all business within their jurisdiction.

Section 4 Sections six hundred fifty-four six hundred fifty-five and six hundred fifty-six of said act as last amended by the act approved the eighteenth day of April one thousand nine hundred and thirty-five (P. L. 46) are appointed except that the members of such board.

Section 654 Joint Action. Any county may jointly with any other county or any city, borough, township or school district acquire property for and operate and maintain any fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools or indoor recreation centers.

Section 655 Indebtedness. The county commissioners may issue bonds for the purpose of acquiring lands or buildings for fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, swimming pools, public baths or indoor recreation centers and for the equipment thereof.

Section 656 Payment of Expenses, Taxation Annual Fairs State Contributions. All expenses incurred in the operation of such fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, swimming pools, public baths and indoor recreation centers established as herein provided shall be payable from the treasury of such county. The county commissioners may annually appropriate and cause to be raised by taxation such tax not to exceed two mills on the dollar of the assessed valuation of taxable property in such county for the purpose of maintaining and operating fairgrounds, parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools and recreation centers.

The county commissioners or the fair board if there be one may provide for and hold an annual fair or agricultural exhibition on the fairgrounds acquired or maintained as aforesaid and may accept aid or contributions from the Commonwealth under any act of Assembly for the payment of premiums at any such fair or exhibition.

Section 5 The provisions of this act shall become effective immediately upon final enactment.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as fololws, viz:

YEAS—193

Achterman,	Fleming,	Leydic,	Rooney,
Allmond,	Fletcher,	Lichtenwalter,	Rose, S.,
Auker,	Flynn,	Longo,	Rose, W. E.,
Baker,	Foor,	Lovett,	Rosenfeld,
Balthaser,	French,	Lyons,	Rush,
Baugher,	Gallagher,	Marks,	Sarraf,
Bentzel,	Gates,	Maxwell,	Scanlon,
Boies,	Gerard,	McClanaghan,	Schwab,
Boney,	Gillette,	McClester,	Shaffer,
Boorse,	Goodwin,	McDermott,	Shaw,
Bower,	Greenwood,	McDowell,	Shepard,
Bradley,	Gross,	McFall,	Simons,
Breth,	Gryskewicz,	McGrath,	Skaff,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLanahan,	Stambaugh,
Brunner, P. A.,	Haines,	McLane,	Stank,
Burns,	Hall,	McMillen,	Stine,
Burris,	Hamilton,	McSurdy,	Tarr,
Cadwalader,	Hare,	Melchiorre,	Tate,
Chervenak,	Harkins,	Mihm,	Taylor,
Chudoff,	Harmuth,	Modell,	Thompson, E. F.,
Cochran,	Harris,	Monks,	Thompson, R. L.,
Cohen, M. M.,	Heatherington,	Mooney,	Trout,
Cohen, R. E.,	Helm,	Moran,	Turner,
Cook,	Hering,	Moul,	Van Allsburg,
Cooper,	Herman,	Muir,	Verona,
Cordier,	Hersch,	Munley,	Vincent,
Corrigan,	Hewitt,	Nunemacher,	Vogt,
Croop,	Hirsch,	O'Brien,	Voldow,
Cullen,	Holland,	O'Connor,	Voorhees,
Dalrymple,	Huntley,	O'Dare,	Wagner,
Dennison,	Imbrie,	O'Mullen,	Watkins,
DiGenova,	James,	O'Neill,	Weingartner,
	Jefferson,	Owens,	Weiss,

Dix,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dolon,	Jones, P. N.,	Pettit,	Welsh, M. J.,
D'Ortona,	Keenan,	Polaski,	Williams,
Duffy,	Kenehan,	Polen,	Wolf,
Early,	Kline,	Powers,	Wood, L. H.,
Eckels,	Knoble,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorofski,	Rausch,	Woodside,
Falkenstein,	Krise,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Leisey,	Reese, D. P.,	Yester,
Fisher,	Leonard,	Reese, R. E.,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
	Levy,	Rhea,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1270, as follows:

An Act to further amend sections one, two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Sections one, two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled "An Act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" as amended by the Act approved the nineteenth day of June one thousand nine hundred and thirty-nine (P. L. 438) are hereby further amended to read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That after the effective date of this act it shall be unlawful for any person, co-partnership association or corporation to operate for profit within this Commonwealth a private nursing or private hospital for persons requiring care, treatment or nursing by reason of sickness, injury, infirmity or other disability without a license as hereinafter required but this act shall not be construed to apply to any State or State-aided institution or any institution licensed by the Department of Welfare under other statutes.

Section 2 Every person, copartnership, association or corporation desiring to operate for profit such a private nursing home or private hospital shall file an application for a license with the Department of Welfare. The application shall be on a form prescribed prepared and furnished by the Department of Welfare and together with such other information as the department shall require shall state.

(a) The name and address of the applicant and the person to be in charge of said home or hospital. If the applicant is a co-partnership, association or corporation the application shall state the names and address of all the partners and officers as the case may be.

(b) The location of the private nursing home or hospital and if the applicant is a corporation, association or partnership the state of incorporation or organization.

(c) The facilities of the private nursing home or hospital for the care, treatment or nursing of patients or inmates including sanitary and fire protection facilities.

Section 7 Any person or any or all officers or partners of any partnership association or corporation maintaining or operating for profit within this Commonwealth a private nursing home or private hospital without a license required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or to undergo imprisoment not exceeding one year or both.

Section 2 Nothing contained in this act or any other act shall be construed to provide for the licensure and regulation of nursing homes and hospitals operating on a non-profit basis.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Leydic,	Rooney,
Allmond,	Flynn,	Lichtenwalter	Rose, S.,
Auker,	Foor,	Longo,	Rose, W. E.,
Baker,	French,	Lovett,	Rosenfeld,
Balthaser,	Gallagher,	Lyons,	Rush,
Baugher,	Gates,	Marks,	Sarraf,
Bentzel,	Gerard,	Maxwell,	Scanlon,
Boles,	Gillette,	McClanaghan,	Schwab,
Boney,	Goodwin,	McClester,	Shaffer,
Boorse,	Greenwood,	McDermott,	Shaw,
Bower,	Gross,	McDowell,	Shepard,
Bradley,	Gryskewicz,	McFall,	Simons,
Breth,	Gyger,	McGrath,	Skale,
Bretherick,	Habbyshaw,	McIntosh,	Snyder,
Brown,	Haberlen,	McLanahan,	Sollenberger,
Brunner, C. H.,	Haines,	McLane,	Stambaugh,
Brunner, P. A.,	Hall,	McMillen,	Stank,
Burns,	Hamilton,	McSurdy,	Stine,
Burris,	Hare,	Melchiorre,	Tarr,
Cadwalader,	Harkins,	Mihm,	Tate,
Chervenak,	Harmuth,	Modell,	Taylor,
Chudoff,	Harris,	Monks,	Thompson, E. F.,
Cochran,	Heatherington,	Mooney,	Thompson, R. L.,
Cohen, M. M.,	Helm,	Moran,	Trout,
Cohen, R. E.,	Hering,	Moul,	Turner,
Cook,	Herman,	Muir,	Van Allsburg,
Cooper,	Hersch,	Munley,	Verona,
Cordier,	Hewitt,	Nunemacher,	Vincent,
Corrigan,	Hirsch,	O'Brien,	Vogt,
Croop,	Holland,	O'Connor,	Voldow,
Cullen,	Huntley,	O'Dare,	Voorhees,
Dalrymple,	Imbrie,	O'Mullen,	Wagner,
Dennison,	James,	O'Neill,	Watkins,
DiGenova,	Jefferson,	Owens,	Weingartner,
Dix,	Jones, G. E.,	Petrosky,	Weiss,
Dolon,	Jones, P. N.,	Pettit,	Welsh, E. B.,
D'Ortona,	Keenan,	Polaski,	Welsh, M. J.,
Duffy,	Kenehan,	Polen,	Williams,
Early,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
Falkenstein,	Krise,	Readinger,	Woodside,
Finestone,	Lee, T. H.,	Reagan,	Wright,
Finnerty,	Leisey,	Reese, D. P.,	Yeakel,
Fisher,	Leonard,	Reese, R. E.,	Yester,
Fiss,	Lesko,	Reynolds,	Young,
Fleming,	Levy,	Rhea,	Kilroy,
			Speaker.

NAYS—1

McKinney,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to third reading and consideration of House Bill No. 979, as follows:

An Act to amend section one thousand seven hundred and one of article seventeen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An Act concerning elections including general, municipal, special and primary elections the nominaton of candidates primary and election expenses and election contests creating and defining membership of couty boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further regulating the recount of ballots in cases of suspected fraud or error and governing the return of the moneys deposited in such cases.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section one thousand seven hundred and one of article seventeen of the act approved the third day of June one thousand nine hundred thirty-seven (P L. 1333) entitled "An act concerning elections including general, municipal, special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows:

Section 1701 Opening Ballot Boxes Upon Petition of Electors Alleging Fraud or Error Deposit or Bond (a) The court of common pleas or a judge thereof of the county in which any election district is located in which ballots were used shall open the ballot box of such election district used at any general, municipal, special or primary election held therein and cause the entire vote thereof or the vote for any office specifically designated in the petition as in question to be correctly counted by persons designated by such court or judge if three qualified electors of the election district shall file as hereinafter provided a petition duly verified by them alleging that upon information which they consider reliable they believe that fraud or error although not manifest on the general return of votes made therefrom was committed in the computation of the votes cast for all offices or for any particular office or offices in such election district or in the marking of the ballots or otherwise in connection with such ballots. Said petition shall request a recount of the votes for all offices or for one or more offices if all be not in question. It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error which they believe to have been committed nor to offer evidence to substantiate the allegations of their petition.

(b) Every petition for the opening of a ballot box under the provisions of this section shall be filed in the office of the prothonotary of the proper county accompanied by a deposit of cash in the amount of fifty ($50.00) dollars or by a bond signed by the petitioners as principals and by a corporate surety to be approved by the court in the amount of one hundred ($100.00) dollars conditioned upon the payment to the county treasurer for the use of the county of the sum of fifty ($50.00) dollars in the event that upon the opening of the ballot box it shall not appear that fraud or substantial error was committed in the computation of the votes cast [on the ballots contained therein] for the office or offices in question for which a recount was requested or fraud in the marking of the ballots [contained therein] for the said office or offices or otherwise in connection with such ballots.

(c) Before any ballot box is opened under the provisions of this section the court shall direct that notice of time and place of proposed recount be given either personally or by registered mail to each candidate for the office or offices which are to be recounted by the order of the court and each such candidate may be present at such recount either in person or by his attorney or by his duly authorized representative under such regulations as the court may prescribe.

(d) If upon opening any such ballot box it shall appear that fraud or substantial error was committed in the computation of the votes cast [on the ballots contained therein] for the office or offices for which the vote was recounted or fraud in the marking of the said ballots [contained therein] or otherwise in connection with such ballots it shall be the duty of the court to certify such fact to the prothonotary and thereupon the prothonotary shall return to the petitioners the said sum of fifty ($50.00) dollars or if the petitioners shall have filed a bond in lieu of cash to mark said bond canceled and notify the petitioners that he has done so.

(e) If upon opening any ballot box under the provisions of this section it shall not appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein or fraud in the marking of the ballots contained therein or otherwise in connection with such ballots the persons upon whose petition such ballot box shall have been opened shall forfeit to the county the sum of fifty ($50.00) dollars. If said petitioners shall have deposited the said sum in cash with the prothonotary at the time of filing the petition the prothonotary upon certification of the court that fraud or substantial error was not discovered shall pay said sum deposited with him to the county treasurer and if the petitioners shall have filed with their petition a bond in the sum of one hundred ($100.00) dollars it shall be the duty of the county treasurer forthwith to collect from the principals or surety on said bond the sum of fifty ($50.00) dollars and costs of suit and for this purpose he is hereby authorized to institute any necessary legal proceedings. When so collected the said sum of fifty ($50.00) dollars shall be paid over to the county treasurer.

(f) Ballot boxes may be opened under the provisions of this section at any time within four months after the date of the general, municipal, special or primary election at which the ballots therein shall have been cast.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 193

Achterman,	Fletcher,	Lichtenwalter,	Rose, S.,
Allmond,	Flynn,	Longo,	Rose, W. E.,
Auker,	Foor,	Lovett,	Rosenfeld,
Baker,	French,	Lyons,	Rush,
Balthaser,	Gallagher,	Marks,	Sarraf,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentzel,	Gerard,	McClanaghan,	Schwab,
Boles,	Gillette,	McClester,	Shaffer,
Boney,	Goodwin,	McDermott,	Shaw,
Boorse,	Greenwood,	McDowell,	Shepard,
Bower,	Gross,	McFall,	Simons,
Bradley,	Gryskewicz,	McGrath,	Skale,
Breth,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Stambaugh,
Brunner, C. H.,	Haines,	McLane,	Stank,
Brunner, P. A.,	Hall,	McMillen,	Stine,
Burns,	Hare,	McSurdy,	Tarr,
Burris,	Harkins,	Melchiorre,	Tate,
Cadwalader,	Harmuth,	Mihm,	Taylor,
Chervenak,	Harris,	Modell,	Thompson, E. F.,
Chudoff,	Heatherington,	Monks,	Thompson, R. L.,
Cochran,	Helm,	Mooney,	Trout,
Cohen, M. M.,	Hering,	Moran,	Turner,
Cohen, R. E.,	Herman,	Moul,	Van Allsburg,
Cook,	Hersch,	Muir,	Verona,
Cooper,	Hewitt,	Munley,	Vincent,
Cordier,	Hirsch,	Nunemacher,	Vogt,
Corrigan,	Holland,	O'Brien,	Voldow,
		O'Connor,	Voorhees,

Croop,	Huntley,	O'Dare,	Wagner,
Cullen,	Imbrie,	O'Mullen,	Watkins,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Wolf,
Duffy,	Kline,	Powers,	Wood, L. H.,
Early,	Knoble,	Prosen,	Wood, N.,
Eckels,	Kolankiewicz,	Rank,	Woodring,
Elder,	Komorofski,	Rausch,	Woodside,
Elliott,	Krise,	Readinger,	Wright,
Falkenstein,	Lee, T. H.,	Reagan,	Yeakel,
Finestone,	Leisey,	Reese, D. P.,	Yester,
Finnerty,	Leonard,	Reese, R. E.,	Young,
Fisher,	Lesko,	Reynolds,	Kilroy,
Fiss,	Levy,	Rhea,	Speaker.
Fleming,	Leydic,	Rooney,	

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1166, Printer's No. 461, was passed over at the request of Mr. Achterman.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 174, as follows:

An Act to add subsection (c) to section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" prohibiting any public body or public agency from demanding or accepting a bond or judgment note from an indigent person for expenses of his support maintenance or burial before such expenses are incurred

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2045) entitled "An act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" is hereby amended by adding thereto subsection (c) to read as follows

Section 4 Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance

(c) No public body or public agency shall demand or accept a bond or judgment note from an indigent person as security for or to facilitate the future collection of expenses for his support maintenance assistance or burial before such expenses have actually been incurred by the public body or public agency

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 193

Achterman,	Fleming,	Leydic,	Rooney,
Allmond,	Fletcher,	Lichtenwalter,	Rose, S.,
Auker,	Flynn,	Longo,	Rose, W. E.,
Baker,	Foor,	Lovett,	Rosenfeld,
Balthaser,	French,	Lyons,	Rush,
Baugher,	Gallagher,	Marks,	Sarraf,
Bentzel,	Gates,	Maxwell,	Scanlon,
Boles,	Gerard,	McClanaghan,	Schwab,
Boney,	Gillette,	McClester,	Shaffer,
Boorse,	Goodwin,	McDermott,	Shaw,
Bower,	Greenwood,	McDowell,	Shepard,
Bradley,	Gross,	McFall,	Simons,
Breth,	Gryskewicz,	McGrath,	Skale,
Bretherick,	Gyger,	McIntosh,	Snyder,
Brown,	Habbyshaw,	McKinney,	Sollenberger,
Brunner, C. H.,	Haberlen,	McLanahan,	Stambaugh,
Brunner, P. A.,	Haines,	McLane,	Stank,
Burns,	Hall,	McMillen,	Stine,
Burris,	Hamilton,	McSurdy,	Tarr,
Cadwalader,	Hare,	Melchiorre,	Tate,
Chervenak,	Harkins,	Mihm,	Taylor,
Chudoff,	Harmuth,	Modell,	Thompson, E. F.,
Cochran,	Harris,	Monks,	Thompson, R. L.,
Cohen, M. M.,	Heatherington,	Mooney,	Trout,
Cohen, R. E.,	Helm,	Moran,	Turner,
Cook,	Hering,	Moul,	Van Allsburg,
Cooper,	Herman,	Muir,	Verona,
Cordier,	Hersch,	Munley,	Vincent,
Corrigan,	Hewitt,	Nunemacher,	Vogt,
Croop,	Hirsch,	O'Brien,	Voldow,
Cullen,	Holland,	O'Connor,	Voorhees,
Dalrymple,	Huntley,	O'Dare,	Wagner,
Dennison,	Imbrie,	O'Mullen,	Watkins,
DiGenova,	James,	O'Neill,	Weingartner,
Dix,	Jefferson,	Owens,	Weiss,
Dolon,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
D'Ortona,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Duffy,	Keenan,	Polaski,	Williams,
Early,	Kenehan,	Polen,	Wolf,
Eckels,	Kline,	Powers,	Wood, L. H.,
Elder,	Knoble,	Prosen,	Wood, N.,
Elliott,	Kolankiewicz,	Rank,	Woodring,
Falkenstein,	Komorofski,	Rausch,	Woodside,
Finestone,	Krise,	Readinger,	Wright,
Finnerty,	Lee, T. H.,	Reagan,	Yeakel,
Fisher,	Leisey,	Reese, D. P.,	Yester,
Fiss,	Leonard,	Reese, R. E.,	Young,
	Lesko,	Reynolds,	Kilroy,
	Levy,	Rhea,	Speaker.

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1318, (Senate Bill No. 528) entitled:

An Act making a deficiency appropriation to aid certain school districts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 193

Achterman,	Fletcher,	Lichtenwalter,	Rose, S.,
Allmond,	Flynn,	Longo,	Rose, W. E.,
Auker,	Foor,	Lovett,	Rosenfeld,
Baker,	French,	Lyons,	Rush,
Balthaser,	Gallagher,	Marks,	Sarraf,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentzel,	Gerard,	McClanaghan,	Schwab,
Boles,	Gillette,	McClester,	Shaffer,
Boney,	Goodwin,	McDermott,	Shaw,
Boorse,	Greenwood,	McDowell,	Shepard,
Bower,	Gross,	McFall,	Simons,
Bradley,	Gryskewicz,	McGrath,	Skale,
Breth,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Stambaugh,
Brunner, C. H.,	Haines,	McLane,	Stank,
Brunner, P. A.,	Hall,	McMillen,	Stine,
Burns,	Hamilton,	McSurdy,	Tarr,
Burris,	Hare,	Melchiorre,	Tate,
Cadwalader,	Harkins,	Mihm,	Taylor,
Chervenak,	Harmuth,	Modell,	Thompson, E. F.,
Chudoff,	Harris,	Monks,	Thompson, R. L.,
Cochran,	Heatherington,	Mooney,	Trout,
Cohen, M. M.,	Helm,	Moran,	Turner,
Cohen, R. E.,	Hering,	Moul,	Van Allsburg,
Cook,	Herman,	Muir,	Verona,
Cooper,	Hersch,	Munley,	Vincent,
Cordier,	Hewitt,	Nunemacher,	Vogt,
Corrigan,	Hirsch,	O'Brien,	Vo'dow,
Croop,	Holland,	O'Connor,	Voorhees,
Cullen,	Huntley,	O'Dare,	Wagner,
Dalrymple,	Imbrie,	O'Mullen,	Watkins,
Dennison,	James,	O'Neill,	Weingartner,
DiGenova,	Jefferson,	Owens,	Weiss,
Dix,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dolon,	Jones, P. N.,	Pettit,	Welsh, M. J.,
D'Ortona,	Keenan,	Polaski,	Williams,
Duffy,	Kenehan,	Polen,	Wolf,
Early,	Kline,	Powers,	Wood, L. H.,
Eckels,	Knoble,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorofski,	Rausch,	Woodside,
Falkenstein,	Krise,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Leisey,	Reese, D. P.,	Yester,
Fisher,	Leonard,	Reese, R. E.,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,	Rooney,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

BILL PASSED OVER

There being no objection House Bill No. 1355, Printer's No. 475, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1254, entitled:

An Act regulating, in cities of the first class, the enforcement of any provisions in any ordinance relating to building codes, in connection with the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures and the erection, encroachment, extension, repair, inspection and use of party walls, as provided for in any ordinance, and providing penalties.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. FINESTONE. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities—First Class for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS PASSED OVER

There being no objections House Bill No. 1070, Printer's No. 284 was pased over at the request of Mr. McLANAHAN.

There being no objection House Bill No. 709, Printer's No. 456, was passed over at the request of Mr. ELWOOD B WELSH.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1427, entitled:

An Act requiring lock-ups to be attended at all times except when entirely unoccupied and imposing liabilities

On the question,

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the title, page 1, first line of title by inserting after the word "lock-ups" the following: "jails and other places where persons are incarcerated."

Amend sec. 1, page 1, line 1, by inserting after the word "lock-ups" the following: "jails and other places where persons are incarcerated."

Amend sec. 1, page 1, line 4, by inserting after the word "lock-ups" the following: "jails and other places where persons are incarcerated."

Amend sec. 2, page 1, line 6, by inserting after the word "lock-up" the following: "jail or other place where persons are incarcerated."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 943, Printers No. 489, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 724, as follows:

An Act to further amend section 363 of the act approved May second one thousand nine hundred twenty-nine (P. L. 1278)) entitled "An act relating to counties of the

second, third, fourth, fifth, sixth and seventh and eighth classes and revising amending and consolidating the laws relating thereto" and further regulating the form and contents of county auditors reports.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 That section 363 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act of June ninth one thousand nine hundred thirty-one (P. L. 401) is hereby further amended to read as follows:

Section 363 Audit of Accounts The auditors shall audit, settle and adjust the accounts of all county officers of the county and make report thereof annually to the court of common pleas of such county in detail showing distinctly and separately all receipts and expenditures of the several offices and all debts and accounts due and amount raised from each source of revenue and the expenditures in detail and classified by reference to the objects thereof together with a full statement of the financial conditions of the county and a statement of the balance due from or to such county officers.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Fletcher,	Lichtenwalter,	Rose, S.,
Allmond,	Flynn,	Longo,	Rose, W. E.,
Auker,	Foor,	Lovett,	Rosenfeld,
Baker,	French,	Lyons,	Rush,
Balthaser,	Gallagher,	Marks,	Sarraf,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentzel,	Gerard,	McClanaghan,	Schwab,
Boles,	Gillette,	McClester,	Shaffer,
Boney,	Goodwin,	McDermott,	Shaw,
Boorse,	Greenwood,	McDowell,	Shepard,
Bower,	Gross,	McFall,	Simons,
Bradley,	Gryskewicz,	McGrath,	Skale,
Breth,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Stambaugh,
Brunner, C. H.,	Haines,	McLane,	Stank,
Brunner, P. A.,	Hall,	McMillen,	Stine,
Burns,	Hamilton,	McSurdy,	Tarr,
Burris,	Hare,	Melchiorre,	Tate,
Cadwalader,	Harkins,	Mihm,	Taylor,
Chervenak,	Harmuth,	Modell,	Thompson, E. F.,
Chudoff,	Harris,	Monks,	Thompson, R. L.,
Cochran,	Heatherington,	Mooney,	Trout,
Cohen, M. M.,	Helm,	Moran,	Turner,
Cohen, R. E.,	Hering,	Moul,	Van Allsburg,
Cook,	Herman,	Muir,	Verona,
Cooper,	Hersch,	Munley,	Vincent,
Cordier,	Hewitt,	Nunemacher,	Vogt,
Corrigan,	Hirsch,	O'Brien,	Voldow,
Croop,	Holland,	O'Connor,	Voorhees,
Cullen,	Huntley,	O'Dare,	Wagner,
Dalrymple,	Imbrie,	O'Mullen,	Watkins,
Dennison,	James,	O'Neill,	Weingartner,
DiGenova,	Jefferson,	Owens,	Weiss,
Dix,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dolon,	Jones, P. N.,	Pettit,	Welsh, M. J.,
D'Ortona,	Keenan,	Polaski,	Williams,
Duffy,	Kenehan,	Polen,	Wolf,
Early,	Kline,	Powers,	Wood, L. H.,
Eckels,	Knoble,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorofski,	Rausch,	Woodside,
Falkenstein,	Krise,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Leisey,	Reese, D. P.,	Yester,
Fisher,	Leonard,	Reese, R. E.,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,	Rooney,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1072, as follows:

An Act to amend section five hundred and nineteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the payment of the costs of viewers by the Commonwealth in certain cases.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section five hundred and nineteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows:

Section 519 Time of Appointment of Viewers Costs. The viewers provided for in the preceding section may be appointed either before or at any time after the entry upon taking appropriation or injuring of said land property or material.

The cost of said viewers and all court costs incurred including all advertising and notices in connection therewith shall be paid by the county except that when the right of eminent domain has been exercised by the county acting with the corporate authorities of any city, borough town or township then all costs shall be borne equally by the county and city, borough, town or township. Provided however That where the right of eminent domain has been exercised by the Commonwealth and the county has refused to assume the payment of damages resulting therefrom the cost of said viewers and all other costs in connection therewith shall be paid by the Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Fletcher,	Longo,	Rose, S.,
Allmond,	Flynn,	Lovett,	Rose, W. E.,
Auker,	Foor,	Lyons,	Rosenfeld,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarraf,
Baugher,	Gates,	McClanaghan,	Scanlon,
Bentzel,	Gerard,	McClester,	Schwab,
Boles,	Gillette,	McDermott,	Shaffer,
Boney,	Goodwin,	McDowell,	Shaw,
Boorse,	Greenwood,	McFall,	Shepard,
Bower,	Gross,	McGrath,	Simons,
Bradley,	Gryskewicz,	McIntosh,	Skale,
Breth,	Gyger,	McKinney,	Snyder,
Bretherick,	Habbyshaw,	McLanahan,	Sollenberger,
Brown,	Haberlen,	McLane,	Stambaugh,
Brunner, C. H.,	Haines,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Burns,	Hamilton,	Melchiorre,	Tarr,
Burris,	Hare,	Mihm,	Tate,
Cadwalader,	Harkins,	Modell,	Thompson, E. F.,
Chervenak,	Harmuth,	Monks,	Thompson, R. L.,
Chudoff,	Harris,	Mooney,	Trout,

Cochran	Heatherington,	Moran,	Turner,
Cohen, R. E.,	Helm,	Moul,	Van Allsburg,
Cook,	Hering,	Muir,	Verona,
Cooper,	Herman,	Munley,	Vincent,
Cordier,	Hersch,	Nunemacher,	Vogt,
Corrigan,	Hewitt,	O'Brien,	Voldow,
Croop,	Hirsch,	O'Connor,	Voorhees,
Cullen,	Holland,	O'Dare,	Wagner,
Dalrymple,	Huntley,	O'Mullen,	Watkins,
Dennison,	Imbrie,	O'Neill,	Weingartner,
DiGenova,	James,	Owens,	Weiss,
Dix,	Jefferson,	Petrosky,	Welsh, E. B.,
Dolon,	Jones, G. E.,	Pettit,	Welsh, M. J.,
D'Ortona,	Jones, P. N.,	Polaski,	Williams,
Duffy,	Keenan,	Polen,	Wolf,
Early,	Kline,	Powers,	Wood, L. H.
Eckels,	Knoble,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorofski,	Rausch,	Woodside,
Falkenstein,	Krise,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Leisey,	Reese, D. P.,	Yester,
Fisher,	Lesko,	Reese, R. E.,	Young,
Fiss,	Levy,	Reynolds,	Kilroy,
Fleming,	Leydic,	Rhea,	Speaker.
	Lichtenwalter,	Rooney,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1284, entitled:

An Act requiring owners and lessees of real property, whenever making any improvements thereon, or additions thereto costing more than five hundred dollars ($500) to file a report of such improvements or additions with the county board for the assessment and revision of taxes, and providing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend the title, page 1, first line of title by inserting after the word "property" the following: "in counties of the third class."

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objections? The Chair hears none.

On the question,

Will the House agree to the amendment.

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1458, as follows:

An Act to enable the governing bodies of cities of the first second and second class A to establish by ordinance the requirements of responsible bidders for city printing and to repeal all acts and parts of acts inconsistent with the provisions of this act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The governing bodies of any city of the first second and second class A may by proper ordinance require that printing firms who are desirous of presenting bids for city printing shall be required to establish consideration as responsible bidders as follows:

(a) That the printing shall be done within the county where such city is situated

(b) That the printing firms shall file with the city clerk a sworn statement to the effect that employes in the employ of the firm or firms which are to produce such printing are receiving the prevailing wage rate and are working under conditions prevalent in the locality in which the work is produced

(c) That a collective bargaining agreement shall be in effect between an employer and employes who are represented by a responsible organization which is in no way influenced or controlled by the managemnt

(d) That in case any dispute arises as to what is the prevailing rate of wages for such work applicable to the contract which cannot be adjusted by the head of the department requiring such printing the matter shall be referred to the city council and its decision by a majority vote thereon shall be conclusive

Section 2 All acts and parts of acts inconsistent herewithin are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

An said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Fletcher,	Lichtenwalter,	Rose, S.,
Allmond,	Flynn,	Longo,	Rose, W. E.,
Auker,	Foor,	Lovett,	Rosenfeld,
Baker,	French,	Lyons,	Rush,
Balthaser,	Gallagher,	Marks,	Scarraf,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentzel,	Gerard,	McClanaghan,	Schwab,
Boles,	Gillette,	McClester,	Shaffer,
Boney,	Goodwin,	McDermott,	Shaw,
Boorse,	Greenwood,	McDowell,	Shepard,
Bower,	Gross,	McFall,	Simons,
Bradley,	Gryskewicz,	McGrath,	Skale,
Breth,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Stambaugh,
Brunner, C. H.,	Haines,	McLane,	Stank,
Brunner, P. A.,	Hall,	McMillen,	Stine,
Burns,	Hamilton,	McSurdy,	Tarr,
Burris,	Hare,	Melchiorre,	Tate,
Cadwalader,	Harkins,	Mihm,	Taylor,
Chervenak,	Harmuth,	Modell,	Thompson, E. F.,
Chudoff,	Harris,	Monks,	Thompson, R. L.,
Cochran,	Heatherington,	Mooney,	Trout,
Cohen, M. M.,	Helm,	Moran,	Turner,
Cohen, R. E.,	Hering,	Moul,	Van Allsburg,
Cook,	Herman,	Muir,	Verona,
Cooper,	Hersch,	Munley,	Vincent,
Cordier,	Hewitt,	Nunemacher,	Vogt,
Corrigan,	Hirsch,	O'Brien,	Voldow,
Croop,	Holland,	O'Connor,	Voorhees,
Cullen,	Huntley,	O'Dare,	Wagner,
Dalrymple,	Imbrie,	O'Mullen,	Watkins,
Dennison,	James,	O'Neill,	Weingartner,
DiGenova,	Jefferson,	Owens,	Weiss,
Dix,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dolon,	Jones, P. N.,	Pettit,	Welsh, M. J.,
D'Ortona,	Keenan,	Polaski,	Williams,
Duffy,	Kenehan,	Polen,	Wolf,
Early,	Kline,	Powers,	Wood, L. H.,
Eckels,	Knoble,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorofski,	Rausch,	Woodside,
Falkenstein,	Krise,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Leisey,	Reese, D. P.,	Yester,
	Leonard,	Reese, R. E.,	Young,

Fisher,	Lesko,	Reynolds,	Kilroy,
Fiss,	Levy,	Rhea,	Speaker.
Fleming,	Leydic,	Rooney,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1386, Senate Bill No. 295, Printers No. 143, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1036, as follows:

An Act to amend subsection (b) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans court in connection therewith and the fees therefor' by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent the natural parent shall retain his or her status as such and shall for purposes of inheritance and devotion be regarded as an adopting parent

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans court in connection therewith and the fees therefor' is hereby amended to read as follows

Section 16

* * * *

(b) The person adopted shall for all purposes of inheritance and taking by devolution be a member of the family of the adopting parent or parents The adoptive relatives of the person adopted shall be entitled to inherit and take from and through such person to the exclusion of his or her natural parents grandparents and collateral relatives but the surviving spouse of such adopted person and the children and descendants of such adopted person shall have all his her and their respective rights under this act Adopted persons shall not be entitled to inherit or take from or through their natural parents grandparents or collateral relatives but each adopted person shall have all his or her rights under this act in the estates of his or her spouse children and descendants Provided That in cases where a natural parent having a child legitimate or illegitimate has thereafter intermarried or shall hereafter intermarry with another and such other spouse adopts the child of the natural parent the natural parent shall retain his or her prior status and for purposes of inheritance and devolution the adopted child and the natural parent shall be entitled to take from and through the other and be regarded in law as the heir of the other

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Fletcher,	Lichtenwalter,	Rose, S.,
Allmond,	Flynn,	Longo,	Rose, W. E.,
Auker,	Foor,	Lovett,	Rosenfeld,
Baker,	French,	Lyons,	Rush,
Balthaser,	Gallagher,	Marks,	Sarraf,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentzel,	Gerard,	McClanaghan,	Schwab,
Boles,	Gillette,	McClester,	Shaffer,
Boney,	Goodwin,	McDermott,	Shaw,
Boorse,	Greenwood,	McDowell,	Shepard,
Bower,	Gross,	McFall,	Simons,
Bradley,	Gryskewicz,	McGrath,	Skale,
Breth,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Stambaugh,
Brunner, C. H.,	Haines,	McLane,	Stank,
Brunner, P. A.,	Hall,	McMillen,	Stine,
Burns,	Hamilton,	McSurdy,	Tarr,
Burris,	Hare,	Melchiorre,	Tate,
Cadwalader,	Harkins,	Mihm,	Taylor,
Chervenak,	Harmuth,	Modell,	Thompson, E. F.,
Chudoff,	Harris,	Monks,	Thompson, R. L.,
Cochran,	Heatherington,	Mooney,	Trout,
Cohen, M. M.,	Helm,	Moran,	Turner,
Cohen, R. E.,	Hering,	Moul,	Van Allsburg,
Cook,	Herman,	Muir,	Verona,
Cooper,	Hersch,	Munley,	Vincent,
Cordier,	Hewitt,	Nunemacher,	Vogt,
Corrigan,	Hirsch,	O'Brien,	Voldow,
Croop,	Holland,	O'Connor,	Voorhees,
Cullen,	Huntley,	O'Dare,	Wagner,
Dalrymple,	Imbrie,	O'Mullen,	Watkins,
Dennison,	James,	O'Neill,	Weingartner,
DiGenova,	Jefferson,	Owens,	Weiss,
Dix,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dolon,	Jones, P. N.,	Pettit,	Welsh, M. J.,
D'Ortona,	Keenan,	Polaski,	Williams,
Duffy,	Kenehan,	Polen,	Wolf,
Early,	Kline,	Powers,	Wood, L. H.,
Eckels,	Knoble,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorofski,	Rausch,	Woodside,
Falkenstein,	Krise,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Leisey,	Reese, D. P.,	Yester,
Fisher,	Leonard,	Reese, R. E.,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,	Rooney,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 192, as follows:

An Act to amend section 4408 of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for appeals by policemen who are fined suspended or discharged after hearing

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 4408 of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating there" is hereby amended to read as follows

Section 4408 suspension and discharge reduction of

employes appeals by policemen All employes subject to civil service shall be subject to suspension by the director of the department for misconduct or violation of any law of this Commonwealth any ordinance of the city or regulation of the department pending action by the city council upon the charges made against any of such employes On he ring before the city council where they may be represented by counsel they may be fined or suspended for a period not exceeding thirty days with or without pay or they may be discharged by city council if found guilty of the charges made against them The director of each such department may for misconduct or violation as aforesaid suspend any employe of such department for a period of ten days with or without pay without preferring charges and without a hearing of council Provided however That if it should become necessary to reduce the number of men in said department for purposes of economy seniority rights shall prevail and any and all removals for such cause or causes shall be from the member last appointed and the member or members serving the shortest time shall be removed first but members with longer times of service may be discharged for cause

Any policeman aggrieved by the action of the council in fining suspending or discharging him shall have the right to appeal by petition within thirty days after receipt of written notice of such action which it shall be the duty of the council to give to the court of common pleas of the county which court shall hear the charges made against the policeman de novo The issue before the court shall be whether the action of the council shall be affirmed or be modified in any respect or whether the charges should be dismissed Where any policeman has been suspended by action of council and the charges are dismissed on appeal the policeman shall receive full compensation for the entire period of suspension

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 193

Achterman,	Fletcher,	Lichtenwalter,	Rose, S.,
Allmond,	Flynn,	Longo,	Rose, W. E.,
Auker,	Foor,	Lovett,	Rosenfeld,
Baker,	French,	Lyons,	Rush,
Balthaser,	Gallagher,	Marks,	Sarraf,
Baugher,	Gates,	Maxwell,	Scanlon,
Beutzel,	Gerard,	McClanaghan,	Schwab,
Boles,	Gillette,	McClester,	Shaffer,
Boney,	Goodwin,	McDermott,	Shaw,
Boorse,	Greenwood,	McDowell,	Shepard,
Bower,	Gross,	McFall,	Simons,
Bradley,	Gryskewicz,	McGrath,	Skale,
Breth,	Gyger,	McIntosh,	Snyder,
Bretherick,	Habbyshaw,	McKinney,	Sollenberger,
Brown,	Haberlen,	McLanahan,	Stambaugh,
Brunner, C. H.,	Haines,	McLane,	Stank,
Brunner, P. A.,	Hall,	McMillen,	Stine,
Burns,	Hamilton,	McSurdy,	Tarr,
Burris,	Hare,	Melchiorre,	Tate,
Cadwalader,	Harkins,	Mihm,	Taylor,
Chervenak,	Harmuth,	Modell,	Thompson, E. F.,
Chudoff,	Harris,	Monks,	Thompson, R. L.,
Cochran,	Heatherington,	Mooney,	Trout,
Cohen, M. M.,	Helm,	Moran,	Turner,
Cohen, R. E.	Hering,	Moul,	Van Allsburg,
Cook,	Herman,	Muir,	Verona,
Cooper,	Hersch,	Munley,	Vincent,
Cordier,	Hewitt,	Nunemacher,	Vogt,
Corrigan,	Hirsch,	O'Brien,	Voldow,
Croop,	Holland,	O'Connor,	Voorhees,
Cullen,	Huntley,	O'Dare,	Wagner,
Dalrymple,	Imbrie,	O'Mullen,	Watkins,
Dennison,	James,	O'Neill,	Weingartner,
DiGenova,	Jefferson,	Owens,	Weiss,
Dix,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dolon,	Jones, P. N.,	Pettit,	Welsh, M. J.,
D'Ortona,	Keenan,	Polaski,	Williams,
Duffy,	Kenehan,	Polen,	Wolf,
Early,	Kline,	Powers,	Wood, L. H.,
Eckels,	Knoble,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorofski,	Rausch,	Woodside,
Falkenstein,	Krise,	Readinger,	Wright,
Finestone,	Lee, T. H.,	Reagan,	Yeakel,
Finnerty,	Leisey,	Reese, D. P.,	Yester,
Fisher,	Leonard,	Reese, R. E.,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,	Rooney,	

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 870, Printer's No. 510, was passed over at the request of Mr. LEVY.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY THE SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL NO. 253.

An act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions, providing for an election on such question; and regulating hours of service, hours of rest and annual vacations.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

RECALLING HOUSE BILL NO. 666 FROM THE GOVERNOR

Mr. GERARD offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 7, 1941.

Resolved (if the Senate concur), that House Bill No. 666, Printer's No. 208, entitled "An act to amend section one of the act approved the twenty-sixth day of August A. D. one thousand nine hundred thirty-two (P. L. 101) entitled 'An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments' by including counties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been pre-

pared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL NO. 475

An Act to further amend section seven of the act, approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred twelve), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," as amended, to extend the original jurisdiction of the Superior Court to include mandamus and prohibition in certain cases.

HOUSE BILL NO. 1084

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

HOUSE BILL NO. 1187

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania Quarantine Station property and ceding to the United States jurisdiction over said land

Whereupon, the Speaker in the presence of the House, signed the same.

CONGRATULATORY RESOLUTION

Mr. GERARD offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, May 12, 1941.

The attainment of the age of 75 years is an occasion always worthy of note. The leading citizen of the borough of Mount Oliver in Allegheny County, Charles J. Moye, celebrates today, the three-quarter century mark of an unusually active and useful career.

Mr. Moye was born in Lower Saint Clair Township, from which he was later instrumental in creating the borough of Mount Oliver, where he served for eighteen years as councilman, followed by two terms as burgess.

After a preliminary education in the common schools of the township and at Jefferson College, Mr. Moye went to work at Brice's Glass House, and later, at the age of 23, entered the tobacco business as the head of the firm of Charles J. Moye Company, in which capacity he still serves. He was also one of the organizers and a director of St. Clair Savings and Trust Company, and a director in the Iron Glass Dollar Savings Bank of South Side, Pittsburgh.

In 1893, Mr. Moye was married to Miss Lillian C. Cready, a daughter of one of the pioneer families of South Side, Pittsburgh. The union was blessed with one child, a daughter, Louise, now assisting her father in his tobacco and cigar business.

The most trying time of his life was spent during the World War when he served in connection with every activity to benefit the service men, particularly in seeing off the many young men who might never return.

Mr. Moye has always been particularly active and interested in fraternal and beneficial organizations, a member of the Mount Oliver Fire Department, a Mason for over 50 years, an honorary life member of the Loyal Order of Moose, and most active of all as an Elk, into which order he was first initiated as a member of Pittsburgh Lodge No 11, and thereupon, in 1910, became one of the organizers and charter members of Knoxville Lodge No. 1196, was elected Exalted Ruler of the latter Lodge in 1911, and made an honorary life member three years later.

Therefore be it Resolved, That the House of Representatives hereby extend its heartiest congratulations to this venerable lodge man, banker and manufacturer, and commend the activities of his long and useful life; and that a certified copy of this resolution be delivered to Mr. Charles J. Moye with the best wishes of this House for many more happy, prosperous and useful years.

USE OF HALL OF HOUSE GRANTED

Mr. SCANLON asked and obtained permission to use the Hall of the House tomorrow, Tuesday, at 7 p. m. for a public hearing before the Committee on Professional Licensure on House Bill No. 1118.

REPORTS FROM COMMITTEES

Mr. MUNLEY, from the Committee on Municipal Corporations, reported as committed, House Bill No. 543, entitled:

An Act authorizing cities, boroughs, incorporated towns and townships to abate certain interest charges and penalties added to municipial claims imposed or assessed for certain improvements; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims; and providing for the extension thereof.

Mr. MONKS, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1415, entitled:

An Act validating certain acts of county commissioners, county treasurers, tax collectors and other officials in giving to delinquent taxpayers the advantages of various acts of Assembly abating penalties and interest on county city, borough, town, township, school district, poor district and institution district taxes contrary to the requirements of said acts.

Mr. LONGO, from the Committee on Municipal Corporations, reported as Committed, House Bill No. 529, entitled:

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by providing that the tax collector shall give but one bond for the collection of township, county, school district, poor district and institution district taxes.

Mr. LONGO, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1524, entitled:

An Act to amend section one of the act, approved the first day of May, one thousand nine hundred and forty-one (Act No. 17), entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class), city (except cities of the first and second class), borough, town, township, school district (except school districts of the first class), poor district (except in counties of the second class), and county institution district (except in counties of the second class) taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof," eliminating the provision authorizing the rejection of the provisions of the act.

Mr. GOODWIN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1114, entitled:

An Act to further amend sections nine, fifteen, sixteen and seventeen of, and to add sections seventeen and one-tenth and seventeen and two-tenths to, the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," further regulating the sale of lands purchased by the county commissioners at such sales, providing for the discharge of mortgage liens by such treasurers' sales and by the sales of such lands now in the hands of the county commissioners, and providing for the distribution of the proceeds of all such sales.

Mr. MORAN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1459, entitled:

An Act to enable the county commissioners of counties of the first, second and third classes to establish by resolution the requirements of responsible bidders for county printing, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Mr. PRESLEY N. JONES, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1113, entitled:

An Act extending the time within which county commissioners may sell seated or unseated lands purchased by them at tax sales upon which the period of redemption has expired and validating certain sales heretofore made.

Mr. JEFFERSON, from the Committee on Municipal Corporations, reported as amended, House Bill No. 253, entitled:

An Act providing for the appointment, powers and control of members of volunteer fire companies as special fire police; and conferring powers on them at fires attended by their fire companies in any city, borough, town and township.

Mr. MELCHIORRE, from the Committee on Rules, reported as committed, House Resolution No. 92.

Mr. READINGER, from the Committee on Rules, reported as committed, House Resolution No. 89.

Mr. BENTZEL, from the Committee on Municipal Corporations, re-reported as committed, House Bill No. 536, entitled:

An Act to amend section twenty of the act approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled "An act creating the Department of Health and defining its powers and duties"; approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act" as amended, by providing for the payment of all fees to local registrars of vital statistics by the Commonwealth.

Mr. CADWALADER, from the Committee on Municipal Corporations, re-reported as committed, House Bill No. 532, entitled:

An Act to amend section one thousand and forty-seven of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," limiting the number of days for the completion of borough audits.

Mr. WILKINSON, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 525, entitled:

An Act amending, revising, consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds, as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties; and repealing existing laws.

Mr. WATKINS, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 530, entitled:

An Act to amend section three hundred and five of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the reimbursement of counties by the Commonwealth for primary and election costs incurred in even-numbered years.

QUESTION OF PERSONAL PRIVILEGE

Mr. DALRYMPLE. Mr. Speaker I rise to a question of personal privilege.

The SPEAKER. The gentleman from Erie will state his question of personal privilege.

Mr. DALRYMPLE. Mr. Speaker, in checking the House Journal for April 29 on House Bill 101, Printer's No. 364, I find myself recorded as voting "no". I voted "yes." I desire to have my vote corrected and printed in the Journal as such.

QUESTION OF PERSONAL PRIVILEGE

Mr. WAGNER. Mr. Speaker I rise to a question of personal privilege.

The SPEAKER. The gentleman from Somerset will state his question of personal privilege.

Mr. WAGNER. Mr. Speaker, on page 1834 of the Legislative Journal for April 29, in the vote on House Bill No. 1352, I find I am recorded as voting "Aye". I distinctly voted "no".

QUESTION OF PERSONAL PRIVILEGE

Mr. HEWITT. Mr. Speaker I rise to a question of personal privilege.

The SPEAKER. The gentleman from Indiana will state his question of personal privilege.

Mr. HEWITT. On April 29, House Bill 101, Printer's No 364, which is the bill I discussed with Mr. Williams on the floor at that time, I am recorded as having voted for the bill. I voted against it. I suppose my name was missed by the Clerk.

COMMITTEE MEETINGS

Cities-First Class, Tuesday, May 13 at 11 a. m. in Room 521.

Congressional and Judicial Apportionment, Tuesday, May 13 at 11 a. m. in Room 323.

Forestry, cancelled.

Game, Tuesday, May 13 at 11 a. m. in Room 325.

Judiciary General, Tuesday, May 13 at 9 a. m. in Room 246.

Judiciary Special, Tuesday, May 13 at 10:30 a. m. in Room 246.

Motor Vehicles, Tuesday, May 13 at 10 a. m. in Room 324.

Public Utilities, Tuesday, May 13 at 11 a. m. in Room 331.

State Government, Tuesday, May 13 at 9:30 a. m. in Room 325.

PUBLIC HEARING

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, May 13, 1941 at 6:00 p. m., E. S. T., in the New House Caucus Room, Main Floor.

There will be a Public Hearing before the Committee on Judiciary Special on House Bill No. 365, Printer's No. 495, on Wednesday, May 14, 1941 at 7:00 p. m., E. S. T., in the New House Caucus Room, Main Floor.

The Public Hearing before the Committee on Professional Licensure on House Bill No. 1118, Tuesday, May 13, 1941 at 7:00 p. m., E. S. T., will be held in the Hall of the House.

ANNOUNCEMENT

There will be a Public Hearing in the Hall of the House tomorrow, May 13th, before the Committee on State Government, on House Bill 1275, concerning adopting the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania.

The hearing will start at 11:30 a. m., E. S. T. and all members are urged to attend.

ADJOURNMENT

Mr. EARLY. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 13, 1941, at 12 m.

The motion was agreed to, and (at 10:53 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., TUESDAY, MAY 13, 1941. No. 52,

SENATE

TUESDAY, May 13, 1941.

The Senate met at 3:30 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, the prayer was offered by the gentleman from Butler, Senator CARR.

Our Father and our God, we realize that our lives are in Thy hands and Thou wilt eventually work out Thine eternal purpose for us, but we do know too, our Father, that Thou hast committed unto us the keeping of this life; we know that we can hinder Thy work or that we can advance it. We would ask that Thy spirit might brood over us as Thy children for the accomplishment of Thy will in each one of our lives as individuals in our labors together as men and as governments on this earth, that all things may work together for good and for the sake of Thy Kingdom. We ask it in Thy name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SNOWDEN and Mr. COLEMAN, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. COLEMAN. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Lackawanna will state his question of personal privilege.

Mr. COLEMAN. Mr. President, every year during the legislative session the Senate has always appropriately observed the anniversary of the birth of great Americans, occurring during the Legislative Session. In the present Session we observed with a fitting program, the anniversary of the birth of George Washington and of Abraham Lincoln. Are we going to fail to take cognizance of the day set aside in commemoration of the memory of those who went down into the very jaws of death to snatch therfrom these new lives?

Mr. President, for more than nineteen hundred years mankind has had three unfailing sources of inspiration to heroic deeds of great achievements and sublime accomplishments, the three words that represent the ever-flowing fountains of inspiration, have charmed the ears, brightened the hopes and thrilled the hearts of all the children of men. They have incited the genius which has produced the most exquisite pictures ever painted, the most melodious songs ever sung, the most beautiful poems ever written, songs, poems and pictures that have given us joy for our sorrows and smiles for our tears.

These three magic words, Mr. President, are, "Jesus, Home and Mother." The first of them impelled Charles Wesley to write the beautiful poem, "Jesus, Lover of My Soul"; the second of them prompted John Howard Payne to write a poem that will live as long as the enduring hills; Millions of weary wanderers, on foreign strands, have been transported in imagination back to the scenes of their childhood, back to the picturesque paths of their infancy by that beautiful poem,

"'Mid Pleasures and Palaces though ere we may roam,
Be it ever so humble, there is no place like home."

On Sunday, Mr. President, the people of America fittingly observed Mother's Day throughout this nation. The American flag was flown over many public buildings and there the old emblem was never flown in a more sacred caused than over the tender, gentle army in America, the mothers of this land.

Some poet stated it beautifully in these lines:

"The greatest battle that was ever fought?
Shall I tell you where and when?
On the map of the earth you will find it not;
It was fought by the Mothers of men."

Sunday we venerated the sacred name and observed the memory of mother and in imagination, with bowed heads, grateful hearts and generous hands, we laid a new wreath of the freshest, the fairest and the most fragrant flowers in all the land upon the mothers who have gone from the fruitful land of the living to the silent land of the dead. In this hour of sober and serious reflection the members of the Senate, yes everyone who treads the Globe, appreciates and realize that they owe their very existence to the unspeakable agony of a mother. It was mother's arms that first lulled the baby to sleep and mother in the twilight hour of baby's existence breathed into his ear a fervent prayer and then as the months grew into the years, or rather the days grew into months, and the months lengthened into years, mother's life became one round of solicitude and service for her child. Mother made the first dress baby ever wore and mother's deft fingers made the playthings that brought pride and joy and sunshine into the hearts of all the children of men; the bruise—on baby's foot and the splinter in baby's toe became such inflictions of such great consequence that only mother's care could banish its ache and only mother's attention could soothe its pain.

And then a little later on, Mr. President, mother, lacking a universal and encyclopedia of knowledge, informed her baby of the birds and the beasts and the flowers and the trees; she explained as best she could the grandeur of the sky and of the far off Milky Way and then on our bended knees we learned to say in the lisping accents of childhood:

"Now I lay me down to sleep.
I pray the Lord my soul to keep.
If I should die before I wake
I pray the Lord my soul to take.
And this I ask for Jesus' sake."

And so, onward through life mothers go making the great sacrifice in behalf of their children and, Mr. President, I think my own mother is the greatest creature God ever created. Six years beyond the Biblical three score and ten, I shall never forget in the 1939 Session how my mother walked into this Senate Chamber on a Saturday night, and the older members will remember this well, on the Saturday night when we had the Kane Coal Control Bill up for discussion, I had been away from home for a period of two weeks, the longest time in my thirty-eight years of existence I had been away from my mother, and she walked into this Senate Chamber at eight o'clock on that particular night, just a half hour before we debated the bill, and I could not help but observe the pride that was in her heart and the indescribable joy that was hers as I played some little part in leading the fight against the enactment of that particular bill, and so I am glad, Mr. President, that the members of the Senate have given me just a little bit of time to pay tribute to all the mothers of men throughout the world.

Let us continually exhalt her name, let us continually exhalt and extol the spirit of self sacrifice of all the living mothers and let us too not forget the mothers who have gone from the land of the living; let us beseech our Eternal Father to bless them and shower His richest blessings upon them forever and forever.

PERMISSION TO ADDRESS THE SENATE

Mr. EDMONDS. Mr. President, I ask permission to make a brief statement.

The PRESIDENT. If there is no objection the gentleman from Montgomery may proceed.

Mr. EDMONDS. Mr. President, I regret very much my statement does not follow along, as it might well do, the eloquent words of the Senator from Lackawanna, Mr. Coleman, with whom I am in full agreement, but I want to discuss rather a prosaic question, namely, the finances of the State of Pennsylvania.

I am reading from the Legislative Journal of the Senate of April 28, 1941, when it was stated by the gentleman from Philadelphia, Mr. Shapiro, whom I regret is not in his place at the present time, as follows:

"Mr. President, the information I have at the present time—which is not accurate and not assured—put it that way, because of the fact that there have been some returns that have been late in coming in—indicates that there will be as much as a sixty per cent increase in the corporate returns for the year 1940 over the year of 1939. If that is so, the $5,000,000 estimated increase in the net corporate income taxes for two years which the Governor made in his budget is wholly inadequate and certainly below what will be received. If that average of sixty per cent is realized there is a likelihood of a $25,000,000 increase and if there is such an increase in the amount of corporate net income taxes, the present existing taxes can be reduced or certainly much needed governmental functions performed."

Mr. President, I heard the Senator when he made that statement but I did not hear him accurately and I was in doubt as to what his statement was, and consequently I did not reply until I have gotten this copy of the Journal. I am bound to say in my judgment the statement itself is wholly inaccurate and should be revised by those who are thinking about State finances.

The corporate net income tax was adopted as an emergency tax in 1935. It was suggested to Governor Earle by the Committee on Taxation of the Pennsylvania Bar Association, of which at that time I had the privilege of being Chairman; we suggested to him that a rate of six per cent should be established. It was passed at six per cent for one year, raised the next year to ten per cent and then the next year was reduced to seven per cent, where it is now. That is a high rate, out of line with other corporate income taxes imposed by the various states and this is what it has produced:

In the biennium of 1935-1937, when there were two rates, $42,800,000; in the biennium of 1937-1939, $44,000,000 actual and estimated in the biennium of 1939-1941, in which we now are, $51,700,000; estimated by the Governor for the next biennium, $61,300,000; or an increase of ten million dollars or five million dollars per year.

Now, Mr. President, I want to call attention to the gentlemen of the Senate to the way in which this corporate net income tax applies. When the act itself was framed by this General Assembly it was provided that there should be a deduction from the net income of the amount of the Federal Corporation taxes and the result is that the tax base for state taxes depends absolutely upon what the federal tax may be upon those corporations and that, by the way, is not peculiar to Pennsylvania—practically all states that have corporate net income taxes have the same general provision.

Now, Mr. President, we know very well the Federal Government is getting ready to revise its corporate taxes. The Treasury Department has called for taxes yielding three billion six hundred million dollars and the President has endorsed that call.

The suggestion that has been made by the Treasury Department involves an increase in taxes of thirty per cent of net income with excess profits taxes probaby up to fifty or sixty per cent, and every increase there may be in the payment of corporation taxes to the federal government decreases the base upon which our state tax is to be computed.

Under those circumstances I feel very strongly that when the Governor estimated five million dollars per year as the increase in revenue, the Governor went to the limit of what common sense would indicate is feasible for this Commonwealth.

Of course, when you are dealing with futures it is always possible when you are prophesying, anyone of a half a dozen things may happen; nobody can tell what the future will bring.

Therefore, Mr. President, in considering all the points

involved in this procedure, it seems to me to be clear that an estimated return of $61,000,000 from the corporate net income tax for two years, in the light of taxation that is going to happen down in Washington, is as much as a prudent and reasonable man could make.

Consequently, Mr. President, I am of the opinion it would be very foolish if any members of the Senate believe this $25,000,000, which I understand to be $25,000,000 more per year, has in reality any substance.

Mr. SHAPIRO. I should like to state first of all, Mr. President, in answer to the statement of the gentleman from Montgomery, Senator Edmonds, that the figure which I gave should have been a fifty per cent increase and not sixty per cent, because when I was using the figure I had in mind the report of the Federal Government, which is available, that the income tax return for the Commonwealth of Pennsylvania by its corporations has increased from $70,000,000 in 1939 to $102,000,000 in 1940.

I had in mind also the estimate that the national income will increase, as against the last year figure of seventy-three billions of dollars, to undoubtedly at least ninety billions of dollars this year.

I submit the Governor's figures were arbitrary and not based on any computation at all, and I suggest the figures I am considering will be based upon some facts which will give us a promise which can be safe, or at least as safe as can be whenever you deal with futures.

I contend the evidence before the Revenue Department today ought to indicate just what the position will be for the year 1940, and if our Revenue Department will be doing its duty it should present us with figures which would give us the answer without much guess work. In other words, Mr. President, no one can say because there will be almost a fifty per cent increase in corporation taxes payable to the United States Government, that our increase will be accordingly, because as I know and as was pointed out by the gentleman from Montgomery, our taxes are paid by corporations after the deduction of federal taxes and the higher the federal taxes, the more will be affected the return to the State Government but if the state government will do this—about which I have been trying to get information and which I have been trying to get for the last two months—if they will take the corporate returns on income—not taxes, but on income for the year 1939, of corporations in Pennsylvania, and they will take the federal tax for the same period and deduct the one from the other, they will get the base of the tax for the year 1939 and if they will do the same thing in 1940—they now have the returns—if they will take those returns and estimate the total amount of the returns for 1940 by Pennsylvania corporations, that is, the net income, and they will deduct $102,000,000 of taxes which will be paid to the Federal Government, it will then give them the amount of net income on which the tax can be based in Pennsylvania.

I see the gentleman from Montgomery shaking his head. I will repeat and I think if he will follow me he will agree I am right. In order to determine how much more net taxable income we will have in Pennsylvania and on which corporations will pay a seven per cent net corporate income tax, all we need do is to take the two factors for both years, namely, the gross income of corporations before taxes to the government for the years 1939 and 1940, and deduct the government tax for each year from the gross income of each year, and in that way we will get a fairly safe comparison or a safe basis for figuring seven per cent on that and what the income will be.

Now, Mr. President, the state Department has had in its possession since the fifteenth of March—I think it is the fifteenth of April—when corporate net returns are made, the majority of the returns for corporations in Pennsylvania.

I think up until the present time, if the figures which have been presented to me are correct, they have received in cash about $19,000,000 and there are payments due for the month of May. Now, up to April 1, 1940, they had received $15,000,000. They have now received this year $19,000,000. In 1940, the month of May, they received $8,000,000. Now, if the proportionate increases are the same we may have some basis, but it is not a safe basis, but I submit if the gentleman from Montgomery will get the figures from the Department of Revenue, which I have not yet been able to get I think their report is that they have not compiled them—we will have a basis, and I prefer to take a basis of that kind rather than the mere guess of the Governor, or the man who gave the figures to the Governor, because I have found that the gasoline tax—take that as an example—does not in any way bear out the guess of the Governor at all.

On the basis of the increase for the past four months of this year, with the comparative months of the previous year, there is an increase of over a million and a half dollars. Multiply that by three and you have at least $4,500,000 in prospect more than the Governor has estimated. Increase in the tax for gasoline brings it up to about $31,000,000 and my figures on that basis are in accord with the figures given by the Floor Leader of the House, which is $37,000,000 plus—and if the ratio should continue, that is, if the uptrend in business and in national defense continues, the figures per month will increase more than that.

We are dealing not with a one-year period but with a two-year period and the income from taxes and other sources of revenue will increase more in the second year of the biennium than they are increasing now in the first, and I am quite sure a careful examination of this situation will prove the Governor has underestimated.

The best evidence of that is, as I said, first of all the gas tax and, secondly, the gross receipts tax.

For instance, the Governor says in the emergency tax, the gross receipts tax, there will be an increase from $10,200,000 to about $10,800,000.

Now, Mr. President, anybody who figures what the gross receipt tax is and understands it knows it bears no relation to profiits but is a tax on gross receipts, as it is called.

How many men will doubt the fact that railroad transportation will increase, that general transportation will increase; how many will doubt the fact that a twenty-four hour working day will increase the utility sales of current? All those are taxable.

To say that a two per cent tax on all that income will only yield five or six hundred thousand dollars increase in two years is to shut your eyes to facts.

Mr. WOODWARD. Mr. President, in listening to the gentleman from Philadelphia give these bedside talks about the increase in revenue, reminds me of a bill we had some time ago—perhaps what I am going to say may not be exactly pertinent, but in order to avoid a special session—and I do not know whether a special session would accrue to the advantage of the Democratic Party or the

Republican Party—it seems to be the opinion on both sides it will be to their advantage—but a few years ago there was a bill in the Senate which dedicated various taxes to the Governor if and when he needed this money to replenish the relief funds.

That was perfectly legal and constitutional and was a very common sense procedure, and I am merely mentioning it at this time, that we could do likewise, and arm the Governor with this potential money for any purpose that was needed.

Mr. President, we suffer somewhat in Pennsylvania from biennial sessions. In surrounding states, in new York no doubt you know they have an annual session and in New Jersey they meet every Monday night and then adjourn for about six weeks and then meet another Monday night, apparently, but in Pennsylvania we meet biennially and there is a handicap in that and I am simply throwing out the suggestion it is perfectly legal to provide the means for the Governor to use the money as he sees fit.

The most appropriate part of these remarks is that the Senator from Philadelphia, Mr. Shapiro, tried to interest me in a scheme to reduce the personal property tax from four mills to two mills and he asked me if I would be a fellow traveller, I think that is what he called it, and I said perhaps—out partnership is sometimes limited—but if he could show me I might be glad to reduce that; I am always glad to reduce the personal property tax, but you cannot determine that now, and therefore I am in favor of this argument for this statesmanlike proposition of arming the Governor with the means to produce the money as needed.

Mr. SHAPIRO. Mr. President, I should like to make my colleague from Germantown, Doctor Woodward, very happy by saying to him and repeating that it is my distinct purpose in trying to show and to prove that the net income has been underestimated, to reduce those taxes which I disapprove of—not for the same reason that Doctor Woodward disapproves of them—that is, I disapprove of taxes which bear no relation to profits; I do not think that a scientific method of approach and therefore I am aiming—to make the gentleman feel better—I am aiming to have the personal property tax, the emergency portion of it, reduced from four to two mills and the gross receipts, tax which in my opinion is a very high tax rate on companies which must pay it, irrespective of profits, to probably four or five per cent of the emergency tax.

In other words, that tax, in my opinion, of twenty mills or two per cent ought to be not more than ten per cent, and all I want to say is that when I present these figures, I think they should be given some consideration, you should not merely state "It is my guess and I like the Governor's guess better." I think that everyone of us is going to be guessing; I do not think there is any danger in guessing that the net corporate income tax will bring nearer $70,000,000 than $61,000,000. I do not believes there is any danger in guessing; I think I am more nearly right in guessing that if a tax which brings about $15,000,000 a year, at twenty mills, is based on a $8,500,000,000 income from gross receipts—and I do not think I am wrong in saying that railroad transportation companies and utility companies, with a continuous twenty-four hour working day, will increase their income possibly fifty per cent or at least thirty-three per cent, and in either case it will be either twelve billion seven hundred fifty million or it will be eleven billion, five or six hundred million.

In either case, on twenty mills, you will get at least $25,000,000 or you will get $22,000,000 and that is six or seven million dollars ahead of what the Governor estimates will be the income from the gross receipts tax. I am willing to state now that a careful analysis of this budget will show, as I have said, a possible increase of at least $25,000,000, and that will leave enough money to run the mental hospitals, give state aid—rather give the aid to the school districts that was promised them under the 1937 act and allow enough to give comfort to the gentleman from Philadelphia, Doctor Woodward, by a reduction in the personal property tax, and give some consideration to industry by a reduction in the gross receipts tax.

Mr. EDMONDS. Mr. President, there is so much with which I agree in what the gentleman from Philadelphia has said that I am loathe to take the time of the Senate, but I want to call attention to the fact that he admits that until the federal tax on corporations is determined he can not determine with any accuracy what Pennsylvania's share will be.

The Senator from Philadelphia speaks of his guess and of the Governor's guess. They are all guesses, as a matter of fact, but anybody that looks upon the conditions in Washington with calm judgment knows it is absolutely certain that the corporation tax will go up, and if it goes up it will decrease the net amount upon which we base our taxes in Pennsylvania.

I think the Senator from Philadelphia is right in expecting there will be an increase in many of the taxes. I think there will be in most of them; but on the other hand he fails to consider the taxes in which there are decreases and pretty continuous decreases.

I warn the Senate to watch with a good deal of care inheritance taxes. In these days of attack upon large fortunes and other things of that kind there has been such a decrease in the tax base that the inheritance tax is no longer the security that it was once before for the states and we have got to watch that with great care, and in making up any budget it is necessary to consider taxes where there is a decrease as well as taxes in which there may be an increase.

I ask the gentleman to give that consideration.

Mr. SHAPIRO. Mr. President, I would like to answer one thing more. I am not conceding, first, it is necessary to ascertain the figures from the government before we can make our returns; I do not think that is true and I have said so. I think the Revenue Department, if it wants to, can give us, the figures—I do not say that in criticism—but if they will put more men on the job we should have in a very short time, sufficient information to enable us to go ahead.

Speaking of guesses, I want to say the Governor of Pennsylvania guessed on relief for three sessions; he guessed that he would need $121,000,000 for relief, which he reduced to $119,000,000, and which turned out to cost $206,000,000.

I prefer my method of guessing; I prefer to guess on the basis of reduced taxes on incomes which are evidently increasing by the very information and figures we are getting today, and I think there is very much less danger in my method than there was in the Governor's method

of guessing on $120,000,000 for relief and afterwards spending two hundred odd millions of dollars.

Mr. REED. Mr. President, I am glad to learn from this discussion the Senators are beginning to see the hardship imposed upon the thrifty by this four mills personal property tax.

In 1939, I raised my voice against this iniquitous tax, claiming at the time that it was a tax on the thrifty. I have not changed my mind in that respect. I would like to see that additional four mills personal property tax repealed at this session.

I have in my desk a list of all the counties and the amounts of personal property taxes each county has contributed, and in analyzing this list you will find that a thrifty county like Lancaster pays an enormous personal property tax while at the same time there are, comparatively speaking, very few people on relief in Lancaster County. It has always seemed to me to be unfair to tax the thrifty people of one county in order to supply relief funds for a lot of people in another county. If you are going to continue the tax on thrifty people you are going to hasten the destruction of our free form of government. Now, on the other hand, here is an industry that has been taxed not at all in Pennsylvania and that is the amusement industry. The amusement field has been left untouched. People who pay money into that field are paying money for something that is not a necessity. It is an amusement tax, it is a pleasure tax, and yet if you will analyze that industry and see the huge profits that come therefrom it will amaze you, I am sure, and I could never understand why in Pennsylvania we leave that fertile field untouched and at the same time we lay a heavy burden upon the thrifty of Pennsylvania.

Just last week I cut from one of our Pittsburgh papers some information along that line I know the Senate would like to hear. While these thrifty farmers from Lancaster County, or Montgomery, or Chester County, that have laid aside a little money and perhaps have it invested in a little mortgage or in a share of stock or some other small investment are paying a personal property tax on those investments, this other field is paying out immense salaries to people who perhaps are not paying their just share of taxes.

Here is a headline "L. B. Mayer's Salary Tops for Third Year", his 1940 pay was $697,408; and then, going on down through that list I notice the name of Nicholas M. Schenk—who perhaps a great many people know of or heard of recently, President of Loew's Incorporated, whose income was $318,881; and then going on further down that list we see the name of W. C. Fields, actor, at $255,000; and then go right on down through the intricate list and see the vast profit coming from that industry, and Pennsylvania leaves that field untouched while it continues to collect from the thrifty and I say, Mr. President, at this time I am glad to note that Senators on both sides of this body are getting to see the iniquity and the inequality of this personal property tax and I hope at this session that this additional four mills tax will be taken off the backs of the thrifty of Pennsylvania.

SENATE BILL NO. 169 ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I ask unanimous consent to call up Senate Bill No. 169, on third reading, Page 3 of the Calendar.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 169, as follows:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain proceduce for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions county, election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents and corporations, real estate brokers, rental agents and boards of school directors and imposing penalties" abolishing the existing registration commission for cities of the second class and providing for the appointment by the Governor of a registration commission for counties within which there is located a city of the second class providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county providing for the transfer of the registration of electors upon change of residence from second or third class city, borough, town or township in the same county changing the period during which changes of enrollment of political party may be made changing requirements for the preparation and distribution of street lists and permitting the destruction of certain records.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Subsections (a) and (b) of section three section four subsections (a) and (c) of section six sections seven, eight, twenty-five, twenty-seven, twenty-eight subsection (a) of section twenty-nine subsection (d) of section thirty-two sections thirty-three, thirty-four, thirty-six and forty of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county, controllers, registrars of vital statistics certain public utility corporations, real estate brokers, rental agents and boards of school directors and imposing penalties" are hereby amended to read as follows:

Section 3 Definitions (a) The word "Commission" shall mean any registration commission having jurisdiction in any county within which is located a city of the second class acting as a registration commission.

(b) "Commissioner" shall mean a member of a registration commission.

Section 4 Registration Commission Membership. Action by Vote of Majority of Members Record of Proceedings.

(a) There shall be a registration commission in and for each county in which there is located a city of the second class which commission shall have jurisdiction over the registration of electors of such city and county under the provisions of this act. The terms of office of the existing registration commissioners shall end as soon as this act becomes effective.

(b) The registration commission shall consist of three commissioners who shall be qualified electors of the county not more than two of whom shall be enrolled members of the same political party who shall be appointed by the Governor with the advice and consent of the Senate and shall hold office for terms of four years or until their successors qualify unless sooner removed or otherwise disqualified. Provided however That the terms of office of the commissioners first appointed by the Governor under this act shall commence upon the date of their appointment and shall expire on the first Monday of January one thousand nine hundred forty-five. Upon the appointment by the Governor of the registration commission for any such county the terms of office of the existing registration commission or commissioners of any such city of the second class shall terminate.

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the county to hold office during the remainder of the term of the commissioner whose place shall have become vacant.

(d) The Governor may at any time remove any commissioner for cause and may appoint a duly qualified elector of the city as his successor for the remainder of his term.

(e) Each commissioner shall receive compensation at the rate of four thousand five hundred ($4500) dollars per annum except the chairman who shall receive five thousand ($5000) dollars per annum.

(f) As soon after their appointment as may be the members of each commission shall take the oath of office required by the Constitution of this Commonwealth and shall organize by selecting from their number a chairman and a secretary who shall not be members of the same party.

(g) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein.

(h) Each commission shall keep a record in permanent form of all its proceedings and shall make an annual written report to the Governor.

Section 6 Employes Registrars Inspectors of Registration Duties Appointment Incompartible Offices.

(a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same. The number and compensation of all such assistants and employes shall be fixed by the salary board of the county. The commission may with the consent of the county commissioners appoint employes of the county commissioners to act as such for the registration commission without any additional compensation as such.

(c) Registrars and inspectors of registration shall be qualified electors of the county. No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act. Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county.

Section 7 Counsel Compensation Duties The commission may employ special counsel at a compensation not exceeding three thousand ($3,000) dollars per annum. Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common please as herein provided.

Section 8 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations.

(a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the commissioners counsel a sufficient number of registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices accounts books stationery and other supplies which the commission shall consider necessary for the purposes of this act and for all other necessary expenses.

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties and such offices shall as soon as the county commissioners deem it practicable be joined to the offices furnished to the registration commission for boroughs towns and townships.

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of the act to which this is an amendment shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act. All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed.

Section 25 General Register The duplicate registration cards for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded. In any county where the registration cards of the second class cities are of the same type as those used in the third class cities boroughs towns and townships and in the opinion of the commission can be consolidated into one duplicate registration it shall be the duty of the commission to place the duplicate registration cards for all such cities and all boroughs towns and townships in exact alphabetical order which shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded these cards shall constitute the general register of the second class cities or the general register of all such second class cities third class cities boroughs towns and townships as the case may be and shall not be removed from the office of the commission except under order of a court of record of the county.

Section 27 Removal Notices—(a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of electors who are registered either in any second or third class city or in any borough town or township within the county. These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write—(1) the street and number of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address or the borough town or township and the election district therein from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name. The removal potice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district. Each removal notice shall contain a warning

to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register for such city or for the borough town or township of his previous residence. Each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice.

(b) Any elector who removes his residence from one place to another within the election district must notify the commission by filing a removal notice with the commission not later than thirty days next preceding the primary or election.

Section 28 Transfer of Registration—(a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city or to a location in the city from an election district in a city of the third class borough town or township within the county the commission if it has previously determined by resolution that the personal registration system for the city and the system for the third class cities boroughs towns and townships are so set up that registration cards of one system may be used for the other system shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come as filed in the general and district registers of the election district of his previous residence and if the signature shall appear authentic shall enter the change of residence on his registration cards and if the removal shall have been made two months or more next preceding an election or primary shall transfer the registration card of the elector from the general register of the county or of a city of the third class to the general register of the said city and the registration card from the district register of the election district of his previous residence to the district register of the election district of his new residence in the city. If such request for transfer shows a removal within the period of two months next preceding an election or primary the commission shall transfer the registration card of the elector from the district register of his previous residence but shall not include it in the district registers of his new residence in the city until after the election or primary. In any such case the commission shall advise the elector promptly in writing of its action.

(b) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration.

(c) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar at any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice.

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability. After Registration to Have Fact Recorded Cancellation—(a) At any time prior to the thirtieth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers. In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made. If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity. When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration.

Section 32 Canvass of Registered Voters—

* * * *

(d) Such special inspectors shall have and may exercise the power conferred by this act upon inspectors of registration. They shall be qualified electors of the county and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs.

Section 33 Comparison and Correction of Registers—Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers.

Section 34 Street Lists Posting (a) Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers.

(b) The commission shall cause to be made sufficient number of exact copies of each such list and as soon as possible shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the county committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided.

Section 36 Delivery of District Registers to Election Officers (a) Not later than noon of the third day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers with other election materials for use on election day in the manner in which the county election boards now are or hereafter may be required to deliver election material. Provided That the registration commission shall not deliver to the county election board the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election. The registration commission shall withdraw from the district registers the cards of all such persons before the registers are so delivered.

(b) District registers when so delivered shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visable and that entries may be made on each card but that the cards can not be removed by the election officers. Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward. Said binders shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery.

Section 40 Cancellation Removal and Preservation of Registration Cards and Records (a) Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of can-

cellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it.

(b) All records which are not essential for maintaining the current status of any qualified elector may be destroyed by the commission after three years.

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. BARR. Mr. President, my remarks on this bill will be very brief. I think everyone in the Senate knows this bill from A to Z by this time. I am going to ask my colleagues to vote against the bill, even though my name is on it, and I wish to remind the newspapers from the City of Pittsburgh what I have said about the voters has been borne out in the amendments to this bill.

Mr. WALKER. Mr. President, I deeply appreciate the situation as just described by my colleague from Allegheny, Senator Barr, and I want to say very frankly to the Senate I am not including the newspapers in my remarks, because they pay no attention to what we say here on the floor of the Senate, but I want to say there is an honest difference of opinion and a division of opinion exercised by the cosponsor of this bill and in all fairness to my very learned colleague from Allegheny, Senator Barr, he may be entirely right in the position which he has taken; time alone will tell.

I have a deep respect for his opinion and I say to the members of the Senate his opinion is entitled to your very careful consideration and your very careful inspection.

It seems peculiar to me that inadvertently the question of politics might be raised merely because for the moment the present incumbent in the office of chief executive of the Commonwealth comes from the Republican Party. If the county commissioners of Allegheny County and the chief executive of the Commonwealth all came from the same political party the question of politics would not be raised in this instance. It is unfortunate also, and purely coincidental, that Senator Barr, who represents the Democratic Party, is advocating the appointments to these positions by the Democratically controlled Board of County Commissioners and Senator Walker who is a Republican, interalia a Royal Oaker, is advocating appointments to these positions by the chief executive of the Commonwealth, who is a Republican and not a Royal Oaker.

The positions taken by Barr and Walker do not spring from politics because both of us are too young in public life to understand politics or to have any political opinion.

We are merely trying to consolidate the two boards in Allegheny County and eliminate over lapping in a governmental function. Personally, Mr. President, I think the bill should be passed. Senator Barr has been advised, as well as I have been advised, by people who are older and wiser in political maneuvering and strategy, there will come the dawn of a day in the House of Representatives, which by a mere coincidence is also controlled by the Democratic Party, when the amendments which I placed in the bill will, like the Arabs, fold their tents during the night and silently steal away, and one of these bright days we will have this back in the Senate with the county commissioners making the appointments and then is the time when the real serious discussion of this bill will take place.

Mr. President, I urge my colleagues to vote in favor of this bill because in spite of the fact, according to Senator Barr it may limp a little, it is, nevertheless, a step in the right direction.

Mr. DENT. Mr. President, may I interrogate the gentleman from Allegheny, Mr. Walker.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. Yes, Mr. President.

Mr. DENT. Mr. President, as I understand it, the bill in its present condition gives the Governor the right to make the appointments.

Mr. WALKER. That is right, Mr. President.

Mr. DENT. Does he not have that right now, Mr. President.

Mr. WALKER. No, Mr. President. May I explain to the gentleman from Westmoreland that the two boards are to be consolidated, the County Registration Board and the City Registration Board, and the Governor at the present time has the right to appoint the City Registration Board and in the consolidation of thesetwo boards the question arises as to who should make the appointments, the Board of County Commissioners of Allegheny County or the chief executive of the Commonwealth, and that is where the sponsors are going one to the north and one to the south on the bill.

Mr. DENT. I thank the gentleman. That is highly understandable.

Mr. WALKER. It is merely a conincidence, Mr. President.

Mr. DENT. It is perfectly proper for the gentleman from Allegheny, Mr. Barr, to want the commissioners to make those appointments and it is perfectly proper for the other gentleman from Allegheny, Mr. Walker, to want the Governor to make the appointments.

I think, perhaps, those of us who do not come from Pittsburgh, and not being politicians, would not understand what you are trying to do but possibly some of the older men who know more about politics here could probably read right through the whole darn thing and see where you are playing politics. I do not think Senator Barr is playing politics, because he sponsored the bill, and yet will not vote for it.

Mr. CAVALCANTE. Mr. President, there is no use quibbling over the point of whether there is politics involved in this bill or not. In order to determine the question all you need to do is to follow the course of this bill in the Senate.

When this bill was introduced it showed signs of having been written by individuals who were using some good common sense, the common sense that is so much needed in individuals these days; it was the common sense that had in view the best interests of the people of Allegheny County, not only the people of the City of Pittsburgh but the people of the entire county of Allegheny.

The bill, when you analyze it, shows that the good minds that put the bill together had in view the eliminating of duplicity and overlapping of agencies. The situation was this: In the County of Allegheny there was a registration commission in the City of Pittsburgh that registered the voters of the city, and in the county commissioners' office you had another registration commission that registered the voters that lived outside of Pittsburgh city limits.

Now, Mr. President, common sense dictates that there is no necessity for such duplication in a county like Allegheny. I have heard the argument that since Philadelphia has but one registration commission, so Allegheny County where the City of Pittsburgh is situated should have one registration commission, but that argument fails to note that the City of Philadelphia is co-extensive with the County of Philadelphia. There is nothing beyond the limits of the City of Philadelphia.

Here in Allegheny County the situation is different. You take your census of 1940 and it will show that a little more than fifty per cent of the population of Allegheny County, including the City of Pittsburgh, lives outside of the boundaries of the City of Pittsburgh. The statistics will also show the vast territory that lies outside the city limits and here we have an attempt made to differentiate between the people that live in the city and the people that live in the county. One of the sponsors of the bill, Mr. Walker, says the newspapers are not interested in what we do with this bill. Now, probably Mr. Walker has not read the newspapers of his own county and city, but coming back to the precedure of this bill through the Senate the bill would wipe out that duplicity of agencies and had in view the welfare of the people and after the bill was passed upon by the committee to which the bill had been consigned and after that committee had entered into a lengthy hearing that kept us in the committee room until about one thirty in the morning, the committee rejected the very amendments that the gentleman from Allegheny, Mr. Walker, succeeded in in inserting in the bill on the floor of the Senate.

Now, Mr. President, the amendments change radically the purpose of the bill. The purpose of the bill originally showed some honest and decent thinking but after the amendments were put in they showed pure and simple the mind of a convincing politician and nothing else. Not only do the amendments restore the registration commission of the City of Pittsburgh but they go on further than that and take away from the rural inhabitants of Allegheny County the right which they have had up to this time enjoyed, and that is the right to pass upon with their ballots the persons who shall operate the registration system, and the people of rural Allegheny County were merely enjoying the same rights that all the citizens of the other counties of this Commonwealth were enjoying, the right to vote for the people who administer this system. The bill under these amendments takes that right away from them and reposes the right in the Governor.

Now, gentlemen, I trust you will grant that we are trying to be sincere in our arguments. I want to impress you with this point on this bill; you take the people of Germany —let us take the people of Russia first, they rebelled and they established a republic. Their purpose was to let the people determine who should lead them and after that was done individuals arose among them who had distrust of the ability of the people to select those who should govern them.

The same situation arose in Germany. The people established a republic and it was not many years until somebody arose who felt that the people could not be trusted with the right to select their own employes and the people who should manage the government.

The same situation arose in Spain. The people rebelled and overthrew their monarchy and established a democracy and it was not long until somebody arose among them who felt the people could not be trusted to select those who should rule them.

Now, members of this body, analyze this bill carefully, then take the analysis and see how well that analysis squares with our idea of home rule and Democratic Government. Somebody here apparently does not believe that the competent people of Allegheny County and the City of Pittsburgh can be trusted with the election of officials to manage their own registration. I do not say that it is the final big step to totalitarianism or dictatorship, but it is a small step in that direction, and I say that frankly, because I say that the difference between totalitarianism and our idea of democracy is that in a democracy we trust the people to use good judgment and we give them the right to select those who shall govern them, where, in a totalitarian government you have the idea of distrust of the people, the idea the mass of the people cannot be trusted with determination of their own affair, and truly when you square the analysis here with what this bill does you cannot escape the fact it takes away home rule, it takes away from the people of Allegheny County a right which they have enjoyed up to this time.

Now, Mr. President, let me read to you what a newspaper of Pittsburgh that is representative of the people of Allegheny County says about this matter.

GUMMING UP A GOOD BILL

Weeks ago Senators Joseph M. Barr, Pittsburgh Democrat, and John M. Walker, Oakmont, Republican, jointly introduced in the Legislature a bill to consolidate the Pittsburgh and Allegheny County registration offices.

Back of the bill was the very practical reasoning that the Pittsburgh Registration Commission, which serves only the voters of the city, is not responsible to anybody save in a very indefinite way. It is appointed by the Governor, usually on the recommendation of local politicians who hold no public office, and is financed out of County funds under the jurisdiction of the County Commissioners.

The bill introduced by Senators Barr and Walker appeared to answer two pertinent questions: Why should the Governor appoint a board which was purely local in function? Why should there be two agencies to enroll voters when the elections are conducted on a county-wide basis by one agency?

At best, it is a ragged and sloppy way of doing business.

Fortunately, the present Registration Commission has done a thoroughly honest and efficient job. But past commissions frequently have been in hot water and two commissioners at one time were under indictment, although the charges later were quashed. Even now Gov. Arthur H. James has proposed new commissioners to the Senate.

In the interest of efficiency, economy and centralization of responsibility, the original Barr-Walker bill was good legislation.

But Senator Walker got the Senate to amend the bill so the registration of voters outside Pittsburgh would be entrusted to the Pittsburgh Registration Commission to be appointed by the Governor, although the commission still would be financed by the County Commissioners.

He said certain civic organizations and newspapers in Pittsburgh had advocated this change so the commission would be "removed from politics as far as possible."

The new amendments destroy the real purpose of the bill and, instead of eliminating politics, make the setup more complicated and more political. They also rip out the registration division in the County Elections Department, at present a highly efficient and competent agency.

Some time ago, it was proposed that the bill be amended to give the minority county commissioner the right to appoint one-third of all the employes in the consolidated registration bureau. This was a sound plan because it would have given the minority group representation, a plan in line with our whole theory of check-and-balance government. But this amendment never has been written into the bill.

As now amended, the bill is in danger of being killed. What started out to be a nonpartisan bill has become political as all get-out.

This is what the Pittsburgh Press says, truly well considered, and this bill in its present form ought to be defeated as recommended by one of its co-sponsors, the gentleman from Allegheny, Mr. Barr.

Mr. WALKER. Mr. President, I just want to make three short answers to the statements that have been made. First, if any member of the Senate is of the opinion this bill, co-sponsored by Senator Barr and myself, percipitated the Russian Revolution, please vote against the bill.

Secondly, referring to political minds, the gentleman used the words "pure and simple," and I would like to ask that they be stricken from the record, if he is referring to my political mind.

Third, Mr. President, he brings up the question of politics and I merely would like to say this, the comments he read from the editorial of the Pittsburgh Press mentioned a Board of County Commissioners and certain indictments, and I want to make it clear to the Senate that our present Board of County Commissioners is a very efficient board and is not the board referred to in the editorial.

Mr. WOODWARD. Mr. President, I should like to make some slight reference to the "unquote" of the Senator from Fayette, Mr. Cavalcante. Previous to the gentleman's talk I had intended to vote for Mr. Barr because I thought he was right and I thought Mr. Walker was wrong but I have become so confused by this reference to the Russian Revolution, and by the way, the gentleman was wrong, it was not the Russian Revolution; it was the German Revolution, but I have become so confused with the German Revolution and the Russian Revolution and the civil war in Spain, I have decided now I must vote with Mr. Walker.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The years and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	Mallery,	Tyler,
Becker,	Farrell,	Miller,	Wade,
Carr,	Geltz,	Scarlett,	Walker,
Chapman,	Heyburn,	Snowden,	Watkins,
Crider,	Homsher,	Stevenson,	Wilson, H. I.,
Crowe,	James,	Tallman,	Wilson, T. B.,
Deitrick,	Kephart,	Taylor,	Woodward,
Ealy,	Letzler,	Thomas,	Ziesenheim,

NAYS—16

Barr,	DiSilvestro,	McCreesh,	Reed,
Cavalcante,	Frey,	McGinnis,	Ruth,
Coleman,	Haluska,	McQuiddy,	Shapiro,
Cox,	Jaspan,	Mundy,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL NO. 253

The Clerk of the House of Representatives being introduced, informed the Senate that the House has declined to recede from its position on Senate Bill No. 253, entitled:

An Act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions; providing for an election on such question; and regulating hours of service hours of rest and annual vacations

and insists upon its amendments.

Mr. GELTZ. I am informed, Mr. President, that my colleague from Allegheny, Mr. Walker, has to leave the Senate in order to get to Montgomery County, where I understand he is going to open his campaign at a banquet tonight. I understand, Mr. President, Senate Bill No. 253 has been returned from the House.

Mr. WALKER. Mr. President, Pop Courtney, crew coach at Cornell University, was a very famous institution up there for about forty years.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Philadelphia will state his point of order.

Mr. SHAPIRO. Mr. President, the gentleman from Allegheny is not speaking on the bill.

Mr. WALKER. You are going to get it in just a minute.

Mr. SHAPIRO. The gentleman is not speaking on the bill, Mr. President,

The PRESIDENT. The Chair has not heard him say anything as yet.

Mr. WALKER. Mr. President, I might say if there are any other Cornellians here they probably will be perfectly willing to listen. Pop Courtney had a very famous expresison, "The Lord deliver us from our friends.". As my friend the gentleman from Allegheny, Senator Geltz, has just stated, press of public duty calls me elsewhere.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL NO. 253

Whereupon,

A motion was made by Mr. WALKER and Mr. GELTZ, and agreed to,

That the Senate insist upon its non-concurrence in the amendments made by the House to the foregoing bill, and suggests the appointment of a Committee of Conference to confer with a similar committee of the House of Representatives (if the House should appoint such a committee) to consider the differences existing between the two Houses in relation to said bill.

Ordered, That the Clerk advise the House of Representatives accordingly.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 13, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Miss Elizabeth Stratton, McKeesport, May 19, 1941.

LACKAWANNA COUNTY

Thomas A. Garvey, Carbondale, May 19, 1941.

VENANGO COUNTY

Thomas H. Bines, Oil City, May 25, 1941.

PHILADELPHIA COUNTY

William J. Drennen, Philadelphia, 1229 West Stiles Street, May 25, 1941.

ARTHUR H. JAMES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Marguarite McGovern, Pittsburgh, 1706 Grant Building.

DELAWARE COUNTY

E. A. O'Connor, Chester.

PHILADELPHIA COUNTY

F. H. Appenzeller, Phila., 1305 West Lehigh Avenue.
Samuel J. Banks, Jr., Phila., 1518 Walnut Street.
Miss Dorothy E. Brower, Phila., 4530 Tacony Street.
Herbert R. Burgess, Jr., Phila., 558 Martin Street.
Wm. Morris Maier, Phila., 1218 Chestnut Street.
Miss Florence I. Shiller, Phila., Market Street National Bank Building.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. EALY and Mr. EDMONDS

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Taylor,
Becker,	Farrell,	McGinnis,	Tallman,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Letzler,	Stevenson,	Ziesenheim,
DiSilvestro.			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

RECALLING NOMINATION OF APPOINTMENT OF MEMBER OF BOARD OF TRUSTEES OF SLIPPERY ROCK STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made to your Honorable Body on January 7, 1941, for the appointment of Thomas W. Dickey, New Castle, as a member of the Board of Trustees of Slippery Rock State Teachers College, Judge Dickey now being deceased.

ARTHUR H. JAMES.

APPOINTMENT ON THE PART OF THE SENATE OF COMMITTEE IN COMMEMORATION OF 200TH ANNIVERSARY OF BIRTH OF THOMAS JEFFERSON

The PRESIDENT. The Chair lays before the Senate a communication from the President Pro Tempore appointing the following members of the Senate to serve on the committee in connection with Senate concurrent resolution Serial No. 113, commemorating the 200th anniversary celebration of the birth of Thomas Jefferson:

The Senator from Warren, Dr. Chapman; the Senator from Northampton, Mr. Bartlett, and the Senator from Philadelphia, Mr. Stiefel.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, May 12, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvenes on Monday, May 19, 1941, at 3:30 o'clock, p.m., (Eastern Standard Time) and when the House of Representatives adjourns this week it reconvenes on Monday, May 19, 1941, at 8:00 o'clock, p. m., (Eastern Standard Time).

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 475, entitled:

An Act to further amend section seven of the act, approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," as amended, to extend the original jurisdiction of the Superior Court to include mandamanus and prohibition in certain cases.

House Bill No. 1084, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

House Bill No. 1187, entitled:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania, Quarantine Station property, and ceding to the United States jurisdiction over said land.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL NO. 528

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 528, entitled:

An Act making a deficiency appropriation to aid certain school districts

with the information that the House has passed the same without amendments.

He also presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, May 13, 1941, Resolved (if the Senate concur) That House Bill No. 666, entitled:

An Act to amend section one of the act approved the twenty-sixth day of August, A. D. one thousand nine hundred thirty-two (P. L. 101), entitled "An act authorizing collectors of delinquent taxes, except in cities of the first class, to accept payments of delinquent taxes or water-rents or rates in installments," by including counties.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 174, (Senate Bill No. 857), entitled:

An Act to add subsection (c) to section four of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "The Support Law," prohibiting any public body or public agency from demanding or accepting a bond or judgment note from an indigent person for expenses of his support, maintenance, assistance or burial, before such expenses are incurred.

Which was committed to the Committee on Welfare, Public Assistance and Pensions

House Bill No. 192, (Senate Bill No. 858),

An Act to amend section four thousand four hundred and eight of the act approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "Third Class City Law," providing for appeals by policemen who are fined, suspended or discharged after hearing.

Which was committed to the Committee on Municipal Government

House Bill No. 724, (Senate Bill No. 859), entitled:

An Act to further amend section 363 of the act approved May second, one thousand nine hundred twenty-nine (P. L. 1278), entitled "General County Law," and further regulating the form and contents of county auditors' reports.

Which was committed to the Committee on County Government

House Bill No. 979, (Senate Bill No. 860), entitled:

An Act to amend section one thousand seven hundred and one of article seventeen of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," by further regulating the recount of ballots in cases of suspected fraud or error, and governing the return of the moneys deposited in such cases.

Which was committed to the Committee on Elections

House Bill No. 1036, (Senate Bill No. 861), entitled:

An Act to amend subsection (b) of section sixteen of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 429), entitled "Interstate Act of 1917," by providing that in cases where the spouse of the natural parent shall adopt the child of such natural parent, the natural parent shall retain his or her status as such, and shall, for purposes of inheritance and devolution, be regarded as an adopting parent.

Which was committed to the Committee on Judiciary General

House Bill No. 1072, (Senate Bill No. 862), entitled:

To amend section five hundred and nineteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" providing for the payment of the costs of viewers by the Commonwealth in certain cases.

Which was committed to the Committee on County Government

House Bill No. 1172, (Senate Bill No. 863), entitled:

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by empowering counties to acquire real estate by lease, purchase, gift or eminent domain for use as fairground, authorizing the acquisition of property by eminent domain for certain other public purposes; and authorizing county commissioners to do all things necessary for the establishment and maintenance of county agricultural fairs and fairgrounds, including the appropriations of funds, joint action with other political subdivisions, the levy and collection of taxes, the creation of county fair boards, and the acceptance of State contributions.

Which was committed to the Committee on County Government

House Bill No. 1270, (Senate Bill No. 864), entitled:

An Act to further amend sections one, two and seven of the act approved the twelfth day of June, one thousand nine hundred and thirty-one (P. L. 510), entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties," limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis.

Which was committed to the Committee on Public Health

House Bill No. 1401, (Senate Bill No. 865), entitled:

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "Public Assistance Law", further regulating the establishment of standards and qualifications for assistance.

Which was committed to the Committee on Welfare, Public Assistance and Pensions

House Bill No. 1458, (Senate Bill No. 866) entitled:

An Act to enable the governing bodies of cities of the first, second and second class A to establish by ordinance the requirements of responsible bidders for city printing and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Which was committed to the Committee on Municipal Government

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege, concerning the matter of a resolution appearing in the History of the Senate on Page 213.

The PRESIDENT. The gentleman from Philadelphia may proceed.

Mr. SHAPIRO. Mr. President, I call attention to the fact that this concurrent resolution was sent to the Senate on March 25, as shown on Page 213 of the History of the Senate. It is a resolution authorizing the appointment of a committee to investigate the maintenance, operation and conduct of all state hospitals in Pennsylvania.

I should like to say that my reason for rising at this time is to reiterate the feeling I have had and have expressed in this Senate on several occasions. The time has long since arrived when we should at least prepare to act as statesmen upon those subject matters on which we all agree some action must be taken, and on which we can agree upon the action that should be taken.

Mr. President, we had evidence on what can be done, if the senators want to do it, in dealing with the additional relief appropriation of fourteen and a half million dollars, the bill which came over here and was subsequently in the House threatened with a snarl in an attempt to hold up and interfere with the administration of relief, because of a misunderstanding, but in an hour's time the men sat down and that matter was solved and we proceeded to business feeling that we had accomplished something; one of the first things, I think one of the few things we have accomplished in this session that was worth while.

Now, Mr. President, there has been considerable agitation in the Commonwealth of Pennsylvania with respect to the management of state hospitals. The Governor of the Commonwealth of Pennsylvania said he would welcome a resolution and the only question debatable and the only subject for debate was how the investigation was to be conducted.

The House introduced a resolution which gave every assurance, as far as assurance could be given, at least, in the construction of the resolution and the make-up of the committee that an impartial and fair investigation could be made. A joint resolution was introduced giving equal representation on both sides. The Governor was in favor of it, the Senate leaders said they were in favor of it, but since March 25th, that resolution has laid in the Senate with no action.

An investigation is going on concerning one hospital. Statements have been made concerning other hospitals, and the proper functioning of these institutions is impaired because none of them know when or if they will be investigated and all of them are on edge, not knowing what is going to happen. The morale of the institutions, all of them, must be affected and yet nothing has been done.

Mr. President, for two weeks I have been busily engaged in keeping the House from its avowed purpose, because of that neglect, to pass a resolution calling for a House investigation—I am quite sure that no matter how much good they will do by that investigation, such an investigation will always be tainted with a political aspect and with the fact that it is a one sided investigation, and now I am saying that if there is any merit in the statements that are being made here regarding politics being played, I would like to call your attention to the fact that in this particular instance the fault lies with the Senate and not with the House—and need I say the Senate is controlled by the Republican Party and not by the Democratic Party?

As a result of this delay, Mr. President, there has been reported out last night on the floor of the House a House resolution which at my request was kept in committee until we could give ample opportunity to the Senate members of the Republican Party to act upon their resolution.

I have again asked that that be delayed in the House, but I suggest to the members of the Senate there will be no further delay, from what I understand, unless prompt

action is taken by the Senate, one way or the other upon this resolution. It is entitled to that, and I think it is time we stop playing politics with this kind of a situation. I want to emphasize that fact and reiterate that we are taking inconsistent positions.

We have heard the gentleman from Montgomery say there will not be an increase in income; we have talked about savings in the budget. Senate Bill No. 554 is an evidence of what I have been talking about. Senate Bill No. 554 was reported out by the Republicans on April 8th. We heard on three different occasions from the Secretary of Public Assistance that the passage of that bill would mean a saving of $1,600,000 per biennium. Since April 8 that bill has been back and forth from the committee, on the floor, over in order and now back in committee again. As a result of that, this state has lost over seventy thousand dollars in moneys which they would have received from the federal government.

I ask you to either act or to accept the charge that you are playing politics.

Mr. WOODWARD. Mr. President, in discussing the statement of my fellow traveller, and here let me say that this is a limited partnership proposition, and instead of giving you my own views, I have here a letter from the Commonwealth of Pennsylvania, from the Governor's office, the Budget Secretary, who has given me the figures on these hospitals, there are ten of them, and the regular appropriations for about half a dozen bienniums, run along $2,600,000; $2,400,000 and $2,900,000, in 1939. Then there were deficiency appropriations of $36,000, $50,000, $30,000; then there is a $100,000 item made for 1939, but the point is that we have—I do not know, I have asked Senator Ealy but he is not sure, State aided hospitals we have something like two hundred and eighty, something like that, but these ten hospitals, so-called miners' hospitals in the coal regions, now called surgical and medical hospitals, I believe they sit back with a very great comfortable feeling that no matter how extravagant they may be, all they have to do is come to Harrisburg, and one hundred per cent of their budget is assured right here in Harrisburg. Take the case of the Scranton State Hospital as compared with the Wilkes-Barre State Hospital, they are in exactly the same category; if you find one miner in one, you will find one miner in another. Scranton State Hospital has one hundred per cent of state appropriation, and the Wilkes-Barre State Hospital has to come here and ask for aid, and that is a perfectly reasonable proposition, for these ten hospitals, not all but some of them, to become state aided hospitals.

Governor Fisher made a crusade against these hospitals, he went around and tried to get the details, and there was then a big scandal about the superintendent—there always seem to be scandals, there is one now at Shamokin I believe—at any rate the superintendent had his whole family living in the hospital and had private patients in private rooms, and he was taking money for them.

The moral of the whole thing is that the state has no business to be in the hospital business. I am not talking about mental hospitals but I am talking about these general surgical hospitals. If you had been in the Republican Caucus, as I was the other day, and heard the stories—I am not giving any secrets away, Mr. Floor Leader—if you heard all the uproar over this question, you would have come to the immediate conclusion that the Commonwealth of Pennsylvania should wash its hands of the hospital business, and when I say hospitals, I mean the medical and surgical hospitals.

I therefore welcome the statement of my colleague from Philadelphia, Mr. Shapiro, and will say I will do all I can in the Republican Caucus, but up to date I have not had much luck.

The one main trouble is that somebody lost the resolution. We have a queer combination here. We have an Appropriations Committee and a Health Committee, and the chairman of the Appropriations Committee on Monday, is the chairman of the Health Committee, and the chairman of the Health Committee on Wednesday is the chairman of the Appropriations Committee, and therefore you get a little dizzy when you try to transact business with this proposition.

Mr. GELTZ. Mr. President, it is not my desire to prolong this session, but I think sometimes when statements are made which are a little bit out of bounds they ought to be corrected.

First, Mr. President, I want to extend to our colleague from Philadelphia, Senator Shapiro, our deep appreciation for his extended efforts over the last two weeks to keep this House across the building in order. We do appreciate that.

When Senator Shapiro, however, says that whatever blame to be attached to the failure to have an investigation shall be attached to the Republican Senate I do not think he is quite stating the situation as it should be stated and one of his following statements is the best proof of that. Senator Shapiro stated later that the House has a resolution for a committee of its own to make this investigation.

Of course, Mr. President, there is nothing that prevents the House, if it feels an investigation is really in order from a decent, honest, practical standpoint and not a political standpoint, from making such an investigation, but the mere fact a resolution was introduced for the appointment of a joint committee is no proof of the fact such an investigation is needed. I think Mr. Shapiro well knows if such an investigation is needed the House can go ahead with its resolution and make whatever investigation it feels is necessary.

Senator Shapiro also referred to the lack of action on the part of the Senate in connection with Senate Bill No. 554, which has been referred back to committee. That is the bill which would take away from the small, undernourished children on relief the only possibility some of them have to get the nourishment which will make their later life a decent, healthful life.

Mr. President, when Senator Shapiro says we have lost, or the Commonwealth has lost, seventy thousand dollars already by the inaction of the Senate, he is making a statement for which he has no possible method of proof. He is, of course, giving figures as to the cost of giving those children milk during that period of time, but, Mr. President, that is a very short viewpoint to take because certainly we should not only be interested in those children at this time and this year, but we should take a long range viewpoint and it is a matter of medical proof that milk is one of the best foods, particularly for undernourished children, and it is also a matter of medical proof that children who are under-

nourished are more apt to be susceptible to tuberculosis and other diseases of that kind.

Considering what the cost might be, Mr. President, if we were to take away from those poor little undernourished children the milk which they are receiving now through the present set-up in the Department of Pubilic Assistance, what the cost to the state might be, from a long range viewpoint, when you consider the increased number that might be in our hospitals, in our sanatoriums, because of physical conditions which developed because those youngsters were not receiving proper nourishment, then I say it is time we consider cost from a little bit different angle.

It seems so strange to me that our Democratic colleague should be so worried about the cost and expense of this part of relief, because practically all we heard during the last session was that the state ought to take care of these people who were suffering from tuberculosis, no matter what might be the cost. Now, I agree with that, Mr. President, but I also say if we agree with that and accept that as the truth, that we should take care of those people who are suffering from tuberculosis, no matter what the cost, it seems to me it follows without the necessity for much though, that anything that we can do to take care of these people before they contract tuberculosis, and anything we can do to keep those little children in good health so that they may have normal lives, is cheap, no matter what might be the cost.

Mr. MILLER. Mr. President, I rise reluctantly to take exception to the remarks of my distinguished colleague from Philadelphia, Doctor Woodward, who has taken exception to the so-called miners' hospitals. We in the anthracite region look with great favor and feel complimented that the Legislature some years ago saw fit to establish those so-called miners' hospitals and I have talked with the distinguished Senator from Philadelphia on several occasions personally in regard to the problem. I just wish to state I am confident, and I might add I have in my own senatorial district two so-called miners' hospitals, and I know for a fact they are serving the purpose they were intended to serve at the time they were instituted.

Now, Mr. President, I want to follow through with regard to the resolution as brought up by the Senator from Philadelphia, Senator Shapiro, and say I am likewise confident this recolution was motivated purely through politics, and I further state if there is to be an investigation, which I have every reason to believe there will be, I feel that the Senate of Pennsylvania should be represented or that investigating committee, and further if this resolution comes to a vote on this Senate floor my vote will be recorded in the affirmative.

Mr. SHAPIRO. Mr. President, in 1933, when I first came to the Senate I recall sitting in the back seat, the very last seat, near the rail, and I was engaged busily one night in reading bills and making notes and one of the esteemed gentlemen of the Senate came and looked over my shoulder and he said, "What are you doing, Senator?" I said, "I am making some notes on these bills." He said, "You mean you read them?" I said, "Yes" He said, "You read all of them?" and I said, "Yes, sir." He said, "You will get over that."

Mr. President, I thought he was probably saying something that would disillusion me, but I am glad to say this, in the seven years I have been here, or eight years, I have found that he was wrong; not only have I not gotten over reading bills but I notice a great many more Senators than ever before reading bills and making notes and finding out something about what is going on; but I also find to my utter amazement that some Senators are not either reading bills or do not even know what is going on and I am convinced one of those gentlemen just got through talking to you. He painted a very grave picture and gave you all the lurid details of what would happen in the case milk was taken away from the children and by innuendo allies me with the people who are issuing the milk and by innuendo that I am suggesting that the milk be taken away from infants.

Mr. President, the gentleman does not know whereof he speaks; the gentleman does not know that the Director of Public Assistance came to the Committee on Welfare, and in discussing this bill made this statement in response to a question which I asked, because I thought I had the facts, and he confirmed them; first, that approximately twelve dollars per month is paid out in orders, not cash, for milk by the Department of Public Assistance to certain families where milk is needed; secondly, because money is paid out on orders and not in cash, the federal government will not contribute its one half, which it usually does, of the funds given for the aid of dependent children; and third, if the federal government did contribute of that which it would contribute during the two year period, $380,000, to be exact, is the cost of the administration of that portion of the public assistance function in the way in which they are now doing it. He suggested that if the word "milk" were taken out of the definition of what is "public assistance" under the act, that milk could be given by adding to the amount of money now given to these reliefers twelve dollars and in return the federal government would give back to the Commonwealth six dollars, so that two things would be accomplished, first, the money would be saved to the state and, secondly, the milk necessary would be received and an additional factor would enter into it. As it is today, twelve dollars worth of milk is deposited on the door step of that family whether it needs it or not. Under the new arrangement whatever money would be necessary to be spent by the family for milk would be so spent and the surplus could be used for buying surplus commodities under the stamp provisions of the Surplus Commodities Act of the Federal Government.

Mr. President, the question we raised at the time and in which we were all seriously concerned was, what assurance had we that this money would be spent for milk, and I think the gentleman from Montgomery, Senator Edmonds, will recall that Mr. Russell, for whose knowledge of his department I have great admiration and respect, said they have a method of policing that by placing trustees over a family, and then we became concerned about the fact that might require a real policing job and he assurred us and gave figures which I do not recall at the moment, that there were very few families where he found it necessary to do any policing.

Now, Mr. President, when this bill came out of the committee the gentleman from Allegheny, Mr. Geltz, without knowing anything about the bill, suggested it should be referred back to committee for amendment and

I say and I repeat advisedly, apparently without knowing anything about it, because I am very much incensed about the way in which this bill has been batted around this Senate floor, I say it has been done for some purpose which has not yet been disclosed.

That bill went back to committee for amendment and those of you who were here recall I asked the gentleman from Allegheny to tell me how he meant to amend the bill, because the amendment only took out the word "milk", and I wanted to know whether he would take the "m" or the "k" off the word "milk' and the gentleman from Allegheny suggested when it came out of the committee I would see how it could be amended and we waited around in solemn conference, waiting for the amendment, and no amendment and no gentleman from Allegheny showed up, and so we reported the bill out unanimously and it came out on the floor and then went over in its order and after it went over in its order—we were supposed not to have any controversial business, but on Wednesday apparently after this Forum was held this bill was recommitted to the committee.

Now, Mr. President, I suggest this is a clear cut case which cannot be answered by any argument such as I have listened to today by the gentleman from Allegheny, because when he makes the statement he did that this bill will prevent the children from getting milk, that it will increase rickets and interfere with the health of children, he does not know what he is talking about That is as plainly as I can put it, because I say that seventy thousand dollars is a lot of money to waste because the Senators refuse to recognize facts and insist upon making charges.

I have heard all kinds of charges against me—I have broad shoulders and I can bear them—but I am proceeding on a proposition which I believe is right; I am conducting myself in a manner that satisfies my conscience and I say when I accept the word of the man in charge of the Department of Public Assistance that the change of this law will not only assure the children that they will get their milk but will save the Commonwealth of Pennsylvania one million six hundred thousand dollars, and stand up here to help get that bill through, I am not playing politics and I am not doing anything to the children except trying to help them better their conditions.

I have listened to that talk and I will contniue to do so, but I reserve to myself and will plainly state my opinion as to the kind of treatment this bill has received, which convinces me clearly that the gentleman from Allegheny, Mr. Geltz, either does not know what he is talking about or he has some ulterior motive and the only reason and the only objection I can see to this bill passing is when I analyze it I find this milk today is being delivered by milk dealers, it is being delivered to the house by drivers, and I have heard rumblings in the distance that the drivers object because they lose commissions, they lose on the increased amount of milk which will go to the corner store instead of to them and that the people or dealers who sell will lose the large contracts which they have with the State Department. In my opinion that is no reason for not passing this bill.

Now, Mr. President, with respect to my being able to keep the Democratic House in order I am sorry what I have said has been so deliberately misinterpreted; I do not have to try to keep the Democratic House in order; they will take care of themselves, but what I am trying to do is to see that the body of which I am a member behaves at least like statesmen.

Mr. REED. Mr. President, I can well understand why the people of Pennsylvania are becoming more disgusted every day with the lackadaisical manner in which we are conducting this session of the General Assembly. All over the state we hear rumblings of the way we are conducting ourselves during this session. We have people today who are sacrificing their liberty in order to preserve our democracy; we have people who are furnishing money to the government in order that they may make their contribution to democracy in these trying times, and we are asked to give young men for service to save this democracy, and when we consider these great sacrifices and then come back to Harrisburg, come back to the halls of this assembly, and see how we are conducting the affairs of the people, I can well understand the criticism we are receiving.

We have been here for several months, and I frankly say we have yet done very little except throw political gestures back and forth across the aisles of this Senate, and I understand that same conduct has prevailed over in the House.

While people in America are sacrificing everything today, we ought to be willing here in these halls to sacrifice a little of our political prestige in order that we may help preserve democracy. That is one of the reasons why democracy is at the crossroads today. There are too many other things that are being listed above Americanism I believe we can do our part in preserving democracy today, when we lift our conduct into the realm of Americanism, and suppress our conduct as it applies to politics at this time.

Mr. President, if there is a good bill in this Senate, if we have a bill here that will help to contribute to preserve democracy, I say we ought to be for it one hundred per cent, whether we are Democratic or whether we are Republican. I am sick and tired myself of hearing one argument along the line of Republican politics and then another on the other side along the line of Democratic politics. We are frittering away our time here today, when a great nation is at the crossroads, a great nation that is trying to raise time enough to save its democratic life.

I believe what we should do here this week is appoint a committee that will be composed of both Republicans and Democrats, have them sit down as Americans, cut out all of this chaff and tinsel that we have here on the books, and pick out the legislation that we really need, get together as Americans and not as politicians, and pass that legislation and go home and help at home to serve in the ranks, whatever they may be, in fighting any form of politics, any form of policy other than that which stands for our democratic life and existence.

Mr. President, we had a beautiful address here today on Mother. I say to you, Mr. President, a mother needs no help. Her conduct and character always stands out as sublime, and the best way we can follow our mothers is by good, honest, christian, American conduct.

Mr. MUNDY. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. MUNDY. Mr. President, on the Calendar there is a bill, and I understand the heads of the Health and of the Welfare Departments have recommended that the people employed in those departments shall be put under civil service. Now, a bill has already come out blanketing the employes of the Health Department under civil service. and I understand another bill will be soon on the Calendar to put the employes of the Welfare Department under civil service. I just want to ask the gentleman from Allegheny if he thinks it is proper and fair to ask us to vote to blanket these people under civil service, when we know there have been certain charges filed, and those charges have not been cleared up. Would he ask us to now, in view of these charges, to vote here to blanket these people under civil service?

Mr. GELTZ. Mr. President, I am not sure to which bill my colleague from Luzerne is referring. Is he referring to Senate Bill No. 550? Is so, I would highly recommend that he join in with the Republicans and vote for this bill.

Mr. MUNDY. Mr, President, may I interrogate the gentleman from Allegheny further?

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. Mr. President, I will.

Mr. MUNDY. Is the gentleman from Allegheny thoroughly acquainted with the individuals, their ability and their qualifications, who are now employed in the Health Department, so that he would be free to say these are the right people to blanket in under civil service?

Mr. GELTZ. Mr. President, I am not acquainted with the employes or the officials of the Health Department, but I do know this fact, that the Department apparently has at its head Dr. Shaw, one of the most efficient and competent secretaries we have ever had in the Health Department, and from what I have heard, and that is not the record or the thought of some of us who may be possibly considered as partisan Republicans, but it is generally the opinion of the medical profession and the Medical Associations, not only of this state but of this whole country, that Pennsylvania's Health Department today stands out as No. 1 in the United States of America.

Mr. MUNDY. Mr. President, Doctor Shaw is not under discussion. I have a great deal of regard for Doctor Shaw. He was a classmate of mine at the University of Pennsylvania, and I think he is very very capable, a very honest and a very efficient Secretary of Health, but the question I asked is, has the gentleman from Allegheny any present knowledge—I am not talking about Doctor Shaw—of the employes, and may I say to the Senator I have visited over in the Health Department and I have seen employes still retained in the Department of Health who, when we were in power, professed great loyalty and great friendship and —may I say—liberally contributed to the Democratic Party. Now, these people, I don't know whether you want to take in politics; just leave that out—I am talking about personnel and I am talking about integrity of employes. They had been retained under the Republican Administration for years, and as soon as the Republican ship went down they deserted that and came over and espoused the cause of democracy and they are still retained, and I want to say to you whether you believe in a political organization or anything else, these same people who do that once and who are that type of character will repeat again, and when democracy is in the ascendency, they will be perfectly fine loyal Democrats, but just now because you are in power they are Republicans and contribute to the Republican cause. If you want to blanket this type of people in, who have nothing substantial, no hearts, who are in reality Hessian soldiers in the political field, you can go ahead, but I shall object strenuously on the floor to blanketing this type of people in, who I say have no stability, no character, and leaving politics out of it, on a pure personal character basis, I ask whether anybody with intelligence should vote for people who have told the world, told you and me and the rest of the people of Pennsylvania "my price is simply a political job and I follow the flag of the victorious army." So, Mr. Geltz, as the majority floor leader, if you want to advocate that cause, and you of the Republican Senate want to put up with these Hessian soldiers, and put on them the badges of honor to guarantee your future you may do so. I think that sincerely and I want to say as a member of the medical profession, if you please, if you want to allow these social workers to be retained in positions, I shall not vote for the fellow who goes out on the market and sells his party for a paltry job and who may change over night.

Mr. President, I should like to interrogate the gentleman from Allegheny further.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated.

Mr. GELTZ. I will, Mr. President.

Mr. MUNDY. Mr. President, you talk about the Democrats expending money and how loudly they pleaded for expenditure of money for certain institutions. Is the Senator aware the Butler Sanatorium has been built and still stands idle and is probably allowed to stand exposed to weather conditions and will probably disintegrate and it has not yet accepted a patient and is the Senator aware that out in the City of Pittsburgh there is a great mental institution that has been constructed occupying several blocks, in which no furniture has been placed, and is the gentleman aware that every time you write to have a moron, an underdeveloped child admitted to an institution of that type you receive a stereotyped letter—all the Senators have received them—there are seventeen hundred odd on the waiting list; does the Senator from Allegheny condone such a situation, such an expenditure of money, such a loss of money?

Mr. GELTZ. Mr. President, I am aware of a number of things in connection with the sanatorium and the tuberculosis situation in this state and, Mr. President, I wonder whether my colleague from Luzerne is aware of the fact that under the rating of the United States Department of Public Health, today the Pennsylvania Public Health Department has advanced Pennsylvania from fourteen on the list of states to number two at this time, in its care for tubercular patients.

I think that is quite an advance in the last two years, under Doctor Shaw's administration, and I do not know how anybody could expect a more rapid advance than that. I think that is good work, notwithstanding what anybody might say about empty buildings; there are many reasons possibly for such buildings being empty.

Mr. MUNDY. Mr. President, the gentleman from Allegheny is partly right and partly wrong in giving his figures. He speaks of competition in the care of tuberculars, but the Senator forgot to note that there are many many states in the union, I think probably some forty-five or fifty per

cent of the states, that make no provision for the care of tubercular patients, so that really when he reads figures he is not telling the public about the lack of competition upon the part of other states.

Now, Mr. President, let me correct the gentleman. These figures start back to the time of Doctor Charles H. Miner of Wilkes-Barre, who was Secretary of Health, and the records are taken from that time and the standards are taken from that time up to the present and are not based on the fact that Pennsylvania, this great industrial state of Pennsylvania, is second in the care of its tubercular patients. We do not take any credit for being second in anything; if we have the right feeling toward the state and the proper feeling we should feel that Pennsylvania should be first and way out in front in our care of the tuberculars.

Now, Mr. President, the Senator from Allegheny does not practice medicine like some of us do who have hundreds and hundreds of tubercular patients waiting for admission to institutions, until such times as the disease progresses so far that it does not make any difference whether they go in or not and that is the situation, and I repeat Pennsylvania is not in a position today—and these figures are from statistics gleaned from men out in the field, not from a statistical bureau here at Harrisburg—Pennsylvania is not in a position to take care of the tuberculous individuals in the state and let me tell the Senator he forgets this, that we are an industrial state engaged in particular occupations which predispose to a very high rate of tuberculosis. Take, for instance, anthracosis and anthracilicosis and all those diseases; there is no state in the union so prolific of the fertile seed of tuberculosis and therefore instead of being second we should be way out in front—one plus.

Mr. GELTZ. Mr. President, I appreciate my colleague, Dr. Mundy, making such an able argument in support of Doctor Shaw's administration, and when he says Pennsylvania is the worst state in the union from the standpoint of fertility in the production of tuberculosis, and we consider also that Pennsylvania under Doctor Shaw advanced from fourteenth to second on the list I think he paid Doctor Shaw a distinct compliment.

I am also glad Senator Mundy reminded us of the fact that he practices medicine and that he is a doctor, as I am sure he can appreciate this fact in connection with the bills about which he interrogated me, the civil service bill in the Health Department; he understands, I am sure, that it is the New Deal government in Washington which insists that these departments that receive contributions from the federal government be placed under civil service or suffer a possible loss of such contributions.

Now, Mr. President, we are advised that if civil service is not established in the Department of Health as the New Deal government requests, that our Department of Health will lose contributions of $1,200,000 a year; there are several contributions—one of those contributions applies to pneumonia control, another applies to the control of venereal disease and another applies to the establishment and operation of public health centers.

I am sure Doctor Mundy, as a practicing physician, fully appreciates and realizes how important these matters are to the members of the suffering public in this Commonwealth who need that assistance, medical assistance and care they possibly could not get otherwise.

Mr. MUNDY. Mr. President, I desire to interrogate the gentleman from Allegheny further.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. MUNDY. Mr. President, I want to say to the Senator from Allegheny that I am going to introduce on this floor, probably tomorrow, a resolution and ask for its immediate adoption, asking the Secretary of Health to furnish to this Senate, first, the number of employees on the state payroll, the number of employes on the federal payroll and the number of the employes on the state-federal payroll, so that we may be in a position to know what portion of that personnel the Federal Government has any control over.

Now, Mr. President, may I ask the Senator from Allegheny whether he will object to immediate consideration of such a resolution.

Mr. GELTZ. Mr. President, I do not know whether Dr. Mundy is aware of the fact or not, but it would be entirely unnecessary for him to present such a resolution because there was one presented, I believe, last week, which was referred to the Committee on County Government.

Mr. MUNDY. Mr. President, I desire to further interrogate the gentleman from Allegheny.

Mr. PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. Yes, Mr. President.

POINT OF ORDER

Mr. HEYBURN. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware will state his point of order.

Mr. HEYBURN. Mr. President, it seems to me these gentlemen are out of order; they are not talking on the matter before the Senate.

The PRESIDENT. The gentleman from Luzerne, Senator Mundy, rose to interrogate the gentleman from Allegheny, Mr. Geltz, and the gentleman from Allegheny agreed to the interrogation; that is the matter now before the Senate.

Mr. HEYBURN. Mr. President, in their remarks they have been discussing civil service, milk, welfare, health, workmen's compensation—I just cannot keep up with it.

The PRESIDENT. The Chair is in the same position. Nevertheless, the gentleman from Luzerne, Mr. Mundy, has the floor and he desires to interrogate the gentleman from Allegheny, Mr. Geltz. That can only be terminated by the Senator from Allegheny declining, but the Chair does not believe he wants to do that; Senatorial courtesy insures that respect to the gentleman from Luzerne.

Mr. MUNDY. Mr. President, may I further interrogate the gentleman from Allegheny?

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. MUNDY. I understand, Mr. President, this resolution is now resting quietly in a Senate committee and I desire to ask the Floor Leader if any consideration has been given to this resolution up to this time, over a period of ten days.

Mr. GELTZ. Mr. President, I become slightly amused

at times. The resolution referred to by the gentleman from Luzerne and by myself was referred to the Committee on County Government on May 5th, which I believe was just eight days ago. After all these many weeks and week and weeks and weeks that no action has been taken in connection with matters of importance to the Commonwealth in connection with the appropriation and tax bills, such things as that to think after only eight days in which a resolution has been in committee, it is suggested by my colleague from Luzerne, Dr. Mundy, and by the Minority Floor Leader, that they wonder whether that resolution is lost too.

Mr. MUNDY. Mr. President, may I further interrogate the gentleman from Allegheny?

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. MUNDY. Mr. President, I wonder whether the gentleman from Allegheny has considered it proper and certainly germane to the situation to get a bill out for civil service immediately from committee, covering the blanketing in of these members of the Department of Health? I understand that has not been resting in committee very long, and in order to consider this bill properly we are asking for information so that we may vote with some judgment on this question, and still that is retained. May I ask the Senator from Allegheny a very, very plain question, who is being protected; who is really being protected by holding this resolution in committee?

Mr. GELTZ. Mr. President, I have no idea who is being protected or who is being harmed, but I do say that the bill to which my colleague from Luzerne, Senator Mundy, refers, Senate Bill No. 550, was introduced in the Senate way back on the eighth of April and it has not passed yet, so I do not think the resolution has lost much time.

Mr. MUNDY. Mr. President, I will finish up by just this one interrogation. May I further interrogate the gentleman from Allegheny?

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. MUNDY. Does not the Senator from Allegheny feel that members of the Senate who ask for information, simple information from a department head, certainly should not have to wait ten days or two weeks to get such information? That information is easily obtainable and certainly ought to be on the desks of the Senators in order for them to act intelligently. How can we act intelligently without having the information? I do not think the Senator would want to wait some ten days before it is forwarded to the Department head and probably ten days more before it is given action.

Mr. GELTZ. Mr. President, for the first time in this cross-examination I agree with my colleague from Luzerne, Dr. Mundy; I think such information should be available to the members of the Senate but I do not know that Dr. Shaw has had any request made of him to furnish or to supply such information. It seems to me that kind of feeling might operate in two ways; it might be just a little bit nicer, when the Senators want some information, if instead of making it appear as a command or a demand, it were given to the head of the department as a request, then I feel sure that if such a request was made by Dr. Mundy or any othr Senator he would make every effort to cooperate and comply with the request in the Department of Health or any other department under this administration.

Mr. MUNDY. May I make a final answer, Mr. President?

The PRESIDENT. The gentleman from Luzerne may proceed.

Mr. MUNDY. Mr. President, there is an orderly way of procedure. There is a bill introduced in an orderly fashion, followed by the Senate of Pennsylvania, we are trying to pass things in an orderly fashion through the Senate of Pennsylvania and we are not going through any side doors or back doors or around for star chamber sessions with anybody; we want to produce this open and above board on the Senate floor and fully discuss it so that the welfare of both parties will prosper and each individual will be able to decide according to the best dictates of his conscience.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 528, entitled:

An Act making a deficiency appropriation to air certain school districts.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. HOMSHER, from the Committee on Banking, re-reported as amended, Senate Bill No. 296, entitled:

An Act to re-enact and amend the title and act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine, (P. L. 748), entitled "For the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties;" providing for the regulation and registration of persons and entities engaged in the business of investment advisers, and of solicitors of investment advisers and for the revocation and suspension of such registrations; conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

Mr. WOODWARD from the Committee on State Government, reported as committed, Senate Bill No. 592, entitled:

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183), entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

Mr. CROWE, from the Committee on Judiciary General, reported as committed, Senate Bill No. 566, entitled:

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges as real estate.

Mr. EDMONDS, from the Committee on Banking, reported as amended, Senate Bill No. 784, entitled:

An Act to amend section four hundred three of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking busines, corporations acting of fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transaction with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts, further regulating the publication of advertisements and notices required under the provisions of said act.

He also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 374, entitled:

An Act to provide for the settlement of disputes among states with respect to domicilary death taxes, and imposing certain duties upon the Department of Revenue, the Attorney General and executors and administrators.

Mr. SHAPIRO, from the Committee on Judiciary General, reported as committed, Senate Bill No. 752, (House Bill Nofl 580), entitled:

An Act to amend section twenty-four of the act approved the sixteenth day of June one thousand eight hundred thirty-six (P. L. 784) entitled "An act relating to the jurisdictions and powers of courts" by further defining the power of courts to punish summarily for contempt and setting up a period of limitations

Mr. McCREESH, from the Committee on Banking, reported as committed, Senate Bill No. 824, entitled:

An Act relating to the retention or purchase of shares of its own stock or stock of a subsidiary corporation by a bank and trust company or trust company or national banking association in estates of which such institution is a fiduciary or co-fiduciary.

Mr. LETZLER, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 362, entitled:

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," changing the required proportion of mine foremen to other persons to be employed in bituminous mines.

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 734, (House Bill No. 1373), entitled:

An Act to amend part of section two of the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

Mr. FARRELL, from the Committee on Judiciary General, reported as committed, Senate Bill No. 491, entitled:

An Act to protect property by making criminal certain unlawful entries on injuries to and interference with property and attempts or conspiracies to do so; and providing penalties.

Mr. T. B. WILSON, from the Committee on State Government, reported as committed, Senate Bill No. 653, entitled:

An Act regulating and improving the civil service departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employes of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service, defining

certain crimes and misdemeanors, imposing penalties, making an appropriation and repealing certain acts and parts thereof.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 654, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department.

GENERAL PULASKI'S MEMORIAL DAY

Mr. THOMAS B. WILSON, from the Committee on State Government, to which was referred on April 28, 1941, the following resolution from the House of Representatives reported the same without amendments as follows, viz:

In the House of Representatives, April 16, 1941.

Whereas The 11th day of October 1779 is the date in American history of the heroic death of Brigadier General Casimir Pulaski who died from wounds received on October 9, 1779 at the siege of Savannah Georgia and

Whereas The states of Arkansas California Connecticut Delaware Illinois Indiana Kentucky Louisiana Maryland Massachusetts Michigan Minnesota Missouri Nebraska New Hampshire New Jersey New York Nevada Ohio South Carolina Tennessee Texas West Virginia Wisconsin and other state of the Union through legislative enactment designated October 11th of each year as "General Pulaski's Memorial Day" and

Whereas It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby requests the Governor of the Commonwealth of Pennsylvania by virtue of the authority vested in him to issue a proclamation designating October 11 1941 as "General Pulaski's Memorial Day" so the memory of this great man may be appropriately honored

Laid over for one day under the Rules.

He also, from the Committee on State Government, reported as amended, Senate Bill No. 535, (House Bill No. 316), entitled:

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority.

Mr. WADE, from the Committee on Banking, reported as amended, Senate Bill No. 823, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers, by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers, liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary business or both; and of affiliates of such corporations or persons; and of officers, directors, trustees and employes of such corporations and persons.

BILLS RE-REFERRED

He also, from the Committee on State Government, reported as committed, Senate Bill No. 676, (House Bill No. 671), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction.

With the request that the bill be re-referred to the Committee on Education.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 681, (House Bill No. 993), entitled:

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled, as amended "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by changing the provisions as to fees charged apprentices and students;

requiring all barber shops to be registered; transferring the administration of certain provisions of said act to the State Board of Barber Examiners; and prescribing additional penalties.

With the request that the bill be re-referred to the Committee on Education.

Mr. BARTLETT, on behalf of Mr. WALKER, from the Committee on Judiciary General, reported as amended, Senate Bill No. 663, entitled:

An Act relating to honest mistakes published in newspapers and periodicals; defining the same; prohibiting punitive damages in actions of libel arising out of such publications; and fixing the burden of proof in reference thereto.

Mr. STEVENSON, from the Committee on Judiciary General, reported as committed, Senate Bill No. 683, (House Bill No. 1228), entitled:

An Act to amend sections three and four of the act, approved the fifth day of June, one thousand nine hundred thirty-five (P. L. 266), entitled "An act to protect trademark owners, distributers, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," exempting the sale of books to libraries from the provisions of said act.

Mr. STIEFEL, from the Committee on Judiciary General, re-reported as committed, Senate Bill No. 86, entitled:

An Act requiring the court in imposing sentence to include in such sentence the costs of keeping the person in the institution to which he is sentenced for the term as fixed by the court, providing such person is or shall become, during such term, financially able to pay for the same.

He also, from the Committee on State Government, reported as amended, Senate Bill No. 408, (House Bill No. 401), entitled:

An Act to further amend section five hundred eleven of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," appropriating to the Department of Military Affairs the proceeds of the sale of certain products, to be expended for the Indiantown Gap Military Reservation.

Mr. BECKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 185, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 572, entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

Mr. CRIDER, from the Committee on State Government, reported as committed, Senate Bill No. 614, (House Bill No. 1126), entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance.

BILLS INTRODUCED

Mr. BARTLETT read in his place and presented to the Chair Senate Bill No. 867, entitled:

An Act to amend article XII of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles, imposing penalties; imposing certain costs upon

counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts, making an appropriation and providing for refunds," by fixing the fee for a special permit for use of the highway by an oversize trailer or semi-trailer for delivery only.

Which was committed to the Committee on Highways.

Mr. DEITRICK read in his place and presented to the Chair Senate Bill No. 868, entitled:

An Act to reenact and amend the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (P. L. 1198), entitled "An act providing for and requiring in certain cases, preference in appointments to public position for honorably discharged persons who served in the military or naval service during any war in which the United States was engaged," by providing a penalty for violation of the provisions thereof.

Which was committed to the Committee on State Government.

Messrs. CHAPMAN, MUNDY and DEITRICK read in their places and presented to the Chair Senate Bill No. 869, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive ad administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or outhorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by making certain changes in the name qualifications powers and duties of the State Board of Examiners for the Registration of Nurses and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board and other officers and employes thereof.

Which was committed to the Committee on Public Health.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 870, entitled:

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred thirty-one (P. L. 566) entitled "An act providing for the purchase of reinsurance for the benefit of holders of outstanding policies, issued by any company authorized to insure title, of which possession may be taken by the Secretary of Banking; and providing further for the use for that purpose of reserve funds accumulated by such companies to protect such policyholders; providing also for the form of such reinsurance and defining the extent of the liability thereunder, and also for suits at law to recover thereon," by clarifying the requirements as to amount of reserve to be held by companies selling such reinsurance.

Which was committed to the Committee on Insurance.

Mr. KEPHART read in his place and presented to the Chair Senate Bill No. 871, entitled:

An Act to amend clause (e) of section five of the act, approved the twenty-third day of May, one thousand eight hundred and eighty-seven (P. L. 158), entitled "An act relating to the competency of witnesses, and to the rules of evidence in civil and criminal cases, revising, declaring and consolidating some of the existing acts and rules of law upon these subjects, and also extending some of the provisions of the same," by providing that a surviving party to the thing or contract in action shall be competent to testify against any party except the represenative of a deceased or lunatic party in certain cases.

Which was committed to the Committee on Judiciary General.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 872, entitled:

An Act to amend section thirteen of the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registers of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by requiring all street lists to be printed.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 873, entitled:

An Act to amend clause three of section three hundred two of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations, defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing that the presence of a corporate seal or a written instrument purporting to be executed by authority of the corporation shall constitute a rebuttable presumption that the instrument was so executed.

Which was committed to the Committee on Corporations.

He also read in his place and presented to the Chair Senate Bill No. 874, entitled:

An Act relating to sealed instruments or contracts; limiting the time within which actions on sealed instruments or contracts may be brought, and restricting the legal effect of affixing a seal to written instruments or contracts hereafter executed.

Which was committed to the Committee on Corporations.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 32, as follows:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County the western terminus of the turnpike heretofore constructed by said commission to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio or the State of West Virginia and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as the "Western Pennsylvania Turnpike Extension Act"

Section 2 In order to facilitate vehicular traffic between the eastern and western sections of the Commonwealth the Pennsylvania Turnpike Commission heretofore created by virtue of the provisions of the act approved the twenty-first day of May one thousand nine hundred and thirty-seven (P. L. 774) is hereby authorized and empowered to construct operate and maintain a turnpike at such location as shall be approved by the Governor and the Department of Highways from a point at or near Irwin in Westmoreland County the western terminus of the turnpike heretofore constructed by said commission under the provisions of said act to a point on the Western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio or the State of West Virginia together with connecting roads tunnels and bridges and to issue turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such construction

Section 3 The turnpike revenue bonds issued under the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth but such bonds shall be payable exclusively from the fund herein provided therefor from tolls All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds The issuance of turnpike revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment

Section 4 The following words and terms shall have the following meanings

(a) The word "commission" shall mean the Pennsylvania Turnpike Commission heretofore created by the act approved the twenty-first day of May one thousand nine hundred and thirty-seven (P. L. 774) or if said commission shall be abolished any board commission or officer succeeding to the principal functions thereof or upon whom the powers and functions given by this act to said commission shall be given by law

(b) The word "owner" shall include all individuals copartnerships associations or corporations having any title or interest in any property rights easements or franchises authorized to be acquired by this act

(c) The words "the turnpike" shall mean the turnpike to be constructed as hereinafter provided from a point at or near Irwin in Westmoreland County the present western terminus of the turnpike heretofore constructed by said commission under the provisions of said act to a point at the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio or the State of West Virginia and shall be deemed to include not only the turnpike and all connecting roads tunnels and bridges connected therewith but also all property rights easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof

(d) The term "cost of the turnpike" shall embrace the cost of constructing the turnpike and all connecting roads tunnels and bridges the cost of all lands property rights rights of way easements and franchises acquired which are deemed necessary or convenient for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for one year after completion of construction cost of traffic estimates and of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative and legal expense and such other expenses as may be necessary or incident to the financing herein authorized the construction of the turnpike and connecting roads tunnels and bridges the placing of the same in operation and the condemnation of property necessary for such construction and operation Any obligation or expense contracted for by the commission with the Department of Highways of the Commonwealth of Pennsylvania or with the United States or any agency thereof for traffic surveys preparation of plans and specifications supervision of construction and other engineering administrative and legal services and expenses in connection with the construction of the turnpike or any of the connecting roads tunnels and bridges shall be regarded as a part of the cost of the turnpike and shall be reimbursed or paid out of the proceeds of the turnpike revenue bonds hereinafter authorized

Section 5 The exercise by the commission of the powers conferred by this act in the construction operation and maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth

Section 6 The commission shall have the following powers and duties

(a) It shall maintain a principal office at such place as shall be designated by the commission

(b) The commission may contract and be contracted with in its own name

(c) The commission may sue and be sued in its own name plead and be impleaded Provided however That any and all actions at law or in equity against the commission shall be brought only in the proper courts at the county of Dauphin

(d) The commission shall have an official seal

(e) The commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire own use hire lease operate and dispose of personal property real property and interests in real property and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act and to employ engineering traffic architectural and construction experts and inspectors and attorneys and such other employes as may in its judgment be necessary and fix their compensation Provided however That all contracts and agreements relating to the construction of the turnpike and connecting roads tunnels and bridges shall be approved by the Department of Highways and the turnpike and connecting roads tunnels and bridges shall be constructed under the supervision of the Department of Highways

(f) The turnpike when completed and opened to traffic shall be maintained and repaired by and under the control of the commission through the Department of Highways of the Commonwealth and all charges and costs for such maintenance and repairs actually expended by said Department of Highways shall be paid to it by the commission upon certification thereof out of tolls Such turnpike shall also be policed and operated by such force of police tolltakers and other operating employes as the commission may in its discretion employ

(g) The commission shall have authority at its own cost to provide grade separations with respect to all public roads and State highways intersected by the turnpike and to change and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separation Provided however That the damages incurred in changing and adjusting the lines and grades of such public roads and State highways shall be ascertained and paid by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike The plan of such changes of the lines and grades of public roads shall be subject to the approval of the supervisors of the proper township and in the case of State highways subject to the approval of the Department of Highways

(h) If the commission shall find it necessary to change the site of any portion of any State highway or public road it shall cause the same to be reconstructed and restored forthwith at the commission's own proper expense on the most favorable location and in as satisfactory a manner as the original road Provided That the damages incurred in changing the location of any such road or State highway shall be ascertained and paid by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike The plan of such reconstruction and restoration shall be subject to the approval of the supervisors of the proper township and in the case of a State highway subject to the approval of the Department of Highways

(i) The commission shall have authority to petition the court of quarter sessions of the county wherein is situate any public road or part thereof affected by the location therein of the turnpike for the vacation relocation or supply of the same or any part thereof with the same force and effect as is now given by existing laws to the inhabitants of any township of such county and the proceedings upon such petition whether it be for the appointment of viewers or otherwise shall be the same as provided by existing law for similar proceedings upon such petitions

(j) The commission shall otherwise have all of the powers and perform all of the duties prescribed by the act approved the twenty-first day of May one thousand nine hundred and thirty-seven (P. L. 774)

(k) All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this act

Section 7 (a) Each member of the commission shall be reimbursed for the necessary expenses incurred in the performance of the duties performed under the provisions of this act

(b) All expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act

(c) Before the issuance of any turnpike revenue bonds under the provisions of this act each appointed member of the commission shall execute a bond in the penalty of twenty-five thousand dollars ($25,000) and the secretary and treasurer shall execute a bond in the penalty of fifty thousand dollars ($50,000) each such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office under the provisions of this act which bonds shall be filed in the office of the Secretary of the Commonwealth

Section 8 The commission with the approval of the Department of Highways is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient any lands property rights rights of ways franchises easements and other interests in lands as it may deem necessary or convenient for the construction and operation of the turnpike upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the commission and the owner thereof and to take title thereto in the name of the commission

Section 9 Whenever a reasonable price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown the commission is hereby authorized and empowered to acquire by condemnation in the manner hereinafter provided any lands property rights rights of way franchises easements and other property deemed necessary or convenient for the construction or the efficient operation of the turnpike or necessary in the restoration of public or private property damaged or destroyed In such event application shall be made by the commission acting through the Department of Justice or by any owner or owners to the court of common pleas of the county in which the property is located or in the case of property on the boundary line between two or more counties then in any such counties for the appointment of viewers Whereupon said court or any law judge thereof shall appoint three disinterested freeholders to view such property and estimate the value thereof None of the freeholders shall be a resident of the county wherein such application shall be made The court shall fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the property and view the same The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General to the commission and to the owner or owners if resident within said county If the owner is a corporation such notice shall be given to the president secretary or treasurer thereof if such officer resides within said county If neither owner nor any of such officers reside within the county or cannot be found therein or is unknown notice of such first meeting shall be given as the court may direct The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for the first meeting proceed to ascertain as accurately as may be the value of such land property rights rights of way easements or franchises and to that end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or papers as the viewers may deem necessary If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required then the court or any judge thereof shall on application of the viewers or a quorum thereof make such order therein as may be necessary Whenever the viewers shall have ascertained the value of the lands property rights rights of way easements or franchises they shall prepare a full report of their labors Upon the completion of the report the viewers shall fix a time when they shall meet

and exhibit same Ten days' written notice of the time and place of such meeting together with a copy of said report shall be given to the commission to the Attorney General and to the owner or owners of the property condemned At the time and place mentioned in such notice the viewers shall meet and publicly exhibit the report and hear all exceptions thereto After making any changes in such report as they may deem necessary the same shall be filed in the court Within thirty days after the filing of the report in the court the commission acting through the Department of Justice or any person interested may file exceptions thereto Whereupon the court shall either confirm the report absolutely or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers Within thirty days after the final action on the report by the court the commission acting through the Department of Justice or any person interested may demand a trial by jury From the action of the court on exceptions or from any judgment after a jury trial an appeal may be taken by any party to the Supreme or Superior Court Each of the viewers shall receive a sum not exceeding ten dollars ($10) for each day actually and necessarily employed in the performance of the duties herein prescribed and all necessary expenses actually incurred in the performance of his duties Title to any property condemned by the commission shall be taken in the name of the commission Prior to physical entry upon the land the commission shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings Provided however That in any condemnation proceedings the court having jurisdiction of the suit action or proceeding may make such ordrs as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to enter upon accept and pay for the property but neither such undertaking or security nor any act or obligation of the commission shall impose any liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act

In addition to the foregoing powers the commission and its authorized agents and employes may enter upon any lands waters and premises in the State for the purpose of making surveys soundings drillings and examinations as it may deem necessary or convenient for the purpose of this act and such entry shall not be deemed a trespass nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending Provided however That the commission shall make reimbursement for any actual damages resulting to such lands waters and premises as a result of such activities

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the commission upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships other political subdivisions and municipalities or public agencies and commissions of the Commonwealth of Pennsylvania may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission including public roads and other real property already devoted to public use

Section 10 Whenever the commission decides to acquire any lands rights rights of ways easements and franchises or interests therein by condemnation as hereinbefore provided and has tendered a bond or other security to secure the owner or owners for damages and the same has been accepted or if the acceptance of said bond has been refused and the same has been filed in and approved by the court in which such condemnation proceeding is instituted the commission shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and may enter thereon in the name of the commission If the owner lessee or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof the commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures.

Section 11 The commission is hereby authorized to provide by resolution at one time or from time to time for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the turnpike which resolution shall recite an estimate of such cost The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment The bonds shall be dated shall bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually shall mature at such time or times not exceeding forty years from their date or dates as may be determined by the commission and may be made redeemable before maturity at the option of the commission at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds Provided however That the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption The bonds may be issued in series with varying provisions as to rates of interest maturity and other provisions not inconsistent with this act but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor The principal and interest of such bonds may be made payable in any lawful medium The commission shall determine the form of bonds including any interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth The bonds shall be signed by the Governor and by the chairman of the commission and the official seal of the commission shall be affixed thereto and attested by the secretary nad treasurer of the commission and any coupons attached thereto shall bear the facsimile signature of the chairman of the commission In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature shall nevertheless be valid and sufficient for all purposes the same a if he had remained in office until such delivery All turnpike revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth The bonds may be issued in coupon or in registered form or both as the commission may determine and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and registered and coupon bonds shall be interchangeable The commission may sell such bonds in such manner and for such price as it may determine to be for the best interest of the Commonwealth but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike and shall be disbursed upon requisition of the chairman of the commission under such restrictions if any as the resolutions authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the turnpike additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued If the proceeds of the bonds shall exceed the cost of the turnpike the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such

bonds Prior to the preparation of definitive bonds the commission may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter The commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act

Such bonds are hereby made securities in which all state and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any state or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law

Section 12 All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the turnpike or to the appurtenant fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds

Section 13 In the discretion of the commission such bonds may be secured by a trust indenture by and between the commission and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth Such trust indenture may pledge or assign tolls and revenue to be received but shall not convey mortgage the turnpike or any part thereof Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law including covenants setting forth the duties of the commission in relation to the acquisition of properties and the construction maintenance operation and repair and insurance of the turnpike and the custody safeguarding and application of all moneys It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the commission Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations In addition to the foregoing such trust indenture may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike

Section 14 The accomplishment by the commission of the authorized purposes stated in this act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity in which accomplishment the commission will be performing essential governmental functions the commission shall not be required to pay taxes or assessments on any property acquired or used by it for the purposes provided in this act and the bonds or other securities and obligations issued by the commission their transfer and the income therefrom including any profits made on the sale thereof shall at all times be free from taxation within the Commonwealth

Section 15 The commission is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof and to charge and collect the same and to contract with any person partnership association or corporation desiring the use of any part thereof including the right of way adjoining the paved portion for placing thereon telephone telegraph electric light or power lines gas stations garages stores hotels restaurants and advertising signs or for any other purpose except for tracks for railroad or railway use and to fix the terms ronditions rents and rates of charges for such use Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike if any to pay (a) the cost of maintaining repairing and operating the turnpike and (b) the bonds and the interest thereon and all sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture as the same shall become due Such tolls shall not be subject to supervision or regulation by any other state commission board bureau or agency The tolls and all other revenues derived from the turnpike except such part thereof as may be required to pay the cost of maintaining repairing and operating the turnpike and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due (2) the principal of the bonds as the same shall fall due (3) the necessary fiscal agency charges for paying principal and interest and (4) any premium upon bonds retired by call or purchase as herein provided The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds or in the trust indenture but except as may otherwise be provided in such resolution or trust indenture such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued

Section 16 The commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding The issuance of such turnpike revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the commission in respect to the same shall be governed by the foregoing provisions of this act in so far as the same may be applicable and by the following provisions

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable turnpike revenue bonds or turnpike revenue bonds maturing or redeemable within three months including any redemption premium thereon

(b) No turnpike revenue refunding bonds shall be issued unless issued to refund turnpike revenue bonds which have matured or will mature within three months or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate borne by the turnpike revenue bonds to be refunded

Section 17 Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto and the trustee under the trust indenture if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or

by the trust indenture may either at law or in equity by suit action mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the commission or any officer thereof including the fixing charging and collecting of tolls for the use of the turnpike

Section 18 When all bonds and the interest thereon shall have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bondholders and shall continue to be held for that purpose the turnpike and the connecting roads turnnels and bridges shall become a part of the system of state highways and shall be maintained by the Department of Highways free of tolls and thereupon the commission shall be dissolved and all funds of the commission not required for the payment of the bonds and all machinery equipment and other property belonging to the commission shall be vested in the Department of Highways

Section 19 The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to effect the purposes thereof .

Section 20 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the third time

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. McGINNIS. Mr. President, I noticed in the Philadelphia Inquirer this morning an article written by John Cummings headed "Super Highway Extension to Philadelphia a Necessity." It reads like this:

The more you see of the Pennsylvania Turnpike the more convinced you are of the necessity of extending it eastward to Philadelphia, westward to the Ohio line. Not until these extensions are made will the superhighway fulfill its appointed destiny.

Shortly before the road was opened to the public last fall, we had a preview of it as a guest of Walter A. Jones, chairman of the Turnpike Commission. At that time they were applying the finishing touches to the tunnels, erecting traffic markers and doing a few other odds and ends. Our recent trip was the first since the pre-view party made the journey.

On the return run rain pelted down all the way from Pittsburgh to Harrisburg. There was some fog in the mountains. To the driver with some regard for the safety of himself and fellow passengers rain on the super-road is of no great consequence. High speed is unnecessary to make time. All you have to do is set a steady, reasonable pace and keep going.

The absence of cross roads, of traffic lights, the fact that the highway at no point passes through a town or village enable the driver to push on without fear of sudden danger looming immediately ahead.

* * *

Truck and passenger car drivers have learned to use the highway. It took a little time for the lesson to sink in; but it has been learned and as a result there has been a sharp decline in the number of vehicles crippled by burned-out bearings or blown-out tires.

These drivers have learned that while the average car is capable of attaining high speed it does not do to maintain the pace for a long period. They have discovered the moderate pace gets them over the road between Pittsburgh and Harrisburg at a saving of at least two hours as compared with the running time on the Lincoln Highway. And they arrive without damage to their cars.

As you enter the highway at either end an attendant gives you a booklet containing some gentle hints. For one thing you are reminded the machine you are driving has its limitations, that pushed too far something is bound to happen. When "something" happens at 80 or 90 miles an hour there isn't much that can be done save send for the undertaker.

When the highway was first thrown open to the public last fall receipts from tolls mounted rapidly and for a time the "take" was three times in excess of the amount necessary to amortize the cost of construction. With the coming of winter there was a decline in receipts. Now the traffic lanes hum with the passing cars.

* * *

You get some idea of the business upswing from the fact it has been found necessary to double the capacity of the dining and lunching establishments along the road. Operated by Howard Johnson, the Boston restaurant magnate, these places are doing nearly double the business anticipated when the road was planned.

At the eastern end the State is widening the approach to the turnpike. At the western terminus a fine four-lane highway enables the travel to continue the journey into Pittsburgh in reasonable comfort.

But the real problem is extention east to Philadelphia and west to Ohio. Preliminary plans for these extensions have been drawn; the State has given approval and for a time it was thought work would start this summer.

In Washington, however, they have decided that further construction must be held in abeyance because of national defense. This seems like a paradox, for army engineers term the turnpike an important link in the defense transportation system.

It is their well-founded contention that a high speed highway linking the heavy industries of Pittsburgh with the Navy Yard and the Port of Philadelphia is a necessary part of the defense effort.

* * *

The other viewpoint holds that materials, concrete and steel, and the manpower necessary for construction, cannot be spared at this time.

The probable truth is that extension of the highway is one of the "cushions" Washington has in mind for the let-down at the end of the defense drive. It seems the planners are busy thinking up projects of a public nature which, it is anticipated, will keep the wheels of industry moving after all defense needs have been satisfied.

Originally Jesse Jones' RFC put up some $43,000,000 for construction of the highway. Jones, ever on the alert, sold the bonds to private bankers at a profit to the Government of $1,000,000.

It will take a full year of operation to form an adequate estimate of what may be expected in the way of financial return. As it stands today the road has demonstrated its ability to take care of itself. Over its smooth

surface and through its seven tunnels thousands of cars pass daily. Eventually it will get to Philadelphia. The fact that it is not now headed in that direction is another of those things which you may charge against Herr Hitler

Mr. President, I also have before me an article written by Robert Taylor of the Pittsburgh Press, on April 7th, and I would ask permission that the two articles be printed in the record.

The PRESIDENT. If there is no objection the request is granted.

Harrisburg, April 7—Pennsylvania's new super-highway between Pittsburgh and Harrisburg today was believed headed for a safety record as one of America's safest highways, as well as the fastest.

During the five winter months, which normally account for the peak in traffic fatalities, 10 motorists were killed on the Turnpike. The travel mileage during the same period was estimated at 98 million miles.

That record was compiled during the most dangerous months of the year, when the extra hazards of snow and ice are present on all mountain highways, and at a time when there was no speed limit on the super-highway.

Mileage Increases

The five-months period covered by the data is from Oct. 1 to Feb. 28. Since the latter date, there have been no fatalities, while the mileage traveled has increased week by week. Increased mileage and decreased accident rates during the spring and summer months are expected to enhance the super-highway's safety record.

By contrast, the national fatality rate, as shown by data of the National Safety Council, is 12 per one hundred million miles. Other fatality rates are shown as follows:

Pennsylvania	10.3 per hundred million miles
New York	9.5
Illinois	12.4
Ohio	11.
Texas	10.7
California	12.4
Michigan	11.4

The full total of reportable accidents on the super-highway between the period of Oct. 1 and March 1 is shown as 258 accidents, 93 personal injuries and 10 deaths. There were no accidents involving pedestrians, who are barred from the toll highway and kept from the right-of-way by steel fencing.

Available data on accidents on Route No. 22, the William Penn Highway, between the city limits of Pittsburgh and Harrisburg are for the full year of 1940 and show 871 reportable accidents, 41 motorists killed and four pedestrians killed. The route covered by the data is about 70 miles longer than the 160 miles of the super-highway.

33 Killed on Two Routes

Data for the Lincoln Highway (Route No. 30) and Carlisle Pike (Route No. 11) between Pittsburgh and Harrisburg, for the full year of 1940, show 965 accidents. 33 motorists killed and 13 pedestrians killed. Motorists must use parts of Route No. 20 and No. 11 to enter and leave the super-highway.

Super-highway accidents were most numerous in Westmoreland, Somerset and Bedford Counties. All of the 10 fatalities to date have been in those counties, where winter driving hazards are greatest.

The William Penn Highway accidents were greatest in Westmoreland, Cambria, Mifflin and Dauphin Counties, according to state traffic figures. The Lincoln Highway's most hazardous counties are Westmoreland, Somerset and Bedford.

Mr. DENT. Mr. President, some questions have been asked relative to property damages on the existing turnpike. My good friend, the gentleman from Allegheny, Senator Walker, and myself were able to get a record of the progress made in the acquisition proceedings and with permission of the Senate, before we vote on this bill, I would like to read to the Senate the exact status of the Turnpike Commission relative to farm acquisitions.

There are 540 properties on which the turnpike commission, the federal agency and the property owners have agreed upon a final price for settlement. The above figure is made up as follows:

First. Deeds executed and recorded—441; Second. Deeds and checks in the field for closing—69; Third. On requisition—21. Fourth. Agreements prepared and signed by property owners—9.

There are, in addition to the 540 properties mentioned in the first paragraph, 203 properties on which petitions for viewers have been presented to the court and are now before the court for the determination of damages.

In addition, there are five Commonwealth of Pennsylvania properties on which further negotiations are to be held.

The above figures represent the acquisition status of 748 properties which are affected by turnpike right of way. Then the letter also encloses a summary of the above information, which I have just cited.

Mr. President, with respect to the bill now before us I realize that for the first year and a half this Turnpike Commission was very derelict in its duty insofar as clearing up land damage claims was concerned, for the simple reason that, as I have said here before on many occasions, the farmers were led to desperation because of the fact that their lands were divided by the turnpike right of way and they could not get from one section of their farm to another without traveling as far as eighteen miles in order to cross over into another one of their own fields. That land was beyond practical use as farm land after the turnpike went through.

Another very bad feature, Mr. President, is that as long as these damages are not settled or the final settlements are not determined upon the farmer must pay the taxes on the very land the turnpike has taken. Here is a farmer with perhaps three miles or a mile and a half or a half a mile where the turnpike runs right smack dab through the middle of his farm, and here he is paying taxes on the right of way, he is paying taxes on the very land taken from him, and therefore I wanted to amend this bill to state that there would not be any work started for additional toll roads or turnpikes because in the final analysis such roads do not belong to the people of Pennsylvania, they belong to private corporations, they belong to a private commission.

I want to predict, Mr. President, it will be many years before the commission pays all the bonds there are covering the turnpike expenses, because if you will notice on the present turnpike, they were very, very careful not to allow certain curves to be taken out, until later when they get some money. They will never give up that good

thing of having toll gates at the end of their turnpike. You have the same situation here in Harrisburg. Those bridges have been built and rebuilt and built again many, many times but you still pay your nickel to get over. That is true of the turnpike and some day we will all be sorry if we keep on adding miles and miles of toll roads.

My father told me years ago the battle cry of politicians was against toll roads and here we are starting all over again, taking the steps backwards, and I say the motorist is entitled to the best roads money can build; he is entitled to them because he pays for those roads.

If the turnpike is built as a state project, owned by the state and under state supervision, it can be paid for in less than six years by taking ten million dollars a year out of the regular highway funds, which could easily be done, but no, you are going to build more turnpikes and stick your chins out; you are going to build another turnpike for Philadelphia, and then you are going to build the Rim of the Mountain Parkway and then we go up in Joe Ziesenheim's district around Erie and they want a turnpike, and then you hear of someone in New Kensington and he wants a turnpike to go through New Kensington; you are going to have turnpikes all over the place and we of the Legislature now are going to be known as turnpikers.

Mr. REED. Mr. President, in the discussion yesterday it developed that many of the farmers whose lands had been taken and for which they have not been paid, and likewise contractors who have performed work on the turnpike, had completed that work and have not been paid, and the gentleman from Allegheny, Senator McGinnis, kindly permitted the bill to go over in its order until today in order that we might get information pertinent to those two factors.

I might say, Mr. President, I got in touch with the Turnpike Commission this morning and they very promptly and very courteously furnished me the information which I believe the Senate should have at this time before a vote on this bill is taken, and with the indulgence of the Senate I shall read two separate paragraphs bearing on those two propositions.

"The Pennsylvania Turnpike Commission had 748 land cases in seven counties. Of these 557 have been settled and closed or checks are in the field for payment. Of those as to which checks are in the field for payment, some are delayed in payment due to necessary corrections of titles. The balance of the cases consisting of 191 scattered through the seven counties, are in litigation and are being disposed of as rapidly as the courts in the several counties can handle them.

"The Commission had 122 contracts for the construction of the Turnpike, 69 of which have been paid in full, 10 are not yet completed. Of the 43 remaining all have been paid in excess of ninety per cent of the amount earned and are being paid the balance as rapidly as agreements can be reached with the contractors as to the amounts due. It looks as if there might be ten or a dozen as to which agreements will not be reached and will result in claims for amount beyond that which can be admitted by the Commission to be due."

Mr. McGINNIS. Mr. President, I merely want to state that the income on the present super highway has exceeded all expectations of the Commission. The Commission has figured that it will take two and one half million dollars to finance the present highway, and they have assured me that they feel sure that the income this year will be over three million dollars.

Mr. WOODWARD. Unfortunately, Mr. President, I did not get sick yesterday, and therefore I would like to say another word. I have been handed the May copy of the State Government magazine, which the Senator from Cumberland handed to me and I was delighted with a few words here "The legislative branch determines the source from which funds are to be raised and the general purposes for which they shall be expended."

Now, of course, this super highway we had nothing to do with, but I question the creation of numerous independent officials—this Turnpike Commission—there should be a check by the Legislative branch into the efficiency and fidelity of the executive branch. Mr. President, we do not know whether the Turnpike Commission belongs to the executive branch or whether it is a plant of its own branching out without any connection with either the executive or the legislative branch.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Chapman,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Tyler,
Cox,	Heyburn,	Mundy,	Wade,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
DiSilvestro,	Kephart,	Snowden,	Ziesenheim,

NAYS—4

Cavalcante,	Dent,	Reed,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 122, entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of

real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions; and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale.

And said bill having been read at length the third time,
On the question,
Will the Senate agree to the bill on third reading?

RECONSIDERATION OF SENATE BILL No. 122

Mr. HOMSHER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 122, passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. HOMSHER. Mr. President, I voted "aye."

Mr. DEITRICK. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. DEITRICK. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the vote on second reading?

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 122, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 177, as follows:

An Act regulating and limiting the rights of slayers in real and personal property and in the benefits from insurance policies arising out of or as a result of the death of the person slain protecting and saving the rights of purchasers and insurers dealing with slayers without notice of the slaying and repealing certain legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 As used in this act

(1) The term "slayer" shall mean any person who participates either as a principal or as an accessory before the fact in the wilful and unlawful killing of any other person

(2) The term "decedent" shall mean any person whose life is so taken

(3) The term "property" shall include any real and personal property and any right or interest therein

Section 2 No slayer shall in any way acquire any property or receive any benefit as the result of the death of the decedent but such property shall pass as provided in the sections following

Section 3 The slayer shall be deemed to have predeceased the decedent as to property which would have passed from the decedent or his estate to the slayer under the statutes of descent and distribution or have been acquired by dower by courtesy or by statutory right as surviving spouse

Section 4 The slayer shall be deemed to have predeceased the decedent as to property which would have passed to the slayer by devise or legacy from the decedent and subsections (a) and (b) of section fifteen of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" shall thereupon apply

Section 5 One-half of any property held by the slayer and the decedent as tenants by the entirety shall pass upon the death of the decedent to his estate and the other half shall be held by the slayer during his life subject to pass upon his death to the estate of the decedent

Section 6 (a) One-half of any property held by the slayer and the decedent as joint tenants joint owners or joint obligees shall pass upon the death of the decedent to his estate and the other half pass to his estate upon the death of the slayer unless the slayer obtains a separation or severance of the property or a decree granting partition

(b) As to property held jointly by three or more persons including the slayer and the decedent any enrichment which would have accrued to the slayer as a result of the death of the decedent shall pass to the estate of the decedent If the slayer becomes the final survivor one-half of the property shall immediately pass to the estate of the decedent and the other half shall pass to his estate upon the death of the slayer unless the slayer obtains a separation or severance of the property or a decree granting partition

(c) The provisions of this section shall not affect any enforceable agreement between the parties or any trust arising because a greater proportion of the property has been contributed by one party than by the other

Section 7 Property in which the slayer holds a reversion or vested remainder and would have obtained the right of present possession upon the death of the decedent shall pass to the estate of the decedent during the period of the life expectancy of the decedent if he held the particular estate or if the particular estate is held by a third person it shall remain in his hands for such period

Section 8 Any interest in property whether vested or not held by the slayer subject to be divested diminished in any way or extinguished if the decedent survives him or lives to a certain age shall be held by the slayer during his lifetime or until the decedent would have reached such age but shall then pass as if the decedent had died immediately thereafter

Section 9 As to any contingent remainder or executory or other future interest held by the slayer subject to become vested in him or increased in any way for him upon the condition of the death of the decedent (1) if the interest would not have become vested or increased if he had predeceased the decedent he shall be deemed to have so predeceased the decedent (2) in any case the interest shall not be vested or increased during the period of the life expectancy of the decedent

Section 10 (a) As to any exercise in the will of the decedent of a power of appointment in favor of the slayer the slayer shall be deemed to have predeceased the decedent and the appointment to have lapsed

(b) Property held either presently or in remainder by the slayer subject to be divested by the exercise by the decedent of a power of revocation or a general power of appointment shall pass to the estate of the decedent and property so held by the slayer subject to be divested by the exercise by the decedent of a power of appointment to a particular person or persons or to a class of persons shall pass to such person or persons or in equal shares to the members of such class of persons exclusive of the slayer

Section 11 (a) Insurance proceeds payable to the slayer as the beneficiary or assignee of any policy or certificate of insurance on the life of the decedent or as the survivor of a joint life policy shall be paid to the estate of the decedent unless the policy or certificate designates some person not claiming through the slayer as alternative beneficiary to him

(b) If the decedent is beneficiary or assignee of any policy or certificate of insurance on the life of the slayer the proceeds shall be paid to the estate of the decedent upon the death of the slayer unless the policy names some person other than the slayer or his estate as alternative beneficiary or unless the slayer by naming a new beneficiary or assigning the policy performs an act which would have deprived the decedent of his interest in the policy if he had been living

Section 12 Any insurance company making payment according to the terms of its policy or any bank or other person performing an obligation for the slayer as one of several joint obligees shall not be subjected to additional liability by the terms of this act if such payment or performance is made without notice of the killing by a slayer

Section 13 The provisions of this act shall not affect the rights of any person who before the interests of the slayer have been adjudicated purchases from the slayer for value and without notice property which the slayer would have acquired except for the terms of this act but all proceeds received by the slayer from such sale shall be held by him in trust for the persons entitled to the property under the provisions of this act and the slayer shall also be liable both for any portion of such proceeds which he may have dissipated and for any difference between the actual value of the property and the amount of such proceeds

Section 14 The record of his conviction of having participated in the wilful and unlawful killing of the decedent shall be admissible in evidence against a claimant of property in any civil action arising under this act

Section 15 This act shall not be considered penal in nature but shall be construed broadly in order to effect the policy of this State that no person shall be allowed to profit by his own wrong wherever committed

Section 16 If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section 17 Section twenty-two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise of legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" is hereby repealed

Section twenty-three of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" is hereby repealed.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,
DiSilvestro,	Letzler,		

NAYS—2

Cavalcante,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 294, (House Bill No. 481), as follows:

An Act to amend sections eighteen and nineteen of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" requiring the filing of local ordinances rules and regulations with the Dairy Advisory Council requiring local ordinances rules and regulations in certain cases to be consistent requiring inspectors employed by municipalities to be approved inspectors eliminating the power of the Advisory Health Board to make rules and regulations establishing a Dairy Advisory Council in the Department of Health conferring powers and imposing duties thereon and providing for appeals to the Court of Common Pleas

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections eighteen and nineteen of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" is hereby amended to read as follows

Section 18 The provisions of this act and the regulations made thereunder shall not be taken nor deemed to repeal existing municipal ordinances nor to prevent municipalities from enacting and enforcing new ordinances for the further protection of the public health Provided This act shall be considered as establishing uniform requirements and regulations and that nothing herein contained shall be deemed to prevent municipalities from ordaining and enforcing such additional requirements in excess of the requirements and regulations hereunder as may be deemed necessary from time to time for the preservation of public health and to require applications

from and to issue permits to such persons as may be defined by local ordinances

Provided That all such ordinances rules and regulations shall be filed with the Dairy Advisory Council and that if any person is aggrieved by the action of any municipality its rules and regulations or the enforcement thereof or by the action of any approved inspector such person may appeal to the Dairy Advisory Council and if such grievance is caused by the application of conflicting provisions of municipal ordinances rules or regulations or the enforcement thereof with regard to physical conditions of dairy farms or milk plants including structures and equipment thereon the Dairy Advisory Council shall decide which provisions such person shall comply with to properly protect the public health and Provided further that all inspectors of dairy farms and milk plants employed by municipalities shall be approved inspectors

Section 19

a There is hereby created and established in the Department of Health a Board to be known and designated as the Dairy Advisory Council The Dairy Advisory Council shall consist of seven (7) members

The Secretary of Agriculture or his authorized representative shall be the Chairman of the Council The Secretary of Health or his authorized representative shall be a member of the Council One member shall be a person actually connected with the Health Department of one of the municipalities of the Commonwealth and shall be appointed by the Secretary of Health The other four members shall be appointed by the Secretary of Agriculture Two members shall be persons familiar with and possessing either training or experience in dairying and the production and marketing of milk In making said appointments the Secretary of Agriculture shall recognize nominations made by the bona fide dairy cooperative organizations doing business in the Commonwealth Two members shall be persons who through training or experience are familiar with the operation of milk plants and the handling and distribution of milk In making such appointments the Secretary of Agriculture shall recognize the nominations made by the substantial organizations of milk dealers in the Commonwealth

The Secretary of Health or his authorized representative is hereby authorized to convene meetings of the Dairy Advisory Council whenever in his opinion such meetings are necessary and shall convene meetings thereof at any time upon the request in writing of three members thereof and he shall be the custodian of the records and proceedings of such Council.

The members of the Dairy Advisory Council other than those employed and paid by the Commonwealth or a municipality shall be paid at the rate of ten dollars per day while actually engaged in the work of the Council and shall receive their necessary traveling expenses

The term of office of all appointed members of the Dairy Advisory Council shall run concurrently with the term of the office of the Governor of the Commonwealth and until their successors shall have been appointed

b The Dairy Advisory Council is hereby authorized to adopt and promulgate rules and regulations not inconsistent with the provisions of this Act for its proper administration and enforcement Such rules and regulations shall be adopted only after a public hearing for the consideration thereof notice of which hearing shall be mailed at least seven (7) days prior thereto to each applicant for or holder of a permit and to any other person who shall have requested notice of public hearings and notice of such hearing shall be given to the public in such newspaper or newspapers as will afford an opportunity to all persons affected to attend such a hearing Such rules and regulations shall be filed in the office of the Secretary shall be open to inspection by the public and copies thereof shall be mailed at least seven (7) days prior to the effective date thereof to each applicant for or holder of a permit and to any other person who shall have requested such copies provided however that such mailing shall not be a condition precedent to the validity of such rule or regulation Such rules and regulations may contain all provisions necessary to carry into effect the intent of the provisions of the Act concerning quality or grades of milk and milk products standards of milk plants and equipment standards of physical condition of dairy farms and cattle sanitary requirements of dairy farms and milk plants sanitary requirements relating to shipping transportating and delivering milk and milk products qualifications and classification of approved inspectors and all other standards practices or sanitary requirements necessary to the effective administration and enforcement of this Act

c Any person aggrieved by any decision rule or regulation made prescribed or adopted by the Dairy Advisory Council may within twenty (20) days after the decision or adoption of such rule or regulation file an appeal therefrom in the Court of Common Pleas of Dauphin County or of the County in which such person resides or has his principal place of business No such appeal shall be permitted to act as a supersedeas except on special order of the court A special order of court permitting the appeal to act as a supersedeas may be made only after reasonable notice to the Secretary of Health The appeal from the action of the Dairy Advisory Council shall be by petition against the Secretary of Health officially as defendant alleging therein in brief detail the action of the Dairy Advisory Council complained of and praying for a reversal thereof Such petition shall specify the petitioner's objections to the action of the Dairy Advisory Council and shall state the reasons in support of such objections All averments in the petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed for the purpose of delay Upon service of a summons upon the Secretary of Health returnable at least ten (10) days from the date of service the Secretary of Health may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition If such motion is not sustained the Secretary of Health shall be given leave to file an answer within not less than ten (10) days after the order of court overruling the motion Upon the filing of the answer by the Secretary of Health the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay

The Secretary of Health shall on the return day of such summons certify to the court the record of the proceedings before the Dairy Advisory Council to which the petition refers Such record shall include the testimony if any taken relative thereto the findings of facts of the Dairy Advisory Council and a copy of the rules and regulations complained of in the petition

Mere technical irregularities in the procedure of the Dairy Advisory Council shall not be the basis of the decision of the court In an appeal from the decision and action of the Dairy Advisory Council the case shall be heard upon the record certified to the court by the Secretary of Health No evidence shall be received at the hearing of an appeal but if any party shall satisfy the court that evidence has been discovered since the hearing before the Dairy Advisory Council that could not have been obtained for use at that hearing by the exercise of reasonable diligence and will materially affect the merits of the case the court may in its discretion remand the record and proceedings to the Dairy Advisory Council with directions to take such after-discovered evidence and after consideration thereof to make such findings and so modify the decision rules and regulations complained of in the petition as the Dairy Advisory Council may deem proper and re-certify and re-submit to the court the record together with such additional supplemental findings decision rules and regulations as the Dairy Advisory Council shall have issued Whereup the court of common pleas shall proceed with the hearing of said appeal on the original and supplemental record

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I should like to make

clear the position of the Democratic Party on this bill. When this bill was introduced in the House it was the intention of the sponsors of the bill to avoid the considerable confusion that has arisen in the Commonwealth of Pennsylvania as a result of the multiplicity of inspections and the many different and conflicting requirements set up by the various localities in dealing with milk. It was the intent of the sponsors to eliminate from the existing law the provision which gives localities the right to make rules which would be inconsistent with and higher than the standard set up by the state, and by taking that out of the bill there would be one standard.

Considerable misrepresentation has been made with regard to the effect of this bill but the purpose is clear; the purpose is not to lower any standard, not to interfere or affect the health of persons using the milk, but for the purpose of setting up a uniform standard and giving the farmers relief from what has become an oppressive condition.

Now, Mr. President, this bill as amended, is supposed to have met the opposition of the objectors, which was that the milk under the amendments proposed by the Democratic Party would be injurious, because of the lower standard, to the health of children. We do not see that this bill, as amended, has established anything except to postpone a determination of that question or to allow it to remain in the hands of other people again. We think that the time has come that the Legislature should take control of this proposition by itself and to set up its own mehod of handling it and we propose, because the effect of this bill is to destroy the intention of the original sponsors of the bill, to vote against it and I shall ask my colleagues to vote against the bill.

Mr. BARR. Mr. President, I believe that the printer must have forgotten to print this bill and I want to give him credit because I do not think the sponsors would recognize the bill as the Moul-Woodring Bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Ealy,	Letzler,	Thomas,
Becker,	Edmonds,	Mallery,	Tyler,
Carr,	Farrell,	Miller,	Wade,
Chapman,	Geltz,	Scarlett,	Watkins,
Crider,	Heyburn,	Snowden,	Wilson, H. I.,
Crowe,	Homsher,	Stevenson,	Wilson, T. B.,
Deitrick,	James,	Tallman,	Woodward,
Dent,	Kephart,	Taylor,	Ziesenheim,

NAYS—16

Barr,	DiSilvestro,	McCreesh,	Reed,
Cavalcante,	Frey,	McGinnis,	Ruth,
Coleman,	Haluska,	McQuiddy,	Shapiro,
Cox,	Jaspan,	Mundy,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Mr. MUNDY. Mr. President, I desire to explain my vote by saying this bill is a step in the right direction; the bill is an improvement over the other and certainly an improvement over the Moul-Woodring Bill but I voted "no" because I do not believe the bill goes far enough in restrictions.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 316, on third reading, entitled:

An Act to amend clause (b) of section five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance, providing for and regulating assistance to certain classes of persons designated and defined as dependent children, a[illegible] persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and diburse moneys received from, the Unit d States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, the Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by providing that the judge of the court of common pleas, the president of the board of county commissioners, and the coroner shall constitute the county board of assistance in certain cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 352, as follows:

An Act providing for the creation maintenance and operation of a county employes retirement system in counties of the fourth and fifth classes imposing certain charges on counties and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words and phrases as used in this act shall be construed to have the following meanings

"Board" the county retirement board created by this act

"County Employe" an officer or emplove of the county whose salary or compensation is paid on a yearly or monthly basis and also any officer or employe regularly employed whose compensation is paid on a per diem basis

"Fund" the county employes retirement fund created by this act

"Accumulated Deductions" the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act and standing to the credit of the members' annuity reserve account together with the regular interest thereon

"Contributor" any person who has accumulated deductions in the fund created by this act standing to the credit of the members' annuity reserve account

"Beneficiary" any person in receipt of a retirement allowance under this act

"Prior Service" all service as a county employe served not later than December thirty-first preceding the year the retirement system shall be established in any county

"Original Member" a county employe who was at any time a member of the retirement system prior to January first of the year the retirement system is established in any county

"New Member" a county employe who shall have become a member of the retirement system subsequent to date the retirement system is established in any county

"Superannuation Retirement Age" as applied to a contributor means sixty years of age or upwards

"Final Salary" the average annual salary received by a contributor for the five years of service immediately preceding retirement or in the event a member has not served five years the total salary received divided by the number of years served

"Regular Interest" interest at the rate of three and one-half per centum compounded annually

"County Annuity" payments for life or during disability derived from contributions made by the county

"Member's Annuity" payments for life or during disability derived from contributions made by the contributor

"Retirement Allowance" the State annuity plus the member's annuity

Section 2 County Retirement System and County Retirement Board Created A retirement system may be established for county employes by resolution of the county commissioners in any county of the fourth or fifth class which system when established shall be administered by a county retirement board which shall consist of the chairman of the board of county commissioners or his representative who shall be its chairman the county controller or his representative and one county employe to be selected from time to time by the county employe for a term of two years Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or permit to be violated any of the provisions of this act Such oath shall be subscribed by the member taking it and shall be filed among the records of the board The members of the board shall not receive any compensation for their services but shall be reimbursed for all expenses necessarily incurred in the performance of their duty

Two members of the board shall constitute a quorum

The retirement system herein provided for shall be established on the first day of January of the year succeeding the one in which the resolution of the county commissioners was adopted

Section 3 Personal Administrative Expenses The board may appoint and fix the compensation of an actuary The controller shall be the secretary of the board and shall receive such compensation for his services as may be fixed by the salary board The secretary shall keep a record of all of the proceedings of the board which shall be open to inspection by the public The expense of the administration of this act exclusive of the payment of retirement allowances shall be paid by the county by appropriations made on the basis of estimates submitted by the board

Section 4 Rules and Regulations Actuarial Data The board shall from time to time establish such rules and regulations for meetings of the board and for the administration of the county employes retirement fund created by this act and the various accounts thereof as may be deemed necessary It shall keep such data as shall be necessary for acturial valuation purposes The actuary of the board shall periodically make an actuarial investigation into the mortality and service experience of the contributors to and beneficiaries of the fund and shall adopt for the retirement system one or more mortality tables and certify to the board annually the amount of appropriation to be made by the county to the fund to build up and maintain adequate reserves for the payment of the county's share of the retirement allowances provided by this act

Section 5 County Employes Retirement Fund There is hereby created in each county of the fourth or fifth class in which a retirement system has been established a county employes retirement fund which shall consist of all moneys arising from appropriation made by the county and from contributions made by the members of the county employes retirement system and all interest earned by the investments or moneys of the fund created by this act The moneys contributed by the county shall be credited to a county annuity reserve account and those contributed by the members shall be credited to a member's annuity reserve account and the interest earnings shall be apportioned to the member's and county annuity reserve accounts The actuary shall determine the present value of the liability on account of all county annuities payable to original members and the percentage of such liability which shall be contributed by the county each year over a period of fifteen years from the time the system is established until the accumulated reserve equals the present value of said liability All such contributions shall be credited to the county annuity reserve account The actuary shall also determine the amount which shall be contributed by the county into the fund periodically for credit to the county annuity reserve account on account of service of all new and original members subsequent to the time the retirement system is established

Each member of the retirement system shall be required to contribute to the fund such per centum of his salary as shall be computed by the actuary to be sufficient with regular interest to procure for him on super-annuation retirement one one-hundred-twentieth (1-120) of his final salary for each year of service after December thirty-first preceding the year the retirement system is established which contributions shall be paid into the fund through payroll deductions in such manner as the board may require All contributions by members shall be credited to the member's annuity reserve account

Section 6 Custody of and Payments from Fund All moneys and securities in the fund created by this act shall be placed in the custody of the county treasurer for safekeeping and all payments from said fund on account of retirement allowances shall be made only on requisition signed by the chairman and secretary of the board

Section 7 Management and Investment of Fund The members of the board shall be trustees of the fund created by this act and shall have exclusive management of said fund with full power to invest the moneys therein subject to the terms conditions limitations and restrictions imposed by law upon fiduciaries Subject to like terms conditions limitations and restrictions said trustees shall have power to hold purchase sell assign transfer or dispose of any of the securities and investments in said funds as well as the proceeds of said investments and of the moneys belonging to said fund

The board shall annually allow regular interest on the mean amount for the preceding year to the credit of each of the accounts created in accordance with the provisions of this act The amount so allowed shall be credited to each contributor's account

Section 8 Compulsory Membership Each county officer may and each county employe shall be required to become a member of the retirement system established under the provisions of this act at such date as may be specified in the resolution establishing the retirement system and thereafter when first becoming a county employe Those becoming members prior to January first of the year the retirement system is established shall be known as original members and those becoming members after said date as new members Provided however That if any person who becomes a county employe subsequent to January first of the year the retirement fund was established shall have been at any time theretofore a county employe he shall receive credit for the service prior to January first of the year the system was established and shall be known as an original member

Section 9 County Guarantee Annual Budgets The regular interest charges payable and the creation and maintenance of the necessary reserves for the payment of the county and members' annuities in accordance with this act are hereby made obligations of the county The board shall prepare and submit to the county commissioners on or before the first day of November of each year an itemized estimate of the amounts necessary to be appropriated by the county to complete the payment of the obligations of the county during the next fiscal year

Section 10 Service Allowance In computing the length of service of a contributor for retirement purposes full credit shall be given to each original member for each year of service rendered to the county prior to January first of the year the retirement system was established As soon as practicable the retirement board shall issue to

each original member a certificate certifying the aggregate length of his service prior to January first of the year the retirement system was established Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board upon application of the member The time during which a member is absent from service without pay shall not be counted in computing the service of a contributor unless allowed by the county commissioners and approved by the board

Section 11 Super-annuation Retirement Allowance Any contributor who has reached super-annuation retirement age may retire for super-annuation by filing with the board a written statement duly signed by the contributor setting forth at what time he desires to be retired Said application shall retire said contributor at the time so specified

On retirement for super-annuation a beneficiary shall receive a retirement allowance which shall consist of (a) a member's annuity which shall be the actuarial equivalent of his accumulated deductions standing to his credit in the member's annuity reserve account and (b) a county annuity equal to one one-hundred-twentieth (1-120) of his final salary multiplied by each year of total service and in addition thereto in the case of an original member one one-hundred-twentieth (1-120) of his final salary multiplied by each year of prior service but the total county annuity shall never exceed fifty per centum of the final salary

Section 12 Options on Super-annuation Retirement At the time of his super-annuation retirement any beneficiary may elect to receive his retirement allowance payable throughout life or if such retirement allowance shall amount to less than ten dollars per month he may elect to receive the full amount of the accumulated deductions standing to his individual credit in the member's annuity reserve account or he may in any event elect to receive the actuarial equivalent of his member's and county annuity in a lesser retirement allowance payable throughout life with provisions that

Option One If he die before receiving in payments the present value of his member's annuity and county annuity as it was at the time of his retirement the balance shall be paid to his legal representatives or to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement

Option Two Upon his death his member's annuity and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement

Option Three Upon his death one-half of his member's and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement

Section 13 Involuntary Retirement Allowances Should a contributor be discontinued from service not voluntarily after having completed ten years of total service but before reaching super-annuation retirement age he shall be paid as he may elect as follows (a) The full amount of the accumulated deductions standing to his credit in the members' annuity reserve account or (b) a member's annuity of equivalent actuarial value to his accumulated deductions standing to his credit in the members' annuity reserve account and in addition a county annuity having a value equal to the present value of a county annuity beginning at super-annuation retirement age as provided in this act with respect to county annuities for super-annuation retirement The same options shall be available to beneficiaries in case of involuntary retirement as provided herein in the case of super-annuation retirement

Section 14 Total Disability Retirement Allowance If a contributor after five years of service as a county employe is disabled while in service and is unable to continue as a county employe as shown by medical examination he shall be paid a retirement allowance of twenty-five per centum of his final salary which shall be payable one-third from the members' annuity reserve account and two-thirds from the county annuity reserve account

Section 15 Payment of Balances Where Disability Annuitant Dies Should a person receiving a disability retirement allowance die before receiving a total allowance equal to the amount standing to his credit in the member's annuity reserve account at the time of retirement there shall be paid to his estate or beneficiary the difference between such credit and the total retirement allowance received

Section 16 Monthly Payments of Retirement Allowances The retirement allowances granted under the provisions of this act shall be paid in equal monthly installments and hall not be increased decreased revoked or repealed except as otherwise provided in this act All members annuities shall be payable fror the members annuity reserve account and all county annuities from the county annuity reserve account

Section 17 Refunds in Case of Withdrawal or Death Where a contributor resigns from service or where a contributor has died then the amount standing to the credit of the contributor in the members' annuity reserve account shall be paid to him or his estate or to the person named in any beneficiary certificate filed by the contributor with the board When a contributor or a beneficiary has died and there shall be due to the estate of such contributor or beneficiary a sum less than one hundred dollars and letters testamentary or of administration have not been taken out on the estate of such contributor or beneficiary within six months of death the board may pay the amount due on the claim of the undertaker or to any person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 18 Exemption from Taxation and Execution Etc The right to a member's annuity or a county annuity or to the return of contributions shall be exempt from any State or municipal tax and from levy sale garnishment attachment or any other process whatsoever and shall be unassignable

Section 19 Fraud Correction of Errors Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the retirement system herein established in any attempt to defraud such system shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars or suffer imprisonment not exceeding one year or both in the discretion of the court

Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or beneficiary receiving more or less than he would have been entitled to had the records been correct then on the discovery of such error the board shall correct such error and shall adjust the payments which shall be made to the contributor or annuitant in such manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid

Section 20 This act shall become effective on the first day of July one thousand nine hundred and forty-one

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Shapiro,	Woodward,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 402, (House Bill No. 376), entitled:

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale, exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser.

And said bill having been read at length the third time

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill provides that persons who sell so-called rerefined lubricating oil shall label the containers stating that the oil sold is rerefined oil, and it is based on the contention that the sale of it otherwise is a fraud on the public.

When this bill came before the Committee, requests were made to me to give certain people in Philadelphia an opportunity to appear before the committee. They did and they showed to the committee that the use of crank case oil for rerefining purposes resulted in an oil which in many instances was even of a higher degree and character than that of virgin oil. They produced witnesses from the Federal Government, from the department of the Bureau of Standards in charge of the lubrication department and one of the witnesses, I thought, was very convincing to the committee that he was engaged in a legitimate business and was a very honorable and decent citizen trying to protect his industry. He brought out the fact that in England it was made a crime, an offense, to destroy crank case oil.

As a result of that hearing a sub-committee was appointed. It was pointed out that if this law went into effect, since you could not tell whether or not an oil had been rerefined after it was rerefined, this would give an opportunity to unscrupulous dealers to sell it without putting the notice on the can, and that as a result of that the unscrupulous dealers would get away with selling the oil without marking the container, whereas responsible respectable business men would be put under a handicap.

This sub-committee was appointed for the purpose of trying to protect that situation and it prepared an amendment which was in the bill but which was subsequently taken out. That amendment stated: "Whover stores, sells, exposes for sale or offers for sale in any manner so as to deceive or intend to deceive the purchaser any lubricating oil, lubricants, mixtures of lubricants, adulterated oils or falsely labels oils which had been once used for lubrication purposes and subsequently reclaimed, refined or reconditioned without clearly indicating or setting forth such fact on the container, pump or distributing devices used," and so on, "without first having submitted a sample thereof to the Department of Highways for inspection and approval or without labeling such oil or lubricant as reclaimed motor oil or lubricating oil shall be subject to penalties in clause F.

Now, Mr. President, it was discovered after this amendment was introduced that the Department of Highways either did not want to assume or did not have the facilities with which to make the tests that this required, so that amendmen was taken out.

However, that left these people in the same position, and I have prepared an amendment, after going into the matter, to provide that instead of having the approval of the Department of Highways, that it shall be approved by an approved laboratory, that is, a laboratory approved by the Department of Highways. That was prompted by the fact that the Department of Highways buys oil and also, by the way, buys reclaimed oil and submits it to tests by certain departments and by State College.

The amendment I propose would protect the decent business man by having this approved, approved by an approved laboratory, so that he could go to the Department of Highways and ask them whether or not they would approve State College or some other reputable organization as a laboratory for testing.

I have suggested this to one of the members of the subcommittee, but I am informed by him and I think he will say so frankly, the people who are interested in this bill object to the amendment.

AMENDMENTS OFFERED TO BILL

However, Mr. President, I am offering the amendment and I now ask unanimous consent to offer the following amendment to Senate Bill No. 402, Printer's No. 501.

Mr. THOMAS B. WILSON. Mr. President, I take it the gentleman from Philadelphia, Mr. Shapiro, in asking unanimous consent, is going so in order that he may present the amendment and that after he gets unanimous consent he will then present the amendment and we will have an opportunity to consider it.

The PRESIDENT. That is correct.

Mr. T. B. WILSON. In that event, Mr. President, I will not object to the gentleman presenting the amendments.

Mr. SHAPIRO. Mr. President, I move immediate adoption of the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 22, by taking out the bold face bracket before the word "first", and line 24 by taking out the bold face bracket after the word "without"; amend Section 1, page 2, line 23, by striking out the words "the Department of Highways" and inserting in lieu thereof the following: "to a qualified laboratory approved by the Department of Property and Supplies".

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, I object.

On the question,

Will the Senate agree to the amendments.

Mr. REED. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. Yes, Mr. President.

Mr. REED. Mr. President, I desire to ask the gentleman from Philadelphia whether under the amendment, if the oil is submitted for laboratory test, whether it would then be necessary under the amended bill to mark the oil as being rerefined oil?

Mr. SHAPIRO. The answer is yes, Mr. President. So that I may make that clear—I see there is some confusion—I have taken out the "Department of Highways" and inserted a qualified laboratory approved by the "Department of Property and Supplies" for inspection and approval, labeling and so on—in other words, it must both be labeled and approved by the laboratory.

Mr. THOMAS B. WILSON. Mr. President. this bill has been before the Senate so often, it seems hardly necessary to say to the members of the Senate the purpose of the bill is to require those who sell reconditioned or rerefined oil to label the oil so that the purchaser will know he is not getting new oil but oil that has been used and reconditioned. It is true, as the gentleman from Philadelphia says, that a sub-committee of the committee on Judiciary General of the Senate made a very serious effort to try to comply and meet the wishes of the gentleman from Philadelphia and those who appeared before the committee, by providing a method by which oil could be investigated.

When we went to the Highway Department with this matter the Highway Department pointed out that not only did they have no facilities to pass upon reconditioned oil which would be presented to the Highway Department but that it was not a governmental function to pass on merchandise and put people who sell it in the condition that they could advertise that this was merchandise approved by a certain department of the state government. It is not the business of any of the functions of the different departments of the State of Pennsylvania to direct people who sell merchandise to submit it to a certain laboratory or to approve the laboratory to which they would submit it.

The gentleman from Philadelphia has been very anxious and I think he will agree that the sub-committee of the Committee on Judiciary General and the Chairman of the Committee on Judiciary General made every effort to see if we could not reach an agreement upon that phase of the bill, but the Committee on Judiciary General was unable to do so and the bill went back and we were of the opinion what we desired at that time was to require those who sell reconditioned oil or rerefined oil to let the purchaser of that oil know he was buying oil that had been used.

This other proposition, Mr. President, is a merchandising proposition; it is a proposition to put the people who sell oil in a position where they can advertise that they are selling an oil that has been analyzed and examined by a laboratory which has been approved by a department of the government of the State of Pennsylvania.

It is true, as the Senator says, that there is some oil that is reconditioned and rerefined and made into a pretty fair oil. It is also true on the roads of this Commonwealth they are selling oil that has only been run through Fuller's earth and some of it has been run through hardly more than a pocket handkerchief and sold to the public, who think they are buying new oil.

The bill does not go far enough. The oil industry and the persons who sell this oil in good faith and with proper safeguards, should say to the man who buys this oil—this oil you are buying is a reconditioned or rerefined oil—but the bill does not go that far. All it does is require that they give notice to the purchaser that he is buying a second hand article, an article that has been reconditioned, and the burden falls on the man who has a small car and who has a small income and who is trying to save on his lubricating oil and buys oil that he thinks is good oil and he is buying it at a small price, when as a matter of truth, he is buying oil that is very dangerous to his car.

I can not approve of this particular amendment offered by the gentleman from Philadelphia and I ask the members of the Senate to refuse to adopt the amendment and then to adopt the bill.

Mr. SHAPIRO. Mr. President, I hope the members of the Senate will not consider I am boring them or that I have any particular interest, because I do not represent anybody in particular, but I do think the people who come to meet us are entitled to consideration of their problem.

First of all, Mr. President, as the bill is at the present time it will not prevent the sale of dangerous oil; it merely provides that the man who sells re-refined oil shall say so on the package.

As I suggest in the amendment, it will do two things; first, it will prevent the sale of bad or dangerous oil and will give the seller an opportunity to protect his business by avoiding the implication that must necessarily follow by the mere statement that this oil is re-refined.

It was shown before the committee that the cost of re-refined oil exceeds that at which virgin oil can be bought. In other words, when this oil is bought after being removed from the crank shaft, it is re-refined and it comes to the distributor who buys it for retail, or jobbers or distributors, even at a cost in excess of what he can buy from any of the large oil companies for standard brands of oil.

The figures we were given will be interesting to you. The standard brands of oil sold by oil companies to you under their names are sold at from twenty-five to thirty-five cents a quart. The man who sells this re-refined oil in Philadelphia also buys tank car lots of virgin oil from the standard companies and he told the committee the oil which we buy at twenty-five cents a quart he buys in tank car lots at six and a half cents a gallon; he told the committee that the oil which we buy at thirty-five cents a quart at retail he buys from the same company at eight and a half cents a gallon; he told the committee re-refined oil he buys as high as ten and twelve cents a gallon and he gets a test, he gets a specification which permits him to sell to the government of the United States, meeting its specifications, to trucking companies and to transportation companies, all of which use re-refined oil and some of which re-refine it themselves and use it.

Now, Mr. President, with that situation it seems to me that this bill, which provides by the amendment that the oil shall not only be labeled as re-refined oil but which shall prior to that time, have been inspected by a laboratory approved by the Department of Property and Supplies, meets a situation which helps the bill and it seems to me helps the person who is in a legitimate industry. To my mind, Mr. President, this amendment does not hurt the bill, it helps it; it would help avoid just such a situation as the gentleman from McKean, said, that there are some kinds of oil, these re-refined oils, which if not properly re-refined, may be dangerous.

Under this bill there is nothing to prevent that kind of oil from being sold; it simply says it must be labeled. Under my amendment that oil would not receive approval of the laboratory. We all agreed there was justice in that position. The only reason for removing the amendment was that we found we could not impose the duty upon the department and now we are not imposing the duty on the department; we are merely saying to those men, you go to the Department of Property and Supplies and say to them, what do you say is an approved laboratory, and then this man goes to that laboratory and gets his test and he does not have to have it approved by the Department of Highways; there is nothing in the bill which authorizes him to say that, or by the Department of Property and Supplies; it simply says re-refined and approved by laboratory "x", and I think that is a perfectly legitimate amendment in a bill of this kind.

Remember, Mr. President, this is an amendment to the penal code and makes attempts at fraud a crime. There is no fraud in the sale of re-refined oil and we may some day have legislation here similar to that which they have in England which is that crank case oil shall not be destroyed but it shall be re-refined, and properly so, and it seems to me this bill ought to have the approval of the Senate.

Mr. THOMAS B. WILSON. Mr. President, the gentleman from Philadelphia says he does not want to prolong this discussion but the thing which he attempts to do by this amendment is to have the oil analyzed and put a man in a position where he can advertise it. Any person who sells re-refined or re-conditioned oil, may have it analyzed. The only thing this will do will be to put him in shape so he can say, this has been analyzed by a laboratory picked out by one of the Departments of the State of Pennsylvania, and that is an advertising proposition entirely. Any dealer who wishes to have his oil analyzed by a laboratory can have it analyzed and he can so advertise on his cans, but the only thing in this amendment is that he is required to have it analyzed by a laboratory approved by a department of the state and that is absolutely outside of any function of the government of the State of Pennsylvania.

Mr. McCREESH. Mr. President, I was going to ask that this bill be placed on the postponed Calendar but I am not going to make that motion. I am going to vote "present" on the bill.

I think this is a very bad bill and I do not think we are ready yet to ask some gentleman who has a new car and comes along to have it filled with supposedly good oil, filled with oil that has been drained from crank cases of cars perhaps in which the bearings were burned, and in my estimation you will neither be fair to the car or have a good oil and to me it seems a ridiculous waste of time. and if you are going to do anything with the oil we should label it in such a way that some man with a good car would not attempt to use it in his car.

I might also say I get half a cent a gallon for reconditioned oil.

And the question recurring,

Will the Senate agree to the amendments?

Mr. GELTZ. I object, Mr. President, and ask for a roll call.

The yeas and nays were required by Mr. GELTZ and were as follows, viz:

YEAS—13

Barr,	DiSilvestro,	Jaspan,	Ruth,
Coleman,	Frey,	McQuiddy,	Shapiro,
Cox.	Haluska,	Mundy,	Stiefel,
Dent.			

NAYS—34

Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	Miller,	Tyler,
Carr,	Geltz,	Reed,	Wade,
Cavalcante,	Heyburn,	Scarlett,	Watkins,
Chapman,	Homsher,	Snowden,	Wilson, H. I.,
Crider,	James,	Stevenson,	Wilson, T. B.,
Crowe,	Kephart,	Tallman,	Woodward,
Deitrick,	Letzler,	Taylor,	Ziesenheim,
Ealy,	Mallery,		

PRESENT—1

McCreesh,

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent to offer the following amendments.

Amend title, page 1, line 10 of title, by adding after the word "purchaser" the following: "and the disguising and camouflaging of equipment used for marketing liquid fuels, lubricating oils and similar products"; amend Sec. 1, page 3, line 10 by striking out the word "similating" and inserting in lieu thereof the following: "simulating".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 446, on third reading, entitled:

An Act to amnd section six of the act, approved the sixteenth day of May, one thousand nine hundred and thirty-five (P. L. 208), entitled as amended "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," authorizing the Department of Revenue to grant an additional extension of time for the filing of reports under the provisions of said act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 469, (House Bill No. 364), on third reading, entitled:

An Act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen

(P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amplifying the provisions thereof as to persons entitled to such payments

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 497, (House Bill No. 610), on third reading, entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act, approved the twenty-third of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," changing the qualification of historical societies to receive appropriations

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 499, (House Bill No. 657), on third reading, entitled:

An Act to amend sections one, two, three and four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-seven (P. L. 787), entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale, for the non-payment of taxes and the reconveyance or private sale of such property," extending the provisions of said act to properties purchased by said political subdivisions at sales for municipal claims and to the payment of such claims from the proceeds of such compromises or sales and changing the time when such compromises may be made

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 500, (House Bill No. 708), on third reading, entitled:

An Act enabling city county poor institution district ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants or by the expiration of their terms of office extending the time for the collection of the same for a period of two years from the passage of this act and validating collections and proceedings for collections made or commenced without previous authority

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 545, on third reading, entitled:

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth except counties of the first class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 563, on third reading, entitled:

An Act to add section four hundred four and one-tenth to article four of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," directing the board to issue liquor licenses to holders of retail dispensers' licenses upon payment of fee and furnishing of bond; and providing that the issuance of liquor licenses in such cases shall not be prevented by any laws limiting the number of such licenses to be granted by the board.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 652, (House Bill No. 1098), on third reading, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 706, (House Bill No. 1021), on third reading, entitled:

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Com-

monwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 714, on third reading, entitled:

An Act to further amend section fifteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to livestock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by providing for the return of a portion of moneys received for licenses to the counties for use by Societies for the Prevention of Cruelty to Animals and specifically appropriating the same for such purpose

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 733, (House Bill No. 1087), on third reading, entitled:

An Act to amend Clause (2) of Section 3 of the Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" by changing the definition of daily newspaper

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 141, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. THOMAS B. WILSON. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 1, line 1, by striping out the word "juvenile" and inserting in lieu thereof the following: "person"; amend Sec. 1, page 1, line 5, by inserting after the word "Commonwealth" the following: "for any crime except treason, murder, robbery, burglary, rape, or arson."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 207, on second reading, entitled:

An Act to further amend subsections (a) and (b) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the employment, suspension, and retirement of professional employes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 327, entitled:

An Act to further amend paragraph six of section thirteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," as heretofore amended by an act, approved the twelfth day of April, one thousand nine hundred and thirty-five (P. L. 25), by authorizing the civil service commission of such cities to make and establish regulations governing the reinstatement of persons who, without fault or delinquency, have resigned or have been separated from the service.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HENRY I. WILSON. Mr. President, I move that Senate Bill No. 331, on second reading, entitled:

An Act to further amend section two of the act, approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by changing the time for the return and payment of said county (and in certain cases city and county) tax to the county treasurer

be recommitted to the Committee on County Government for the purpose of further study.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Mr. HENRY I. WILSON. Mr. President, I might state, in explanation of my request, that amendments have been suggested by the gentleman from Philadelphia, Mr. Shapiro, and one or two others, and I wish to give them very serious consideration and I am of the opinion that can best be done by having the bill back in committee.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 346, entitled:

An Act to amend section two hundred one and to further amend sections two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal or quasi-municipal corporations which levy their taxes on county assesments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation or calling optional in counties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 502, (House Bill No. 895), on second reading, entitled:

An Act to authorize counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law and to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

be recommitted to the Committee on Municipal Government for the purpose of further study and possible amendment.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. COLEMAN. Mr. President, I desire to ask the Majority Floor Leader the reason for the motion.

Mr. GELTZ. Mr. President, there seems to be some question in the minds of some of the members of the Senate as to the wording in Senate Bill No. 502, as well as in one of the bills which went over in order on third reading, as to whether or not there is adequate protection for intervening liens, and we want to have both of these bills go back to the Committee on Municipal Government so that they can be thoroughly examined by those who are expert in that line, to make sure that some slip is not made.

Mr. SHAPIRO. Mr. President, I would like to suggest to the gentleman that Senate Bill 502 has a clause saving intervening rights; that is the one thing I looked for in the bill and this is one of the bills that save intervening rights.

Mr. EDMONDS. Mr. President, may I say I was advised by a title lawyer whose reputation is extensive, that there was a similar bill to this that had been passed five or six years ago in the same language, and that when this bill came before our Superior Court the Superior Court held that it made a tax lien superior to a first mortgage that had been recorded prior to the imposition of the tax. We were anxious to avoid any possibility that this might result from the language of this bill, and that is the reason why not only this bill but also the other bill, are being returned to the committee for further study.

Mr. SHAPIRO. Mr. President, I would like to call attention to the fact that this bill reads as follows: "Provided, however, That the lien of any such claim or judgment shall not attach or reattach against any real estate transferred to any purchaser before such claim is filed."

Mr. EDMONDS. Mr. President, I am told the language in a similar case was construed by the Superior Court, which held a tax lien was made prior to a first mortgage, and we want to be sure in this bill at any rate we are not mistaken.

And the motion recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS OVER IN ORDER

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 555, on second reading, entitled:

An Act to amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief, providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and the Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance,

and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 587, on second reading, entitled:

An Act to amend section three hundred six of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare, and the State Department of Public Assistance in respect thereto: abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts in counties of the third class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HENRY I. WILSON. Mr. President, I ask unanimous consent that Senate Bill No. 691, (House Bill No. 1093), on second reading, entitled:

An Act to further amend the act, approved the eighth day of July, one thousand nine hundred nineteen (P. L. 764), entitled, "An act authorizing suits brought to recover in case of accidents in this Commonwealth in courts of common pleas to be certified to the Workmen's Compensation Board when discovered that suit has been brought wrongfully," extending said act to cases heretofore or hereafter so brought in any court of record; and defining the legal effect of such certifications

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 696, (House Bill No. 1205), entitled:

An Act to amend subsections (b) and (c) of section two of the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 171, entitled:

An Act to further amend subsection (a) of section five hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officers of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. FARRELL. Mr. President, I move that Senate Bill No. 171, the bill just read, be recommitted to the Committee on Finance for the purpose of further study.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 224, entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," increasing the minimum salaries of teachers in school districts of the fourth class and providing for the payment of the whole of such increase by the State for the period of two years.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

SENATE BILL NO. 233 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. BECKER. Mr. President, with the consent of the sponsor, I move that the Senate do now resume consideration of Senate Bill No. 233, on third reading postponed, Page 9 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion

The motion was agreed to.

BILL RECOMMITTED

Mr. BECKER. Mr. President, I move that Senate Bill No. 233 on third reading, entitled:

An Act to amend section one of the act, approved the thirteenth day of May, one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of minors; by forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; required certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts and police officers; and defining the procedure in prosecutions thereunder, and establishing certain persumptions in relation thereto; providing penalties for the violations of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," by exempting children employed as caddies from the provisions of this act

be recommitted to the Committee on Labor and Industry for further consideration.

Mr. CROWE. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 706 (HOUSE BILL No. 1021) ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. LETZLER. Mr. President, I now call up Senate Bill No. 706 (House Bill No. 1021) on third reading, Page 8 of the Calendar, which went over in its order.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 706, (House Bill No. 1021), as follows:

An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding immediately after section six hundred and seventeen thereof a new section to read as follows

Section 617.1 Whenever any school building or buildings have been rendered totally unfit for use by reason of fire acts of God or other unforeseen cause the board of school directors of any school district shall have power [to appropriate money out of the general fund of the] school district to any non-profit corporation established for the purpose of constructing school buildings for the use of the school district Provided That before any such money is paid over the corporation shall have entered into a lease with the school district for the buildings proposed to be erected whereby the school district shall have the right to renew such lease at stated periods at a stipulated rental and at any time during the continuance of the lease to purchase the buildings from the corporation at a stipulated price provided however that none of the powers granted by this act shall be used by the board of school directors of said school district without the specific and written approval of the State Department of Public Instruction

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barr,	Edmonds,	McGinnis,	Taylor,
Bartlett,	Farrell,	McQuiddy,	Thomas,
Becker,	Geltz,	Miller,	Tyler,
Carr,	Homsher,	Mundy,	Wade,
Chapman,	James,	Reed,	Watkins,
Crider,	Jaspan,	Ruth,	Wilson, H. I.,
Crowe,	Kephart,	Scarlett,	Wilson, T. B.,
Deitrick,	Letzler,	Snowden,	Woodward,
DiSilvestro,	Mallery,	Stiefel,	Ziesenheim,
Ealy,	McCreesh,	Tallman,	

NAYS—2

Cavalcante,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

MOTION TO RESUME CONSIDERATION OF THIRD READING CALENDAR

Mr. GELTZ. Mr. President, I move that we do now re-

sume consideration of bills on third reading, which went over in order a short time ago, beginning at page 5 of today's Calendar, Senate Bill No. 446.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 446, as follows:

An Act to amend section six of the act approved the sixteenth day of May one thousand nine hundred and thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county offices boards and departments making an appropriation and providing penalties" authorizing the Department of Revenue to grant an additional extension of time for the filing of reports under the provisions of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the sixteenth day of May one thousand nine hundred and thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as last reenacted and amended by the act approved the fifth day of May one thousand nine hundred and thirty-nine (P. L. 64) is hereby further amended to read as follows

Section 6 Extension of Time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the corporation required to file such report an extension of not more than sixty (60) days within which such report may be filed and in case the Federal income tax authorities at any time grant a longer extension of time for filing such reports with the Federal Government the department may grant an additional extension of time for filing the report under this act of not more than sixty days after the termination of the Federal extension but the amount of tax due shall in such cases nevertheless be subject to interest from the due dates and at the rates fixed by this act

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Watkins,
Cox,	Heyburn,	Reed,	Wilson, H. I.,
Crider,	Homsher,	Ruth,	Wilson, T. B.,
Crowe,	James,	Scarlett,	Woodward,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,		

NAYS—2

Shapiro, Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 469, (House Bill No. 364), as follows:

An Act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amplifying the provisions thereof as to persons entitled to such payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the termination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" is hereby amended to read as follows

Section 1 In addition to those persons included within the definition of the word "employe" as defined in section one hundred and four of the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as last reenacted and amended at the regular legislative session of one thousand nine hundred and thirty-nine there shall be included all members of volunteer fire companies of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns townships for all the purposes of said act and shall be entitled to receive compensation in case of injuries received while actually engaged as firemen or while going to or returning from any fire which the fire companies or fire department of which they are members shall have attended or while performing any other duties of such companies authorized by such cities boroughs incorporated towns and townships

Section 2 This act shall become effective ten days after final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Shapiro,	Woodward
Dent,	Kephart,	Snowden,	Ziesenheim.

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 497, (House Bill No. 610), as follows:

An Act to amend clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" changing the qualifications of historical societies to receive appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2403 Specific Powers In addition to other powers granted by this act the council of each city shall have power by ordinance

* * * * * *

47 Aid to Historical Societies To make annual appropriations not exceeding two hundred fifty dollars ($250.00) for the support and maintenance of the principal historical society located therein which shall be incorporated under the laws of the Commonwealth shall maintain permanent quarters and shall keep the same open to the public shall have a membership of at least two hundred persons who pay annual dues of at least two dollars shall hold annually at least six regular meetings that shall be open to the public and shall at all times maintain facilities for the free storage deposit and inspection of official documents and records of the city and other proper public or historical archives and records

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Snowden,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Shapiro,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 499, (House Bill No. 657), on third reading, entitled:

An Act to amend sections one, two, three and four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-seven (P. L. 787), entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale, for the nonpayment of taxes and the reconveyance or private sale of such property," extending the provisions or said act to properties purchased by said political subdivisions at sales for municipal claims and to the payment of such claims from the proceeds of such compromises or sales and changing the time when such compromises may be made

be recommitted to the Committee on Municipal Government for the purpose of further study.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to

Mr. GELTZ. I might state, Mr. President this is the companion bill to which I referred a short time ago, in connection with intervening liens.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 500, (House Bill No. 708), on third reading, entitled:

An Act enabling city county poor institution district ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants or by the expiration of their terms of office extending the time for the collection of the same for a period of two years from the passage of this act and validating collections and proceedings for collections made or commenced without previous authority go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 545, as follows:

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth except counties of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The court of common pleas of each county of the Commonwealth (except counties of the first class) may in its discretion issue writs of venire for the empanelling and summoning of persons for service as jurors (except grand jurors) in any of the courts civil or criminal in the county

Section 2 If the court of common pleas shall exercise such discretion it shall be the duty of the sheriff and the jury commissioners of the county to annex and return one and the same panel of names to the venires issuing as aforesaid and any of the jurors summoned may thereafter be required to serve as petit or general jurors or both as the need for such services shall arise and as the court of common pleas of said county shall direct

Section 3 All acts and parts of acts inconsistent with this act are hereby repealed

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Shapiro,	Woodward,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 563, as follows:

An Act to add section four hundred four and one-tenth to article four of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" directing the board to issue liquor licenses to holders of retail dispenser's licenses upon payment of fee and furnishing of bond and providing that the issuance of liquor licenses in such cases shall not be prevented by any laws limiting the number of such licenses to be granted by the board

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article four of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) is hereby further amended by adding thereto immediately after section four hundred and four a new section to read as follows

Section 404.1 Exchange of Retail Dispenser's License for Liquor License Notwithstanding any other provision of this act any hotel eating place restaurant or club holding a retail dispenser's license under the provisions of the "Beverage License Law" approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) as reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1827) its amendments and supplements shall upon application to the board and surrender of the retail dispenser's license be granted a liquor license under the provisions of this act Every applicant for license under this section shall furnish bond as required by section four hundred and six of this act The fee for a liquor license issued under this section shall be the difference between the amount which the applicant paid for the retail dispenser's license under the "Beverage License Law" and the fee prescribed by this act for the issuance of a liquor license to such applicant Provided That this section shall not apply to cases where by Local Option the granting of the retail dispenser's license has been restricted to the sale possession transportation importation traffic in and use of malt or brewed beverages or to cases where the applicant or the licensed premises do not comply with the requirements of the act pertaining to liquor licenses

No laws of the Commonwealth of Pennsylvania limiting the number of liquor licenses which may be granted by the board shall be construed so as to prevent the issuance of a liquor license under this section

After a license has been issued to any applicant under this section such applicant shall be entitled to the same privileges and subject to the same restrictions as other holders of liquor licenses under the provisions of this act

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. MALLERY. Mr. President, I desire to interrogate the gentleman from Fayette.

The PRESIDENT. Will the gentleman from Fayette permit himself to be interrogated?

Mr. CAVALCANTE. Yes, Mr. President,

Mr. MALLERY. Mr. President, will the gentleman from Fayette explain the purpose of the paragraph on page 4, beginning at line 10 and ending on line 13.

Mr. CAVALCANTE. Mr. President, will the gentleman from Blair read the portion to which he refers.

Mr. MALLERY. "No laws of the Commonwealth of Pennsylvania limiting the number of liquor licenses which may be granted by the board shall be construed so as to prevent the issuance of a liquor license under this section.

Mr. CAVALCANTE. Mr. President, that part of the bill is intended to give the board the authority which they now say they believe they do not have. If the holder of a beverage license is within the quota, that is, if he holds a legitimate license under the quota and wishes to surrender that license and asks for a liquor license the board has taken the position that he must apply as an original applicant and if the quota in that particular municipality is filled or is exceeded he cannot receive a liquor license and it is necessary to have those words in this bill; otherwise the board will still want to follow or pursue its ruling. As I stated, if a man does have a beverage license and wishes to surrender it or change it for a liquor license, if the quota is filled or the quota is in excess of that allowed by the quota law, the board will not change that license for this man that holds a beverage license.

Mr. MALLERY. I should like to interrogate the gentleman from Fayette further, Mr. President.

The PRESIDENT. Will the gentleman from Fayette permit himself to be interrogated further?

Mr. CAVALCANTE. Yes, Mr. President.

Mr. MALLERY. Is it not a fact that this section of this act in effect nullifies the quota law we enacted sometime ago.

Mr. CAVALCANTE. No, Mr. President, it does not, because if you will read on further it says it applies only to this particular section where a beverage license is turned in and compliance is made with the liquor law; it is not general but applies just to this particular section.

Mr. MALLERY. Mr. President, I would like to ask the Senator from Fayette, if in a particular case or in a particular locality.——

Mr. CAVALCANTE. Give me an example.

Mr. MALLERY. The liquor licenses are up to the quota and the holder of a beer license desires to exchange that license for a liquor license; this bill would permit that to be done?

Mr. CAVALCANTE. If he surrenders his beer license, Mr. President, yes.

Mr. MALLERY. Well then, Mr. President, the licensees having liquor licenses would then exceed the present law as regards quota.

Mr. CAVALCANTE. No. Mr. President, because he must surrender his beer license, beverage license, in order that he may get a liquor license. The gentleman from Blair will note the courts have held that the quota laws apply to beverage and liquor licenses combined. Here is a municipality, say, under the quota law, which is entitled to ten licenses and those ten licenses can be beverage licenses and liquor licenses combined; they may be three beverage and seven liquor licenses or seven beverage and three liquor licenses; but the beer licenses must be counted as a license under the quota law.

Mr. MALLERY. And this bill, Mr. President, would not permit the licensing of delicatessen stores that now have beer licenses.

Mr. CAVALCANTE. They could not be licensed now under the beverage law, Mr. President, or under the liquor law.

Mr. MALLERY. Because they would not be able to qualify under the intent of the act, Mr. President.

Mr. CAVALCANTE. That is correct, Mr. President.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, xiz:

YEAS—33

Barr,	Dent,	Letzler,	Scarlett,
Bartlett,	DiSilvestro,	McCreesh,	Snowden,
Becker,	Geltz,	McGinnis,	Stiefel,
Cavalcante,	Haluska,	McQuiddy,	Taylor,
Coleman,	Heyburn,	Miller,	Thomas,
Cox,	James,	Mundy,	Watkins,
Crider,	Jaspan,	Reed,	Woodward,
Crowe,	Kephart,	Ruth,	Ziesenheim,
Deitrick,			

NAYS—13

Carr,	Farrell,	Shapiro,	Wade.
Chapman,	Homsher,	Stevenson,	Wilson, H. I.,
Ealy,	Mallery,	Tyler,	Wilson, T. B.,
Edmonds,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. EALY. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified.

The Clerk will proceed to call the names of those voting in the affirmative.

The affirmative vote was as follows:

Barr,	Dent,	Letzler,	Scarlett,
Bartlett,	DiSilvestro,	McCreesh,	Snowden,
Becker,	Geltz,	McGinnis,	Stiefel,
Cavalcante,	Haluska,	McQuiddy,	Taylor,
Coleman,	Heyburn,	Miller,	Thomas,
Cox,	James,	Mundy,	Watkins,
Crider,	Jaspan,	Reed,	Woodward,
Crowe,	Kephart,	Ruth,	Ziesenheim,
Deitrick,			

The PRESIDENT. Are there any corrections? The Chair hears none.

The Clerk will proceed to call the names of those voting in the negative.

The negative vote was as follows:

Carr,	Farrell,	Shapiro,	Wade,
Chapman,	Homsher,	Stevenson,	Wilson, H. I.,
Ealy	Mallery,	Tyler,	Wilson, T. B.,
Edmonds,			

The PRESIDENT. Are there any corrections? The Chair hears none.

The roll stands as verified. The affirmative vote 33—negative vote 13.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 652, House Bill No. 1098), as follows:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" is hereby amended to read as follows

Section 408 Support Orders The court may in any case make an order upon the parent or parents guardian or other relative legally responsible for the support of such child to contribute such sum for the support of the child as it may determine The court shall have power to enforce any such support order in like manner as courts of quarter sessions may enforce orders for support under the laws of this Commonwealth

Where a child is placed in a suitable family home or institution for child care not maintained by the county or State and the payment of board and other support is required in case provision is not made for such board and other support by voluntary contribution or court order on the parent or parents guardian or other relative legally responsible for the support of such child the court shall direct that such board and the expense of clothing and necessary medical and surgical care be paid either by the city or county institution district liability to be determined on the basis of the legal settlement of the child at the time of assumption of jurisdiction of the Juvenile Court until provision is made for the placing of such child in a suitable family home without payment of board In all cases of children now being maintained in family homes or institutions for child care the judge of the Juvenile Court shall make a finding as to the legal settlement of the child at the time of assumption of jurisdiction by the Court and shall make an order effective January 1 1942 upon the appropriate city or county institution district for the future board and other support of such child

In the case of the commitment of a child to an industrial training school or other correctional institution the court may order the county to pay for the board and clothing and of necessary medical and surgical attendance upon and the care of such child and its maintenance generally and the necessary expenses of placing and replacing the child and may fix the amount which shall be paid for the child Provided That in all cases of commitments to industrial training schools that are not exclusively under State control or that are exclusively under State control the amount of the order for maintenance clothing instruction medical and surgical care shall be fixed according to existing legislation governing the payment of expenses of maintenance clothing instruction medical and surgical care of children committed to such institution

In all cases where the cost of board or care and maintenance of a child has been ordered paid by the city or county institution district or county said city or county institution district or county shall be directly liable to the person family association society or institution having the care guidance and control of the child but the city or county institution district or county shall in all cases have full recourse to recover the amounts so paid from the person or persons or institution districts liable for the support of such child

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Shapiro,	Woodward,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 714, entitled:

An Act to further amend section fifteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commission; providing for

the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by providing for the return of a portion of moneys received for licenses to the counties for use by Societies for the Prevention of Cruelty to Animals and specifically appropriating the same for such purpose.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I simply wish to remind the Senate that this bill requires a two-thirds vote because Article 3, Section 17, provides that the Commonwealth shall not appropriate money to any private charitable organization and of course this society comes under that heading. Therefore, if the Senate wishes to approve this bill there must be a two-thirds vote.

Mr. EDMONDS. Mr. President, I have given a great deal of thought to the purpose of this bill, largely because of my great respect for the gentleman from Lycoming, who has introduced it and who has argued for it very strenuously, but I am compelled to say that in my judgment this is poor legislation; it proposes to take a certain portion of the dog license money and turn it over to a private charity in each community.

I would like very much to see state money go for all good purposes that exist, but I am not willing to see state appropriations for good purposes increased when we are doing so many of the purposes on the regular program of the state so poorly at the present time. We pay hospitals that have a free service on the basis of fifty-one per cent of what they are entitled to and I would like to see that increased to one hundred per cent, and I would like to see that done before we pick out another group of charities and decide we will put them on the program of the state.

The fact of the matter is, Mr. President, that the state program cannot stand doing all the good these individuals would like to see done and therefore, as this is an extension and I think an extension that at the present time has no particular merit in back of it, outside of the general merit of the S.P.C. proposition, I am compelled to vote against this bill.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 714, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 733, (House Bill No. 1087), as follows:

An Act to amend Clause (2) of Section 3 of the Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" by changing the definition of daily newspaper

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (2) of Section 3 of the act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" is hereby amended to read as follows

(2) "Daily Newspapers" means a newspaper regularly published at least five days in the week either including or excluding Sundays and legal holidays

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stenson,
Bartlett,	Ealy,	Mallery,	Stofel,
Becker,	Edmonds,	McCreesh,	Tillman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Shapiro,	Woodward,
Dent.	Kephart,	Snowden,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

REPORT FROM COMMITTEE

Mr. MILLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER, from the Committee on Municipal Government reported as amended, Senate Bill No. 705, (House Bill No. 897), entitled:

An Act providing for and regulating the appointment promotion and reduction in rank suspension and removal of paid members of the police force in boroughs incorporated town and townships of the first class maintaining a police force of not less than three members creating a civil service commission in each borough incorporated town and townships of the first class defining the duties of such civil service commission imposing certain duties and expense on boroughs incorporated towns

and townships of the first class imposing penalties and repealing inconsistent laws

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, May 14, 1941, at 1:00 o'clock, p. m., Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:00 o'clock p. m., Eastern Standard Time until Wednesday, May 14, 1941, at 1:00 o'clock p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, May 13, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Gracious God, give us windows in our hearts that open toward Thee. With all our getting help us to get wisdom; with all our seeing help us to see truth; and with all our doing help us to be doers for Thee. May the world be not so much with us that we shall not seek for fuller satisfaction in Thee. May no earthly friendships be so dear that we shall cease to long for Thee, the best friend of all. If aught of our earthly goods comes between us and our hunger for Thee, make us poorer in possessions that we may be richer in Thee. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. GILLAN, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. LEVY. HOUSE BILL No. 1554.

An Act to further amend section seven of the act, approved the fifth day of May, one thousand nine hundred and twenty-one (P. L. 374), entitled "An act providing for the licensing and regulation of corporations, copartnerships, associations, and individuals, engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment, or of issuing, negotiating, offering for sale, or selling any certificates, securities, contracts, or other choses in actions evidenced by writing on the partial payment of instalment plan, or of assuming fixed obligations, or issuing, in connection therewith, a contract based upon payments being made upon instalments or single payments, under which all or part of the total amount received is to be repaid at some future time, with or without profit; and imposing penalties," further regulating the deposit of additional security by licensees; granting additional powers to the commission and imposing additional duties upon licensees.

Referred to the Committee on Banking.

By Messrs. TURNER and KNOBLE. HOUSE BILL No. 1555.

An Act providing for emergency research pertinent to current and post-defense economic adjustments in Pennsylvania incident to the National Defense Program; directing such research to be conducted as an emergency program by the Department of Commerce with the assistance of the State Planning Board; and making appropriation therefor.

Referred to the Committee on State Government.

By Mr. MARKS. HOUSE BILL No. 1556.

An Act to add section four thousand four hundred ten to article forty-four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," imposing penalties for violations.

Referred to the Committee on Cities—Third Class.

By Mr. FISHER. HOUSE BILL No. 1557.

An Act to further amend subsection three of section eleven, and section thirteen of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled "An act to establish a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds: imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," granting certain retirement rights to members of the retirement association who have been State employes for twenty years.

Referred to the Committee on State Government.

By Mr. FALKENSTEIN. HOUSE BILL No. 1558.

An Act to further amend section two of the act, approved the twenty-ninth day of March, one thousand eight hundred ninety-nine (P. L. 21), entitled "An act to establish a board for the examination of accountants, to provide for the granting of certificates to accountants, and to provide a punishment for the violation of this act," by further regulating examination of applicants for certificates as accountants, and making said section conform to the Administrative Code of 1929.

Referred to the Committee on Professional Licensure.

By Messrs. MALLOY and MATTHEW J. WELSH. HOUSE BILL No. 1559.

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animal upon the highway of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties,

cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by including therein military police and certain other persons in the armed service of the United States.

Referred to the Committee on Military Affairs.

By Messrs. RAUSCH and McDERMOTT.
HOUSE BILL No. 1560.

An Act to further amend subsection nine of section eight of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties" extending the time within which contributors may transfer from the low class to the high class.

Referred to the Committee on State Government.

By Mr. FLEMING. (By request).
HOUSE BILL No. 1561.

An Act conferring upon watchmen and guards of institutions maintained in whole or in part by the Commonwealth the powers of constables in certain cases; and imposing duties on wardens and keepers of jails, police stations and lock-ups.

Referred to the Committee on Judiciary General.

By Messrs. POLEN and PETTIT.
HOUSE BILL No. 1562.

An Act to amend section one thousand six hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," requiring approval of social science text or reference books and the furnishing of approved lists thereof.

Referred to the Committee on Education.

By Mr. HARMUTH. HOUSE BILL No. 1563.

An Act regulating the business of manufacturing, distributing and retailing of certain goods and commodities in the Commonwealth of Pennsylvania in order to prevent monopoly and unfair trade practices.

Referred to the Committee on Judiciary General.

By Messrs. HARKINS and BOIES.
HOUSE BILL No. 1564.

An Act authorizing the abatement of certain interest charges, expenses and fees added to city (of the third class), borough, town and township claims imposed or assessed for improvements, or for the abatement of nuisances; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims, and providing for the extension thereof.

Referred to the Committee on Municipal Corporations.

By Mr. REUBEN E. COHEN. (By request).
HOUSE BILL No. 1565.

An Act making an appropriation to the Board of Finance and Revenue for the payment of certain moral claims of the Commonwealth.

Referred to the Committee on Appropriations.

By Messrs. RONALD L. THOMPSON and GOODWIN.
HOUSE BILL No. 1566.

An Act to further amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," in respect to registration and recording of deeds, advertising ordinances, restricting use of highways, levying taxes, and dedicated roads, streets, lanes, alleys and drainage facilities.

Referred to the Committee on Townships.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 1567.

An Act creating in counties of the sixth class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners with the approval of the court of common pleas in such counties; providing for their salaries payable by the county; defining the powers and duties of such board; regulating the assessment of persons, property and occupations for county, city, borough, town, township, school and institution district purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers and clerks; providing for their compensation payable by such counties; and abolishing the office of city, ward, borough and township assessors.

Referred to the Committee on Counties.

By Mr. BRADLEY. HOUSE BILL No. 1568.

An Act requiring insurance companies to give notice by registered mail of the acceptance or rejection of applications for insurance and of cancellations of policies issued: and prescribing penalties.

Referred to the Committee on Insurance.

By Mr. BRADLEY. HOUSE BILL No. 1569.

An Act to further amend subsection (a) of section four hundred one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds,"

by extending provisions of the act to motor vehicles operating upon or about any highway carrying a pay load.

Referred to the Committee on Motor Vehicles.

By Messrs. ACHTERMAN and TURNER.

HOUSE BILL No. 1570.

An Act authorizing the Department of Property and Supplies to have a certain number of copies printed of the Report of the Joint State Government Commission on the Organization and Administration of Pennsylvania's State Government; providing for the distribution and sale of such copies; imposing new duties on the Joint State Government Commission; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. CHARLES H. BRUNNER. HOUSE BILL No. 1571.

An Act making an appropriation to the Water and Power Resources Board for the completion by the Work Projects Administration of the culmwalling project in the Schuylkill Valley.

Referred to the Committee on Appropriations.

By Messrs. McINTOSH and McCLANAGHAN.

HOUSE BILL No. 1572

An Act to amend the act, approved the second day of March, one thousand nine hundred thirty-three (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock, to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages" as amended, by extending, enlarging, and removing the limitations upon the class of those who may become chattel mortgages, by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages, the extension of the lien and defaults of said mortgages and by defining violations and prescribing penalties.

Referred to the Committee on Judiciary General.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 30. (HOUSE BILL No. 1573).

An Act providing for the establishment construction operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through bordering or accessible to the counties of Monroe Northampton Carbon Luzerne Lackawanna Wayne and Pike to be known as the "Rim Parkway" Providing for the creation of the Pennsylvania Parkway Commission and conferring powers and imposing duties on said commission authorizing the issuance of parkway revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such parkway providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the parkway making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such parkway shall become free providing for condemnation granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission conferring powers and imposing duties on the Department of Highways and authorizing the issuance of parkway revenue refunding bonds.

Referred to the Committee on Highways.

SENATE BILL No. 136. (HOUSE BILL No. 1574).

An Act to amend section four of the act, approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127) entitled, "An act relating to adoption," permitting natural parents in certain cases to retain their rights as natural parents.

Referred to the Committee on Judiciary General.

SENATE BILL No. 514. (HOUSE BILL No. 1575).

An Act to further amend subsection (b) of section eight hundred one of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay licenses fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further prescribing the time within which the Department of Revenue shall make settlements of taxes and bonus due the Commonwealth.

Referred to the Committee on Ways and Means.

SENATE BILL No. 219. (HOUSE BILL No. 1576).

An Act requiring prothonotaries and clerks of courts except in counties of the first class to notify officers charged with the duty of collecting taxes of all judicial sales and taxing the cost of such notices.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 561. (HOUSE BILL No. 1577).

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by redefining amplifying and changing the powers and duties of the commission its employes and commissioners

further regulating and changing the provisions of said act relating to the appointment and removal of registrars and the powers privileges rights and duties of registrars watchers election officers and electors revising and changing the provisions of said act relating to the times places and manner of registering electors and their enrollment as members of political parties change of party enrollment cancellation of registrations preparation and distribution of street lists appeals to the commission and to courts and the procedure thereon the inspection of the records of the commission providing for appeals by the commission to appellate courts repealing and changing certain provisions of said act relating to removal notices and for the manner of reckoning time imposing additional duties on certain city officers clarifying and coordinating certain provisions of said act and imposing additional penalties.

Referred to the Committee on Elections.

SENATE BILL No. 284. (HOUSE BILL No. 1578).

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7 and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city.

Referred to the Committee on Cities-Third Class.

SENATE BILL No. 445. (HOUSE BILL No. 1579).

An Act to amend section one thousand one hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claim against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating the making of resettlements by the Department of Revenue

Referred to the Committee on Ways and Means.

SENATE BILL No. 574. (HOUSE BILL No. 1580).

An Act to amend section twenty of the act approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, bee keeping, horticulture, and other allied occupations; and providing penalties," by limiting exemptions of and by further exempting certain classes of associations formed under such act from State, county and municipal taxation, and from the duty of filing certain tax reports with State, county or municipal agencies.

Referred to the Committee on Ways and Means.

SENATE BILL No. 224. (HOUSE BILL No. 1581).

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

Referred to the Committee on Counties.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Yeakel for Mr. STOCKHAM for the remainder of the week.

Mr. Gerard for Mr. BENTLEY for the remainder of the week.

REPORTS FROM COMMITTEES

Mr. ROSEN, from the Committee on State Government, reported as committed, House Bill No. 750, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to convey to the county commissioners of Somerset County certain real property located in said county and heretofore acquired by the Commonwealth for development as an airport.

Mr. CROOP, from the Committee on Game, reported as committed, House Bill No. 1167, entitled:

An Act to amend section three hundred seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," changing the provisions of said act as to the right of residents to hunt and trap without a license.

Mr. FLETCHER, from the Committee on Cities-First Class, reported as committed, House Bill No. 1510, entitled:

An Act to further amend section two of the act, approved the third day of June, one thousand nine hundred and nineteen (P. L. 369), entitled "An act providing for the appointment by the district attorney, in counties having a population of over one million five hundred thousand in-

habitants, of a chief county detective, an assistant chief county detective, and special county detectives; defining their duties; defining their authority; fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county," by increasing the compensation of the chief county detective.

Mr. McFALL, from the Committee on State Government, reported as committed, House Bill No. 1035, entitled:

An Act to further amend clause ten of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled 'An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining "new member."

Mr. CHARLES H. BRUNNER, from the Committee on Judiciary Special, reported as committed, House Bill No. 1043, entitled:

An Act to add section six hundred ninety-three and one-tenth to article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," imposing penalties for the throwing of refuse, garbage or trash alongside highways.

Mr. SHAFFER, from the Committee on State Government, reported as committed, House Bill No. 1538, entitled:

An Act to further amend section one and to amend section four of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," further defining its powers and duties; and amplifying the provision relating to appropriations.

Mr. BRETHERICK, from the Committee on Judiciary General, reported as committed, House Bill No. 1110, (Senate Bill No. 232), entitled:

An Act to validate and quiet the title to lands and buildings heretofore sold by boards of school directors at public auction without full compliance with provisions of law authorizing such sales.

Mr. O'CONNOR, from the Committee on Judiciary General, reported as amended, House Bill No. 1139, entitled:

An Act to amend section one hundred twenty of the act, approved the fourteenth day of April, one thousand eight hundred thirty-four (P. L. 333), entitled "An act relative to the organization of the Courts of Justice," prescribing procedure permitting the service of jurors as petit jurors or general jurors or both except in counties of the second class.

Mr. CULLEN, from the Committee on State Government, reported as amended, House Bill No. 900, entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin.

Mr. SHAFFER, from the Committee on State Government, reported as amended, House Bill No. 744, entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's accumulated deductions.

Mr. SKALE, from the Committee on Judiciary General, reported as amended, House Bill No. 1406, (Senate Bill No. 588), entitled:

An Act to protect the debtors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof either by prescribing the method of fixing the fair market value of such property and limiting the amount collectable hereafter on such judgments.

Mr. ALLMOND, from the Committee on Cities-First Class, re-reported as amended, House Bill No. 1254, entitled:

An Act regulating, in cities of the first class, the enforcement of any provisions in any ordinance relating to building codes, in connection with the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures and the erection encroachment, extension, repair, inspection, and use of party walls, as provided for in any ordinance, and providing penalties.

Mr. LLOYD H. WOOD IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1543, entitled:

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 543, entitled:

An Act authorizing cities, boroughs, incorporated towns and townships to abate certain interests charges and penalties added to municipal claims imposed or assessed for certain improvements; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims; and providing for the extension thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1415, entitled:

An Act validating certain acts of county commissioners, county treasurers, tax collectors and other officials in giving to delinquent taxpayers the advantages of various acts of Assembly abating penalties and interest on county, city, borough, town, township, school district, poor district and institution district taxes contrary to the requirements of said acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 529, entitled:

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred thirty-three (P. L. 103) entitled, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by providing that the tax collector shall give but one bond for the collection of township, county, school district poor district and institution district taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1524, entitled:

An Act to amend section one of the act, approved the first day of May, one thousand nine hundred and forty-one (Act No. 17), entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class), city (except cities of the first and second class), borough, town, township, school district (except school districts of the first class), poor district (except in counties of the second class), and county institution district (except in counties of the second class) taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof," eliminating the provision authorizing the rejection of the provisions of the act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1114, entitled:

An Act to further amend sections nine, fifteen, sixteen and seventeen of, and to add sections seventeen and one-tenth and seventeen and two-tenths to, the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280); entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," further regulating the sale of lands purchased by the county commissioners at such sales, providing for the discharge of mortgage liens by such treasurer's sales and by the sales of such lands now in the hands of the county commissioners, and providing for the distribution of the process of all such sales.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1459, entitled:

An Act to enable the county commissioners of counties of the first, second and third classes to establish by resolution the requirements of responsible bidders for county printing, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1113, entitled:

An Act extending the time within which county commissioners may sell seated or unseated lands purchased by them at tax sales upon which the period of redemption has expired and validating certain sales heretofore made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 253, entitled:

An Act providing for the appointment, powers and control of members of volunteer fire companies as special fire police; and conferring powers on them at fires attended by their fire companies in any city, borough, town and township.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Montgomery, Mr. Wood, for presiding.

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, I understand there has never been any ruling as to whether a left-handed speaker can preside. Inasmuch as the gavel and all of the equipment is on the right-hand side and there is considerable difficulty for a left-handed Speaker, and since the question has never been raised, I would like to know, and raise a point of order whether a left-handed Speaker is legal.

The SPEAKER. For the information of the gentleman from Dauphin, in baseball you know what they say about left-handers. Of course, for the further information of the gentleman from Dauphin, Mr. Wood can go in reverse as he does with his horses

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 966, entitled:

An Act relating to the practice of the occupation or business of opticians; and providing for the licensing and registration of opticians and for the revocation and suspension of such licenses and registrations subject to appeal, and for their reinstatement, defining the powers and duties of the State Board of Examiners of Opticians

and the Department of Public Instruction; and providing penalties.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. MORAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study and possible amendment.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 2, entitled:

An Act authorizing cities, boroughs, towns and townships to construct, acquire, own, operate, control, sell and lease facilities for the production, generation, transmission, distribution or furnishing of natural or artificial gas, electricity, steam or water, or the collection, disposition or treatment of sewage and to furnish or render such services to the public within or beyond their corporate limits, or both; conferring the power of eminent domain, conferring certain powers and imposing certain duties on such municipalities, and the controller or auditors thereof, providing for and authorizing the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties, conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission, and prescribing penalties.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. FALKENSTEIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 337, entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fifth class; and imposing certain charges on counties.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. YEAKEL. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of further study.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 998, entitled:

An Act to protect the public health; defining and providing for the licensing of bakeries and regulating the inspection, maintenance and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale and offering for sale of bakery products, prohibiting the establishment of bakeries in basements, establishing uniform and standard weights, requiring the publication of weights and ingredients upon products; prohibiting rebates, discounts and special allowances; conferring powers on the Department of Agriculture; creating a Commissioner of Bakeries and inspectors under him, and providing penalties.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. SARRAF. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study.
The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1259, entitled:

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; and imposing certain charges on counties.

The first section was read and agreed to.
The second section was read.
On the question,
Will the House agree to the section?
Mr. CHERVENAK. Mr. Speaker, I desire to offer the following amendments.
The amendments were read by the Clerk as follows:

Amend Sec. 2, page 1, line 6, by striking out the word "by" and inserting in lieu thereof: "in any county under the provision of".
Amend Sec. 2, page 2, line 8, by striking out the word "by" and inserting in lieu thereof: "in any county under the provisions of".
Amend Sec. 2, page 2, lines 20 to 23, by striking out the following: "January first one thousand nine hundred forty-two" in line 20, and all of lines 21, 22 and 23, and inserting in lieu thereof: "the establishment of the retirement system in said county".
Amend Sec. 2, page 2, lines 25 to 29, by striking out the following: "January first one thousand" in line 25, and all of lines 26 to 29, both inclusive, and inserting in lieu thereof: "the establishment of the retirement system in said county".
Amend Sec. 2, page 3, lines 2 to 6, by striking out the following: "on or after" in line 2, and all of lines 3 to 6, both inclusive, and inserting in lieu thereof: "after the establishment of the retirement system in said county".
Amend Sec. 2, page 3, line 22, by striking out the word "state" and inserting in lieu thereof: "county".

The amendments were agreed to.
The section was agreed to as amended.
The third section was read.
On the question,
Will the House agree to the section?
Mr. CHERVENAK. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 4, lines 20 to 23, by striking out the following: "January first one thou-" in line 20, and all of lines 21, 22 and 23, and inserting in lieu thereof: "the date fixed by resolution of the county commissioners for such system to become effective".

The amendment was agreed to.

The section was agreed to as amended.

The fourth, fifth, sixth, seventh and eighth sections were separately read and agreed to.

The ninth section was read.

On the question,

Will the House agree to the section?

Mr. CHERVENAK. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 9, page 8, line 10, by striking out the word "by" and inserting in lieu thereof: "under the provisions of".

The amendment was agreed to.

The section was agreed to as amended.

The tenth to the eighteenth sections inclusive were separately read and agreed to.

The nineteenth section was read.

On the question,

Will the House agree to the section?

Mr. CHERVENAK. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 19, page 13, lines 14 and 15 by striking out all of said lines and inserting the following: "ing a superannuation retirement allowance or an involuntary retirement allowance or a total disability retirement allow-".

The amendment was agreed to.

The section was agreed to as amended.

The twentieth and twenty-first sections were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the section?

Mr. SHERVENAK. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 4 of title, by striking out the word "and".

Amend title, page 1, last line of title, by inserting after the word "counties" the following: "and fixing penalties".

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 834, entitled:

An Act requiring persons selling "merchandise" as herein defined to place weighing and measuring devices in full view of the purchasers imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures and providing penalties.

The first section was read.

On the question,

Will the House agree to the section?

Mr. PAUL A. BRUNNER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 4, by inserting after the word measurement" the following: "at a fixed place of business".

On the question,

Will the House agree to the amendment?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Berks, Mr. Paul A. Brunner.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. PAUL A. BRUNNER. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to ask the sponsor of these amendments to explain their effect and their reason.

Mr. PAUL A. BRUNNER. Mr. Speaker, in answer to the gentleman from Dauphin, I yield to the gentleman from Berks, Mr. Readinger.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Readinger.

Mr. READINGER. Mr. Speaker, the amendments are being proposed to eliminate the possibility of the bill as it is now drawn being construed to apply to the sale of solid fuel. It could be so construed, I believe, and for that reason the words "at a fixed place of business" were inserted in the clause defining merchandising. The intention of the bill is to provide that merchants who have stores place their scales in such a position before weighing the merchandise that the customer may read the indicator. We do not want to include in this hucksters, and so forth.

Mr. WOODSIDE. Mr. Speaker, I saw the gentleman talking to the Secretary of Internal Affairs, who has charge of the enforcement of this legislation, I believe. I am wondering whether he discussed this bill with him this morning, and if so, what his opinion of these amendments was.

Mr. READINGER. Mr. Speaker, we did not discuss this bill at all.

Mr. WOODSIDE. Mr. Speaker, do you know the opinion of the Department on it?

Mr. READINGER. No, Mr. Speaker, I am not the sponsor of the bill and I don't know whether the sponsors have contacted the Department or not. I do know that various officials connected with weights and measures are interested in the bill and I believe it emanates because of difficulties they have had due to the lack of such legislation.

On the question recurring,

Will the House agree to the amendments?

It was agreed to.

The section was agreed to as amended.

The second section was read.

On the question,

Will the House agree to the section?

Mr. PAUL A. BRUNNER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 2, line 17, by inserting after the word "merchandise" the following: "at a fixed place of business".

The amendment was agreed to.

The section was agreed to as amended.

The third, fourth, fifth, sixth and seventh sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1257, entitled:

An Act to add section three and one-tenth to the act approved the fifteenth day of May one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police Sheriffs police officers and constables and providing penalties" providing for an extension of time on permits for such displays when not made on the day designated in the permit.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1301, (Senate Bill No. 217), entitled:

An Act requiring the Department of Welfare to notify the clerk of court and the county controller of all discharges or releases from institutions under its supervision.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1213, entitled:

An Act to amend an act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining the time during which the benefits shall be payable and the amounts thereof and to whom payable.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1295, entitled:

An Act to amend section four thousand four hundred two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto," providing for additional members of certain civil service boards.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 536, entitled:

An Act to amend section twenty of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as amended by providing for the payment of fees to local registrars of vital statistics by the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 532, entitled:

An Act to amend section one thousand and forty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519), entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended limiting the number of days for the completion of borough audits.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 530, entitled:

An Act to amend section three hundred and five of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333), entitled "An act concerning elections including general municipal special and primary elections the nominations of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying

revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the reimbursement of counties by the Commonwealth for primary and election costs incurred in even-numbered years.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1427, as follows:

An Act requiring lock-ups jails and other places where persons are incarcerated to be attended at all times except when entirely unoccupied and imposing liabilities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Hereafter all lock-ups jails and other places where persons are incarcerated shall be required to be attended at all times by a jailkeeper guard officer or some person having authority to supervise such lock-ups jails and other places where persons are incarcerated unless any such lock-up is entirely unoccupied.

Section 2 Any political subdivision of this Commonwealth in which any such lock-up jail or other place where persons are incarcerated is situated wherein any person is injured or sustains damages as a result of any violation of the provisions of section one hereof shall be liable to such individual to the extent of any injury or damage sustained.

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 4 This act shall become effective immediately upon final enactment.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—184

Achterman,	Flynn,	Lovett,	Rhea,
Allmond,	French,	Lyons,	Riley,
Auker,	Gallagher,	Malloy,	Rooney,
Baker,	Gates,	Marks,	Rose, S.,
Balthaser,	Gerard,	Maxwell,	Rose, W. E.,
Bentzel,	Gillan,	McClanaghan,	Rosenfeld,
Boies,	Goodwin,	McClester,	Rush,
Boney,	Greenwood,	McDermott,	Sarraf,
Boorse,	Gross,	McDowell,	Scanlon,
Bower,	Gryskewicz,	McFall,	Schwab,
Bradley,	Gyger,	McGrath,	Shaffer,
Breth,	Haberlen,	McIntosh,	Shaw,
Bretherick,	Haines,	McKinney,	Shepard,
Brown,	Hall,	McLanahan,	Simons,
Brunner, C. H.,	Hamilton,	McLane,	Skale,
Brunner, P. A.,	Harkins,	McMillen,	Sollenberger,
Burns,	Harmuth,	McSurdy,	Stambaugh,
Burris,	Harris,	Melchiorre,	Stank,
Cadwalader,	Heatherington,	Mihm,	Stine,
Chervenak,	Helm,	Modell,	Tarr,
Chudoff,	Hering,	Monks,	Tate,
Cochran,	Herman,	Mooney,	Taylor,
Cohen, R. E.	Hersch,	Moran,	Thompson, E. F.,
Cook,	Hirsch,	Moul,	Thompson, R. L.,
Cooper,	Holland,	Munley,	Verona,
Cordier,	Huntley,	Nagel,	Vincent,
Corrigan,	Imbrie,	Nunemacher,	Vogt,
Croop,	James,	O'Brien,	Voldow,
Cullen,	Jefferson,	O'Connor,	Voorhees,
Dalrymple,	Jones, G. E.,	O'Dare,	Wagner,
Dennison,	Jones, P. N.,	O'Mullen,	Watkins,
DiGenova,	Keenan,	O'Neill,	Weingartner,
Dolon,	Kenehan,	Owens,	Weiss,
D'Ortona,	Kline,	Petrosky,	Welsh, E. B.,
Duffy,	Knoble,	Pettit,	Welsh, M. J.,
Early,	Kolankiewicz,	Polaski,	Williams,
Eckels,	Komorofski,	Polen,	Winner,
Elder,	Krise,	Powers,	Wolf,
Elliott,	Lee, E. A.,	Prosen,	Wood, L. H.,
Falkenstein,	Lee, T. H.,	Rank,	Woodring,
Finestone,	Leisey,	Rausch,	Wright,
Finnerty,	Leonard,	Readinger,	Yeakel,
Fisher,	Lesko,	Reagan,	Yester,
Fiss,	Levy,	Reese, D. P.,	Young,
Fleming,	Lichtenwalter,	Reese, R. E.,	Kilroy,
Fletcher,	Longo,	Reynolds,	Speaker.

NAYS—14

Dix,	Habbyshaw,	Royer,	Turner,
Ely,	Hare,	Serrill,	Van Allsburg,
Foor,	Hewitt,	Snyder,	Wood, N.,
Gillette,	Muir,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1284, Printer's No. 541, was passed over at the request of the SPEAKER.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HARKINS.

The House resumed the consideration on final passage of House Bill No. 1156, as follows:

An Act to add section one thousand six hundred and seven and one-tenth to article sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teaching in the public and private schools of principles of democratic government and patriotism and imposing certain duties on the Superintendent of Public Instruction

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto after section one thousand six hundred and seven a new section to read as follows

Section 1607.1 Sub-section 1 The Superintendent of Public Instruction shall prepare and adopt before February 1 1942 for every grade in the public and private schools courses of study in patriotism and in the principles of democratic government

Sub-section 2 These courses of study shall include the development of the concept of the principles of democratic government the responsibilities of citizenship in a democracy love of country the historical background of the growth of freedom in America an appreciation of the nature and aims of democracy and an understanding of the Declaration of Independence and the Constitution of

the United States of America with special emphasis on the Bill of Rights

Sub-section 3 These courses of study shall immediately upon being adopted by the Superintendent of Public Instruction become a compulsory part of the curriculum of every grade of every public and private school in this Commonwealth

Sub-section 4 It shall be the duty of every principal and supervising principal of every public and private school in this Commonwealth to include in the curriculum of the school or schools under his or her administrative control the teaching of the courses of study to be adopted by the Superintendent of Public Instruction as required in subsections 1 and 2 of this Act

Sub-section 5 The Superintendent of Public Instruction shall submit to the next regular session of the General Assembly of the Commonwealth of Pennsylvania a report setting forth all of the courses of study which he has prepared and adopted as required in sub-sections 1 and 2 of this Act

Section 2 This act shall become effective immediately upon its final enactment.

On the question,

Shall the bill pass finally?

Mr. HARKINS. Mr. Speaker, House Bill 1156 is a bill which proposes that the principles of democratic government shall be affirmatively and positively taught within the public and private schools in the Commonwealth of Pennsylvania.

There are today in our school code references to the teaching of the Constitution and to the teaching of the Bill of Rights, but those references are vague and I don't know of any single standard of interpretation of those great documents that exists throughout the Commonwealth as taught in the various schools. This bill will place in the hands of the Superintendent of Public Instruction the responsibility for the development of suitable courses in each grade of the schools of our Commonwealth and in the high schools of the state. It was prepared in collaboration with the school district of the city of Philadelphia and is patterned after a course which is now being given in the schools of Philadelphia. In the schools of Philadelphia today, the school authorities are using a book which is called, "Our Schools and the American Way of Life," which is a handbook written, I understand, by various principals and school authorities throughout the city of Philadelphia, in order that the pupils of the city of Philadelphia shall better know the principles upon which our government is founded.

I would like to read a brief paragraph from the foreword to this book. It is as follows:

> "The goal of democracy is not merely to construct a system of truth, a form of government, a pattern of behavior. It aims at the living truth, a means of living together, a basis for realizing two magnificent purposes—the sanctity of human personality and the brotherhood of man. The efforts of our great people in this direction are inscribed heroically on the pages of our history. While today in public assemblies and other avenues of expression, in humanitarian tendencies in community life, in various occupational areas, in the inviolability of family life, in educational institutions, in places of worship, as well as in government, democracy is at work ever reaching out toward these two lofty ideals in the good life—self-respect and respect for others.
>
> "It remains for us to interpret the far-flung implications of this sublime faith and to utilize our human resources in devotion to this impelling cause. It remains for us, as we face ominous days, to scrutinize and strengthen our moral bulwarks to meet the threats of a totally diverse ideology. During this critical period in world affairs, fraught with forebodings of catastrophic proportions, it behooves us to re-study the profound inner meaning of democracy and to examine the extent to which our schools are contributing to the American way of life."

Mr. Speaker, I believe as a result of the passage of this bill a positive impetus in the study of the history of our nation and particularly the part which the State of Pennsylvania and its early settlers played in the development of that history, will be given throughout the schools of Pennsylvania. In addition the bill provides that the Superintendent of Public Instruction shall report to the Legislature the courses which he has promulgated to be taught in the schools. In other words, we will have at our fingers' tips in 1942 a report from the Superintendent of Public Instruction which will indicate the progress that these courses will have made at that time. I believe this is the proper approach to many of the things that are concerning us today. Those who in eradicating the fifth columnists will find if the pupils of the Commonwealth are instructed in a positive, direct and forceful manner, in the privileges and benefits which they enjoy under our flag and in our Commonwealth, those same pupils will have inculcated in them so deeply and firmly the principles of patriotism and of love of democracy that they will go forward and upward in that love of democracy and in that faith of freedom that they will not be easily subjected to the false principles that the fifth columnists have tried to spread.

Therefore, Mr. Speaker, I urge every member of the House to vote affirmatively on this bill.

Mr. McMILLEN. Mr. Speaker, this bill has amused me and caused me to look at it more than once since its introduction in the House. This bill brings several facts to my mind concerning the teachings of Democratic ideals in the schools of Pennsylvania. After all when you get to the foundation and the fundamental principle underlying the establishment of the school system I think you will find the very thing you are now trying to legislate there. It has always seemed strange to me when we went to the trouble and expense of setting up a school system in Pennsylvania such as ours is, for the purpose of perpetuating American ideals, American form of government, that we must come in here and legislate that teachers must teach these fundamental things.

As a teacher in the public schools of this state I have always considered it a fundamental thing for which I should stand, that when I accept the certificate of a teacher under the laws of Pennsylvania, I automatically accept the absolute, definite obligation to teach the boys and girls of this state that this is the only country, this is the only place where boys and girls have an unlimited opportunity for personal advancement; that this country is the only place where the average man has the opportunity and the privilege of taking part in his government. If he does not like the things I do he has the opportunity of taking the privilege away from me, in the ballot. I cannot understand for the life of me why, if these things are necessary, that we should come in here and legislate that the teachers of Pennsylvania shall teach this thing. What in the world have they been teaching, I ask you? I understand that this may have come from Philadelphia and I understand that they need some such legislation perhaps against some of the teachers in Philadelphia. I say to you if any teacher in Pennsylvania has not been

teaching the things this bill calls for, he has no right and has no place in the public schools of Pennsylvania. I say to you if he or she has the guts to stand up and say these things openly, then the people who send their children to that teacher ought to have the intestinal fortitude to say that that teacher no longer has a job.

These schools of ours were instituted for the purpose of perpetuating the type of government we enjoy. I have always wondered about this thing. The bill itself is fine in theory I suppose, but it looks to me as though it is a direct insult to the sincere teachers of the state of Pennsylvania, the teachers who take their obligations seriously. Over and above everything else we teach in these schools I have always felt that the teachers tried to leave with the children the thought, "Here I have a free school; I have all the opportunity; I have all the chance to become, even if you want to put it, President of the United States; I may become the president of a great corporation; I may become the leader of any group that it is within my power to do so." I sometimes wonder. You can legislate these things but can you force them? Even when you have legislated these teachers into the position that this bill puts them, will they continue to teach the things they have been teaching or will they right about face and teach the things set forth in the manual that you give them? I can take any manual that the State Department of Public Instruction gives me as a teacher in a school, and I can twist it and work it to suit my own thoughts and my own ideas. Why, gentlemen you cannot legislate this kind of thing! It has always seemed to me that deep down in the heart of every individual there is a keen desire and a keen appreciation of the things for which America stands, you cannot make an American citizen out of him by passing this bill. It is impossible. As a matter of fact some of those things have crept into the teacher's professions. You cannot make them teach Americanism, you cannot make them teach patriotism, you cannot make them teach the fundamental principles underlying this country, it is impossible. I just can't see the point of this bill.

Another thing we cannot legislate. We cannot say they must teach the things we want in Pennsylvania. We have a Constitution in Pennsylvania, we have a Constitution in the United States. We elect men to come down here and make laws. They are sincere, they are men who put forth effort to teach. They are outstanding men; they are the ones who have the destiny of our lives in their hands, yet I wonder if sometimes their actions live up to that. There is a question here for us to think about on our own side of this matter. Every individual who is a citizen of Pennsylvania or a citizen of the United States is daily a teacher of the democratic principles, democratic ideas we live under. Are we as individuals teachers of these principles? Are the fathers and the mothers of these boys and girls teaching them through their daily actions, their daily words, teaching these things? You can not bring children into a school four or five hours a day and then take them home to undemocratic parents and expect to bring up good American citizens. We have got to start this thing in a different manner. Let us start some place else and get this thought into the hearts and minds of the fathers and mothers.

I do not like to disagree particularly, and do not disagree with the fact behind this thing, that we should teach and must teach these things in our schools. There is no other place to do it and that is why schools were established. I do not see how under a bill of this kind you can succeed in getting the things done you are trying to do.

I am going to leave it to your judgment. I will not suggest to the members how to vote on this bill. I shall not ask the Members to vote one way or the other. You are free, white, and twenty-one and you can make up your own minds, but I cannot see, for the life of me, how you are going to accomplish this Americanization of Americans through this bill.

Mr. BROWN. Mr. Speaker, apparently House Bill No. 1156, Printer's No. 571, is designed to accomplish a very, very fine and high purpose. However, I believe the bill defeats itself.

The purpose of the bill is to teach students in our public and private schools courses in patriotism, and the principles of democratic government. To me it is difficult to understand how we can teach patriotism. Patriotism is love of country and loyalty to that country, which grows out of belief in the way of living afforded by that country. It is very difficult for me to understand how that can be the subject of curricular activities. That is a question almost as sacred as religion. It is the thing to which we have become converted after we have had sufficient knowledge to distinguish between our way of life and the way of life in other parts of the world. You cannot sit down and study a course in patriotism. Those of us who oppose this bill might be misunderstood, because at this particular time we should all wave the flag, as was said on the floor of the House, and vote affirmatively for any bill which on its face seems to be a bill to preserve the democratic form of government. This bill will not do that. I asked the sponsor of this bill how it is possible to teach a love of country without contrasting the laws and the form of government of this country with that of other countries? It seems to me we immediately defeat the purpose of the bill by compelling the teaching of the democratic principles of this country because if we are to know what is good for us, we know it because we know that here we have a great form of government and in other places they do not have. What is happening there?

It seems to be the bill is badly worded. The bill does not place the emphasis where it should be, although I am heartily in favor of the principles of the bill. We all know that those who are well versed on the Constitution of Pennsylvania and in the Constitution of the United States who do not believe in those principles. It seems to me if you teach a person something and he becomes experienced in it that does not mean because that alone he is going to believe in it. What we are after here is to have our children—I believe that is the ultimate purpose of the bill—believe and know and grow in the strength of our Republican form of government. I say to you that cannot be done by the simple process of teaching it from text books. It is a question of growth it is a question of experience. It is a question that should be taken into our homes and into our churches and into every walk of life. As I said in the beginning it might be unpatriotic to oppose a bill of this kind, yet I do not believe it will accomplish the purpose the sponsor hoped it would accomplish.

Mr. TURNER. Mr. Speaker, I rise to take issue with my friend, Mr. McMillen, when he says, what was the use

of teaching these things in the schools if the children return to an undemocratic home? I am sure that my children daily return to an undemocratic home, but to the home of one who believes in the government of the United States and the Constitution and the principles upon which it is founded. I do not believe this is a question particularly of legislation. I believe there is a fundamental difference. I have the utmost respect for the gentleman from Allegheny, the distinguished chairman of the Judiciary General committee, for his belief that you cannot legislate people to be patriotic, nor can you legislate them to be good. The gentleman from Indiana, Mr. McMillen, has said that the teachers in our schools are patriotic and that they are teaching the American form of government. We often legislate here on problems where we do not mean that all of the people or the majority of the people are bad. We have laws against murder, we have laws against larceny. It is only to prevent a group within the community who may be bad from committing crimes, that we legislate.

I do not think anyone who has listened to the great amount of publicity that has been given in recent months to this question of teaching in our public schools, and to the kind of textbooks that are used can but feel that there ought to be something done to emphasize the opinion of the government that this kind of teaching should not be permitted, and that we do not place our stamp of approval upon it.

I said a few minutes ago that I felt there was a fundamental difference between us. I agree with the gentleman from Allegheny that after all you must have love of country instilled in many ways. It must come not only from the knowledge you have of the things for which your country stands, but, you must not only have knowledge of our glorious history, you must not only have knowledge of our objectives, but you must in yourself form an intelligent respect for the kind of government you have. The difference between us is this: you are approaching this from the adult standpoint. I believe in the utmost freedom in teaching. I believe we ought to understand our form of government; I believe there comes a time in education when there ought to be study of all other forms of government, and we ought to be able to convince youth and the students in our institutions that the kind of government we have in America is the finest government in the world. It can not be perfect because it is human, and human things are never perfect. There is only one perfect thing in the world and we certainly are not that thing. On the other hand we can teach the children who are in a formative stage, we ought to be teaching them about the things that are good in our government and not stressing those things which are bad.

I took occasion recently to read a history written by an author of text books, whose books have been under very severe criticism throughout the country, and I noticed the emphasis he placed upon certain things. Those text books are being used in the lower grades, and in junior high schools, where it does not seem to me the student has the mentality, or the breadth of understanding to know at what they are driving. They must take the literal meaning from the language in the text books. I can conceive that the proper kind of teacher might lead that child's mind in the proper direction, but the trouble is that in recent months we have discovered in our high schools and in our educational institutions, as has been proven in New York, Philadelphia and elsewhere, that we have men and women whose minds are not attuned to our American form of government and to our American ideals, for the reason that they are in favor of some other kind of government, or some other system of government. So too while I do not like legislation of this kind, I am of the opinion, in the first place, that emphasis at this time is worth while even though the legislation may not be of the best. In the second place, we say to the teachers, to the school boards and to those in charge that we want a different kind of teaching in our schools; we want to be certain that the kind of teaching we are giving to the small children in the lower grades is the kind of teaching that will give them a concept of the American form of government. Let them get that instilled in their hearts and minds first, and then when they go into the upper grades, or if they want to go to college, and study other types and other forms of government, let them do that after they have had placed in their minds the proper concept of the American form of government, so that they will not be confused by the "isms" they are taught in regard to other forms of government, and taught in a cynical way, that points out all the defects in our economic system, that harps upon the small black spots by those who are too eager to point out the defects in our system of government. Our system is the best system in the world. It must be because it has raised the standard of living which is higher than the standard of living of any other people ever known. Once having gotten that in our minds let us build upon that. I think we need no greater concept than that of one of the greatest religious organizations in the world, which believes in taking the youth in their organization, in their church, among their people, and leading them in their early years in the ways of the teachings of that church and then build upon that their future lives.

We have seen examples of fraud in the reports and articles that are written on the conditions in Europe. Constantly they are showing us in the expression of the young men in the German Army, and the young men in German life, that they have since their youth had bred in them certain ideas concerning government that concurred with the ideas of the Nazi leaders, with the National Socialist form of government as they call it; they are so inbued with those ideas that they think the rest of us in the world are wrong; they cannot see that there is anything right except that which they are doing. I do not say that I believe in that form of government, but I say that that is a concrete illustration to us of what it means to take youth in its formative years and bring it up in a belief in our government in such a way that he has a firm foundation.

I can conceive if we do not believe that the American form of government is the best form of government, that we do not want our youth brought up and fed with that idea.

The people who are writing me against this bill, say that teachers who are teaching un-American principles cannot be fired by means of an amendment to the Tenure Act. The people who have written me are not in favor of and are opposed to the American form of government. Of course, I do not mean my colleagues when I refer to the people who are opposed to this bill, I mean the people on the outside who are not approaching this as a legislative problem, but are approaching it from the view point

of those who do not believe in our American form of government and want to teach some other kind of government.

I want to say to you that I have come to the conclusion while I have stood here on the floor many times in the past and have opposed anything that would curtail the freedom of education and the freedom of speech, that if we are to defend this republic of ours, if we are to defend the form of government we have, if we are to place it higher upon the face of the earth and in this country, we must take stock in it, and take account of the fact that we are determined to see that the youth of America understand our government from the beginning, that they will have an appreciation of that government in their minds during their formative years, and that they do not have the cynical opinion of some writer who does not agree with us.

I think we have a right to define the form of government that was given to us by our forefathers in our formative years, and hand it down to posterity as it was given to us. We who are in charge of government and who are now in the adult years of our lives ought to be willing to sacrifice some other things; we should say to ourselves that while we do not entirely like this system in a world constituted such as ours, where we have enemies who are digging from underneath and trying to destroy the very foundation of this government, we ought to do the things this bill aims to do. Therefore if it does not entirely enforce yet the emphasis will be well worth while.

My only regret is that this bill does not go far enough, that the Educational Committee has not seen fit to report out the bill that amends the Teacher's Tenure Act because I think that bill is necessary. I think the parents of America ought to get down into the school districts and look into the books that are being used. You have heard about the controversy in Philadelphia where three prominent educators told the parents certain textbooks were all right, yet the American Legion, it seems to me, in its nation wide study have clearly proven that these books taken in toto are not the proper kind of books that our children ought to have in their formative years. Yes, you and I know how to read them; you and I know how to evaluate the statements made there. The emphasis is always placed on the dark side, on the defects in our American system and not on the side which would tend to build up that which has been wrong and which perhaps has been defective in our system of government.

Again I say I am in favor of this bill, and my only regret, is that the Educational Committee has not seen fit to put this into the tenure act. I have received postal cards which show on their face that they come from a group who are detrimental to the best principles and ideals of our government, and who are attempting to keep this legislation from being passed. A postal card, yet I can say from the very tenor of the postal card that the men who sent these cards, come from a group who are not in accord with our American system of government, and who are not in accord with the ideals of the government for which we stand. So at this time more than ever America must keep alive the flame of patriotism. America does not seem to have been aroused sufficiently to defend our Constitution and in a time like this it cannot hurt to put upon our statute books things that emphasize what we as true Americans, I hope in this House, are going to stand for.

Mr. AUKER. Mr. Speaker, I feel what I have to say now will be more or less superfulous following up the wonderful talk just given by my colleague, the gentleman from Delaware, Mr. Turner, who in his own brilliant way has given us something really to think about. I only wish the remarks he has just made could be printed and distributed to every school house, every household and to every Parent-Teacher's Association not only in this state but in every home and Parent-Teacher's Association and every school board throughout the nation.

Early in this session there was introduced in this House a bill known as House Bill 206, which asked for a committee to investigate the subversive activities, teachings and teachers in public schools in our State endowed colleges and universities. Mr. Jones and myself felt that there was really and actually a great need for such an investigation. That bill was drawn after Coudert resolution which was passed in New York State and which has done such wonderful work in that state and in the city of New York, and which has conclusively proven that investigation was needed there. I think that if bill had ever been reported out of committee, which I do not believe it will—

POINT OF ORDER

Mr. ACHTERMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Monroe will state his point of order.

Mr. ACHTERMAN. Mr. Speaker, the gentleman is speaking on a resolution not before the House.

The SPEAKER. The point of order is well taken. The gentleman will confine himself to the merits of the bill before the House. The gentleman will proceed.

Mr. AUKER. Mr. Speaker, the bill before the House takes in the educational field and what I am saying is directed to the educational field. If the gentleman from Monroe would have left me alone for two more minutes I believe he would have realized that I was speaking on this bill which is before the House now for final vote

I am very much in favor of this bill, but I feel, as Mr. Turner feels, it does not go far enough. Yet I definitely believe it is a step in the right direction, that it will act as a direct counter irritant or anectode to what we know has been taught in our public schools in Pennsylvania. In view of these conditions, in view of the fact that these children are in the formative stage from the time they first enter the school until they graduate, and in view of the fact that I believe this bill will very greatly tend to the teachings that will be inaugurated under this bill, that when the boy or girl reaches a voting age, they will feel it to be a solemn, moral and legal duty to go to the polls and vote. If that were the case today, I feel confident we would not be in the position we are in today, and I ask the Members of the House to vote for this bill.

Mr. BROWN. Mr. Speaker, may I ask the indulgence of the House to rise and speak on one point that might have been confusing in my remarks.

I do not want the gentleman from Delaware to feel that I objected to the teaching of the Constitution or the Bill of Rights in our public school curricula. I am absolutely in accord with that. The only part of the bill that I ob-

ject to is the teaching of patriotism. I objected to that notwithstanding the very eloquent remarks of the gentleman from Delaware. I do feel before we can teach patriotism to our children, we ought to be patriotic ourselves, we ought to know what type of patriotism is going to be taught. I have very vividly in mind a very large patriotic organization in Pennsylvania, as a matter of fact, they claim to go back further than any other organization in the state, and this organization thought it was their patriotic duty to protest against the appointment of a negro school director in the city of Philadelphia, Dr. Turner. They thought they were patriotic in that stand; they thought that was the stand they should take, and they did take it and they did protest. Therefore, it is pretty hard for me to understand what this word "patriotism" is going to embrace.

I recall very vividly about a national organization of people who hold themselves out to be patriotic beyond whom there would be none other, who protested to allowing Marian Anderson to give a recital in the city of Washington. They say they were patriotic, but it seems to me that that word is so indefinite and so obsolutely devoid of any definition that it should not be put into a bill because some of these people who protested against Marian Anderson and Dr. Turner becoming a member of the Board of Education in Philadelphia, may want to go into our schools and teach that type of patriotism. That is the thing I oppose. It is very definite as to what they are going to teach, and I say we ought to strike the word "patriotism" out of this act. I say for the benefit of the Members of the House, the thing that gets me somewhat confused is how are we going to teach patriotism when we can not define it and when we ourselves do not practice it? I could go on and cite many instances.

Concerning the very fine remarks of the gentleman from Delaware I could say, "Very fine, very good." Right here and now in these particularly crucial times, we are denied certain rights, certain fundamental rights, fundamental principles. We are denied work in places where we could help materially in our defense program. We can not serve in the armed forces of our state. Would you say that is patriotic? Would you say that is an example of patriotism that will embrace the things that ought to be embraced in it? You may see that these people who call themselves patriotic are going to enforce their point of view on our children, and yet feel that they are patriotic so far as the teaching in schools is concerned, so far as the teaching of the Constitution and the Bill of Rights is concerned.

Mr. HARE. Mr. Speaker, I shall not delay the House very long I promise you, but to one who has taught school in the Commonwealth of Pennsylvania for ten years it is rather interesting to hear the legislators define the erminology. Patriotism, as has been said, is the ruling passion of a man's life. I would like to see any Legislature in the land who could develop a ruling passion in a man's life. I came down here from the school halls of the Commonwealth, and if I should go back today to those high school boys and girls whom I taught, I would porbably go down on my knees and apologize to them for the things I had taught to them. We have an old saying back in our little Dutch community which goes like this. "First cast the mote from thine own eye." If my school children would come down here and see the political bosses lining up men and marching them in groups to vote enmasse on bills, they would lose the symbol and picture of representative government that I taught.

I am heartily in accord with the principles of this bill but I feel as the gentleman from Allegheny, Mr. Brown, feels that we cannot legislate love of country into a person's mind, soul and body. I will vote in favor of the bill because the harmful effects are negligible but at this particular time when men of great emotions are running around, and sometimes reason is trampled under foot, we should approach this thing with a calm and reasonable attitude.

Mr. SOLLENBERGER. Mr. Speaker, I happen to have been a teacher for seventeen years, teaching the problems of democracy, and I believe that the gentleman from Allegheny, Mr. Brown and the gentleman from Somerset, Mr. Hare, are right in regard to patriotism. I think this bill should be amended. The word "patriotism" should be taken out on the first page and from section 1607.1, and the course of study in patriotism taken out. Then the bill will be all right because it simply does this, it permits the school boards, the Superintendent of Public Instruction to have a course of teaching the contents and background of the Declaration of Independence, the Constitution, the Bill of Rights, which are part of the Constitution, and that can be done in the first six or eight grades, and it should be done there. Someone objected to teaching what other governments are isms stand for in America today as well as in Europe. That can be done and done well in the high school or in the secondary schools without any danger, provided the teacher is what he should be. So the first few grades can be taught under this bill the American form of government. The other grades can be taught the American form of government contrasted to other forms and no harm is done provided the teacher is the type of an American he should be. The bill is not wrong, the bill is a good one but I still think that the word "patriotism" should be deleted from it, because you cannot teach patriotism, you can only teach the underlying principles which may lead to patriotism.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	French,	Leydic,	Rose, W. E.,
Allmond,	Gallagher,	Lichtenwalter,	Rosenfeld,
Auker,	Gates,	Longo,	Royer,
Baker,	Gerard,	Lovett,	Rush,
Balthaser,	Gillette,	Lyons,	Sarraf,
Baugher,	Goodwin,	Malloy,	Scanlon,
Bentley,	Greenwood,	Marks,	Schwab,
Boles,	Gross,	Maxwell,	Serrill,
Boney,	Gryskewicz,	McClester,	Shaw,
Bower,	Gyger,	McDermott,	Simons,
Bradley,	Habbyshaw	McDowell,	Skale,
Breth,	Habgrien.	McFall,	Snyder,
Bretherick,	Haines,	McGrath,	Sollenberger,
Brown,	Hall,	McIntosh,	Stambaugh,
Brunner, C H.,	Hamilton,	McKinney,	Stank,
Brunner, P. A.,	Hare,	McMillen,	Stine,
Burns,	Harkins,	McSurdy,	Tarr,
Burris,	Harmuth,	Melchiorre,	Tate,
Cadwalader,	Harris,	Mihm,	Taylor,
Chervenak,	Heatherington,	Modell,	Thompson, E. F.,
Chudoff,	Helm,	Mooney,	Thompson, R. L.,
Cochran,	Hering,	Moran,	Trout,
Cohen, M M	Herman,	Moul,	Turner,
Cook,	Hersch,	Muir,	VanAllsburg,
Cooper,	Hewitt,	Munley,	Verona,
Cordier,	Hirsch,	Nunemacher,	Vincent,

Corrigan,	Holland,	O'Brien,	Voldow,
Croop,	Huntley,	O'Connor,	Voorhees,
Dalrymple,	Imbrie,	O'Dare,	Wagner,
Dennison,	James,	O'Mullen,	Watkins,
DiGenova,	Jefferson,	O'Neill,	Weiss,
Dix,	Jones, G. E.,	Owens,	Welsh, E. B.,
Dolon,	Jones, P. N.,	Petrosky,	Welsh, M. J.,
D'Ortona,	Keenan,	Pettit,	Williams,
Early,	Kenehan,	Polaski,	Winner,
Eckels,	Kline,	Polen,	Wolf,
Eder,	Kosole,	Powers,	Wood, L. H.,
Elliott,	Kolankiewicz,	Prosen,	Wood, N.,
Ely,	Komorofski,	Rank,	Woodring,
Finestone,	Krise,	Readinger,	Woodside,
Finnerty,	Lee, A.,	Reagan,	Wright,
Fisher,	Lee, T. H.,	Reese, R. E.,	Yeakel,
Fiss,	Leisey,	Reynolds,	Yester,
Fleming,	Leonard,	Rhea,	Kilroy,
Fletcher,	Lesko,	Riley,	Speaker.
Flynn,	Levy,	Rose, S.,	

NAYS—8

Cohen, R. E.,	Duffy,	Monks,	Shepard,
Cullen,	Falkenstein,	Rausch,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair is pleased to have with us this afternoon a former member of the House, the gentleman from Northampton, Mr. Charles B. Coakley.

PARLIAMENTARY INQUIRY

Mr. ACHTERMAN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. ACHTERMAN. Mr. Speaker, yesterday this House passed House Bill 124, Printer's No. 526. Is that bill still in the possession of the House.

The SPEAKER. It is on the desk and still in the possession of the House.

RECONSIDERATION OF HOUSE BILL No. 124

Mr. ACHTERMAN. Mr. Speaker, I move that the vote by which House Bill No. 124, Printer's No. 507, entitled:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417), entitled "'An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and procedures, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceeding thereunder; and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer"; defining the terms "handle" and "handler"; extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase and by giving certain additional rights to producers' and farmers' unions or organizations producing milk setting-up a price fixing procedure restricting powers of the Governor and providing for the payment of funds in the hands of the commission owing to producers and handlers passed finally on May 12, 1941, be reconsidered.

Mr. READINGER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Monroe Mr. Achterman vote on the final passage of this bill?

Mr. ACHTERMAN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I am a very modest fellow. I have demonstrated that, and my colleague over here, Bill Habbyshaw, has demonstrated that he is modest by the number of times he has spoken on the floor of the House in the last nine years, and I hope that the House will bear with me just a moment as a very modest fellow if I attempt to blow the horn of Bill Habbyshaw and myself for just a minute.

It sometimes takes a pretty long time to demonstrate that you are right. About six years ago or a little more, Bill Habbyshaw and I introduced a bill to change the date when the license fees would expire on motor licenses. It took about six years before the Legislature and the Governor agreed we were right about that. Then a little later we introduced a party raiding bill, a pretty good bill, which was voted down in the House and it took about four years for the Legislature to find out we were right about that by finally putting it on the statute books. Then we had an amendment to the Uniform Firearms Act and it took about two years for the Legislature to finally agree we were right about that and to place it upon the statute books. So we just feel a little bit cocky today in that the Legislature is beginning to wake up and finding out within twenty-four hours that we are right about some things. I tried to tell some of these fellows around here that the milk bill was not so good. Bill Habbyshaw is the one who kept advising me on it. He was telling me, "That bill is not so hot, you had better watch it pretty carefully." There were only two Members who yelled out "No," and that was Bill Habbyshaw and myself. So we just like to "toot" a little bit and take a little credit for being right and that the House discovered we were right so soon.

I want to complement the House too for "wiseing" up more quickly; first it was six years, then four years, then two years, and now they are beginning to find out that we are right within twenty-four hours. As a matter of fact, today we did a little better than that, because some amendments came over here to my colleague, Bill Habbyshaw, and me and he immediately caught something on it. He went to the sponsor of the amendment and said, "We don't want that in here," and in two minutes it was stricken out. It was agreed there was an error that ought to be corrected. All the credit for that goes to my good friend and colleague, Bill Habbyshaw. You will just excuse us for "tooting" our own horn about this bill and for taking a little credit for being on the right side of the fence, as well as being the only Members on the right side of the fence.

Mr. ACHTERMAN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, I am curious to learn what portion of House Bill 124 the gentleman objected to because he voted "no."

Mr. WOODSIDE. Mr. Speaker, Mr. Habbyshaw tells me there are a lot of things wrong with the bill. I could point them all out as I have a copy of the amendments.

You will find the joker in the amendment. The amendment is to page 12, section 304. If the gentleman would go down into my hotel room he will find there a folded calendar which I had yesterday and he will find on the back of it written at the bottom several notations and one of those is "bottom of page 12." He will find those notations in relation to the milk bill.

If he will take his amendments which I have before me, he will find what is wrong with that amendment. Page 12—wait until I find it, I will tell you—

Mr. ACHTERMAN. Mr. Speaker, shall I read it to the gentleman?

Mr. WOODSIDE. No, Mr. Speaker, I will find it. The gentleman strikes out all of lines 16 to 29 inclusive on page 12. I think that is a good idea, but the real joker in that is not so much in the whole business as it is down at the end where it subjects him to penalty or forfeiture for or on account of any acts or transactions or matter or thing, and so forth. The gentleman could probably strike out only those words, but he is going to play safe and strike out the whole thing. I am not going to object to that but that is the real joker in it.

Mr. ACHTERMAN. Mr. Speaker, I wish to thank the gentleman from Dauphin for his cooperation. It is certainly too bad that this House has not had the benefit of the mature, careful consideration of the two gentlemen from Dauphin up until this moment.

PARLIAMENTARY INQUIRY

Mr. ACHTERMAN. Mr. Speaker, I rise to a question of parliamentary injury.

The SPEAKER. The gentleman from Monroe will state his question of parliamentary inquiry.

Mr. ACHTERMAN. Mr. Speaker, will the chair advise whether the bill has passed third reading?

The SPEAKER. The bill has passed third reading. A motion to re-consider is necessary.

MOTION TO RECONSIDER VOTE

Mr. ACHTERMAN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. WOODSIDE. Mr. Speaker, I am wondering whether the gentleman would not consider it advisable to put the bill on the postponed calendar and go over it carefully before he submits his amendments to the House.

The SPEAKER. Will the gentleman from Monroe Permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE, Mr. Speaker, I am only making a suggestion that the bill be placed on the postponed calendar instead of immediately being considered.

Mr. ACHTERMAN. Mr. Speaker, I can answer the gentleman's question more intelligently if I be permitted to ask him a question.

The SPEAKER. Will the gentleman from Dauphin, Mr. Woodside permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, do I understand the gentleman from Dauphin to say that perhaps he and Mr. Habbyshaw have some other very substantial points that they desire to submit?

Mr. WOODSIDE. Mr. Speaker, I am advised by my very able colleague, Mr. Habbyshaw, there are some very important amendments that might be suggested to the bill, which would be very helpful and that he has them in mind.

Mr. ACHTERMAN. I thank the gentleman Mr. Speaker.

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON FINAL PASSAGE

Mr. WEISS asked and obtained unanimous consent to call up out of order House Bill No. 1284, Printer's No. 541, on page 11 of today's calendar, bills on final passage.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1284, entitled:

An Act requiring owners and lessees of real property in counties of the third class whenever making any improvements thereon or additions thereto costing more than five hundred dollars ($500) to file a report of such improvements or additions with the county board for the assessment and revision of taxes and providing penalties

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. WEISS. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. MAXWELL. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Weiss, vote on the third reading of this bill?

Mr. WEISS. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Westmoreland Mr. Maxwell vote on the third reading of this bill?

Mr. MAXWELL. Mr. Speaker, I voted in the majority.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the title, page 1, first line of title by inserting after the word "Requiring" the word: "certain"

Amend sec. 1, page 1, line 4 by inserting after the word "estate" the following: "subject to taxation under the laws of the Commonwealth of Pennsylvania".

Amend sec. 2, page 2, lines 28 and 29 by striking out the words "less than nor".

Amend sec. 2, page 2, line 29 by inserting after the word "than" the words and figures: "one hundred dollars ($100)".

Amend sec. 2, page 3, lines 1 and 2 by striking out the words "less than or".

Amend sec. 2, page 3, line 2, by inserting after the word "than" the words and figures: "thirty (30) days".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL INTRODUCED AND REFERRED

By Messrs. HERING and EDWIN A. LEE,

HOUSE BILL No. 1588

An Act to amend and reenact section five hundred and twenty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class; and prescribing the method of fixing the levy of school taxes in such districts.

Referred to the Committee on Cities-First Class.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. BRETH,

The House resumed the consideration on final passage of House Bill No. 891, as follows:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring the Department of Revenue to establish a system for the permanent registration of hunters revising the provisions of said act relating to the issuance of licenses and eliminating the power of justices of the peace magistrates and notaries public to receive applications therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three hundred and two and three hundred and three of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 302 Resident License Fee Each such resident as provided in the preceding section upon presentation of a properly signed hunter's registration card as hereafter provided and the payment of two dollars ($2.00) or upon application made in writing to [any agent authorized to issue such licenses with the Commonwealth] any county treasurer or any of his agents appointed by him to issue such licenses or to the Department of Revenue the presentation of proof that he is a citizen of the United States and a bona fide resident of this Commonwealth under the requirements of this article and the establishment of his identity to the satisfaction of the authority issuing the license [or to the satisfaction of the justice of the peace magistrate or notary public or any agent designated to receive applications for licenses when taking such applications as hereinafter authorized] by producing a bank book letters lodge cards police cards a motor vehicle driver's license or some other positive means of identification and in the case of naturalized foreign-born applicants the production of such applicant's naturalization papers unless any such person has been disqualified for a license or fails to pass an examination in the manner hereinafter specified and the payment to [said agent or] the county treasurer or his agent or the Department of Revenue of two dollars ($2.00) shall be entitled to a resident hunter's license and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided.

Section 303 Nonresident and Alien Nonresident License Fees Every nonresident of this Commonwealth upon presentation of a properly signed nonresident hunter's registration card as hereinafter provided and the payment of fifteen dollars ($15.00) or upon application made in writing [to any agent authorized to issue such license or] to any county treasurer or any of his agents appointed by him to issue licenses or to the Department of Revenue and the presentation of proof that he is a citizen of the United States unless any such person has been disqualified for a license or fails to pass an examination in the manner hereinafter specified and upon payment [to said agent or commission] of fifteen dollars ($15.00) shall be entitled to the license herein designated as a Nonresident Hunter's License and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided

Every alien nonresident of this Commonwealth who is also a nonresident of the United States upon written application made to any county treasurer or any of his agents appointed by him to issue such licenses or to the Department of Revenue setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms unless any such person has been disqualified for a license or fails to pass an examination in the manner hereinafter specified and upon the payment [to the Department of Revenue] of the fees above designated for non-residents shall be entitled to a nonresident hunters' license and the proper tag issued therewith but [the Department of Revenue shall indicate] on the face of the license it shall be indicated that the holder is an alien nonresident

Section 2 Article III of said act is hereby amended by adding thereto after section three hundred and three a new section to read as follows

Section 303.1 Examinations for License Exceptions Any person except as herein otherwise provided applying for a resident or a nonresident hunter's license shall be required

to secure an application from the county treasurer or his authorized agents or the Department of Revenue prior to October first of any year in order to undergo an examination conducted by field officers of the commission provided by it for such purposes at the offices of the Department of Revenue the commission or any other place in the Commonwealth designated by the commission for such purposes The issuance of a license shall be determined by the results of such examination showing the applicant's knowledge of hunting safety rules and regulations the game laws and the handling and use of firearms Provided however That in lieu of this examination an applicant for a nonresident hunting license may submit on a form provided by the Department of Revenue for that purpose a sworn affidavit from his own state's conservation department or game commission or their authorized agents certifying to his knowledge of hunting safety rules and regulations the game laws and the handling and use of firearms Any person holding a resident or nonresident hunter's license expiring the thirty-first day of August one thousand nine hundred and forty-two or thereafter shall not be required to undergo the examination provided for by this section in order to secure a renewal of such license unless such person shall fail to renew such license for a period covering two consecutive license years

Section 3 Section three hundred and five of said act is hereby amended to read as follows

Section 305 License Issuance Supervision The issuance of all hunting licenses shall be under the direct supervision of the Department of Revenue [which shall designate the several county treasurers and such other issuing agents throughout the Commonwealth or otherwise as it may find essential to control the lawful issuance thereof] Each county treasurer shall be an issuing agent of the said department and is hereby authorized to issue hunting licenses as provided by this act and each such treasurer shall appoint his own agents in the various parts of the county for the purpose of facilitating the issuance of such licenses throughout the county Each county treasurer shall appoint not more than one agent for each one thousand hunting licenses and not less than one agent for every two thousand hunting licenses issued in such county for the preceding license year All such agents of the county treasurer shall be authorized by the treasurer to issue resident and nonresident hunting licenses and they shall receive all licenses tags and necessary supplies forms and material from the treasurer and shall make all returns reports and remittances to him The treasurer shall be responsible for their acts in relation to such duties The Department of Revenue may [recall the appointment of any county treasurer or other agent at any time with or without cause and shall recall the appointment of] remove any county treasurer [or other agent] as issuing agent either upon receipt of evidence that such county treasurer [or other agent] has not complied with the requirements of this act or upon receipt of a recommendation from the commission that such county treasurer [or other agent] be recalled because of carelessness or negligence in the issuance of licenses In case of such removal the said department shall appoint another issuing agent in and for such county with the same powers rights and obligations of the issuing agent so removed

It is unlawful for any issuing agent or any of his agents employes or representative or the Department of Revenue or its employes to issue any license to hunt to any applicant or [for any justice of the peace magistrate notary public or other agent authorized to receive applications] to accept an application for such a license from any applicant who has not established satisfactory identification as hereinbefore required or to any person physically or mentally unfitted to carry or use firearms or to any person who has failed to pass an examination when required or who has been denied the right to secure a license in any manner hereinafter specified by revocation

Section 4 Article III of said act is hereby amended by adding thereto after section three hundred and five four new sections to read as follows

Section 305.1 Permanent Registration of Hunters Established The Department of Revenue shall establish a system for the permanent registration of persons who desire to hunt or trap in the Commonwealth Said system shall be set-up in such a manner that all persons holding a resident or nonresident hunting license which expires on August thirty-first one thousand nine hundred forty-two and who forward to the department their game kill report for such license year and all persons who shall receive a resident or nonresident hunting license for any license year thereafter shall be registered thereunder and their names addresses breitized descriptions and other information deemed necessary by the department entered in the files and records provided for such systems in the manner deemed most suitable by the department for carrying out the provisions of this amendment

Section 305.2 Loss of Registration The names of all persons registered under such permanent registration system shall remain in the records and files thereof permanently or until such person shall fail for two consecutive license years to forward his game kill report to the dement If any registered person shall fail for such period to forward said game kill report whether or not through neglect or because of failure to take out a hunting license for one or both of such years his name shall be removed from the permanent registration records and files

Section 305.3 Registration Cards The Department of Revenue shall forward to each person registered under the permanent registration system before August first of each year so long as such person's name remains in the registration files a certificate of registration in the form of a registration card which card when signed by the person to whom issued and presented together with the proper fee to any person authorized to issue hunting licenses shall entitle such person to the hunting license for which he is qualified without his personal appearance and without any other action or signature on his part

Section 305.4 Powers of Department of Revenue The Department of Revenue shall prepare install and furnish to issuing agents all such files forms blanks and equipment and shall make such rules and regulations not in conflict with the provisions of this or any other act of assembly which it deems necessary to carry out and enforce the provisions of this amendment

Section 5 Section three hundred and nine of said act is hereby repealed

Section 6 Section three hundred and ten three hundred and eleven three hundred and twelve and three hundred and thirteen of said act are hereby amended to read as follows

Section 310 Issuing Agents to Keep Record and Make Report Each issuing [agency of this Commonwealth] agent shall keep a correct and complete record of all resident and nonresident hunters' licenses issued by him Each issuing agent shall at the close of each week forward a weekly report to the Department of Revenue on blanks furnished to him a complete list of licenses granted during the previous week in correct numerical sequence with names and addresses of licensees and such other information and data as the Department of Revenue may require A duplicate copy of said report shall be forwarded to the director and a triplicate copy of the report shall be retained in the office of the issuing agent and such other copies of forms and other parts of the records of said agent as the Department of Revenue shall designate shall be forwarded to the director and the said department and retained in the office of the issuing agent which shall be open at any reasonable hour to the inspection of any officer of the Commonwealth whose duty it is by law to protect the game of the Commonwealth or to any landowner or his representative to any representative of the Department of Revenue or to any representative of the Department of the Auditor General

Section 311 Agents to Collect and Remit License Fees Reports Compensation The [agents designated by the Department of Revenue] issuing agents provided by this act for the collection of said license fees for their services rendered in collecting and paying over the same shall as long as they continue to be issuing agents of the Department of Revenue [be allowed to retain not to exceed] shall retain the sum of ten cents from the amount paid for each resident hunter's license and [not to exceed] twenty-five cents from the amount paid for each non-

resident hunter's license which amount shall be full compensation for services rendered by them and their personally appointed agents under the provisions of this act such compensation to be disposed of by the respective issuing agents as may now or hereafter be provided by law Each issuing agent shall remit all balances arising from this source at the end of each week to the State Treasurer through the Department of Revenue upon a form to be supplied by the Department of Revenue which weekly remittance shall be accompanied by a copy of the list of licenses issued during the previous week All such moneys shall be placed in the Game Fund by the State Treasurer

[Every agent designated to issue hunter's licenses unless already under bond to cover the handling of public funds shall give bond to the Commonwealth in the sum of one thousand dollars ($1,000.00) before the annual supply of licenses is delivered to him]

Any issuing agent who shall fail to comply with any of the provisions of this act relating to hunter's licenses shall not be entitled to retain the sum hereinbefore fixed for his services but such sum shall be paid to the State Treasurer and if not so paid may be recovered by the Commonwealth by suit in the same manner as like amounts are now by law recoverable

Section 312 Replacement of Registration Cards Lost Licenses and Tags Any holder of a hunter's license or of a hunter's registration card who shall lose either the license or the tag issued therewith or both the license and tag or the registration card upon application to the Department of Revenue or other agent who issued the same accompanied by a sworn statement setting forth the pertinent facts relative thereto and in the case of a license or tag the remaining portion if any of the original and the payment of one dollar shall be entitled to a new license and tag of the same kind and value as the original and in the case of a registration card the payment of fifty cents shall be entitled to a duplicate registration card

The [issuing agent] Department of Revenue or agent who issues such license shall indicate on the face of the license so issued also on the stub or carbon copy thereof that it is a replacement with the number of the original license The affidavit so filed and any remaining portion of the original license also shall be fastened to the stub or carbon copy of the replacement license for the information of the auditors

For such services the [Department of Revenue may authorize any] issuing agent [to retain not to exceed] may retain the sum of ten cents from the said one dollar fee and five cents from the said fifty cent fee and remit the balance of the replacement license fee or duplicate registration card fee as hereinbefore provided

Section 313 Power to Administer Oaths Each [agent] issuing agent and each of his agents authorized or designated by him to issue hunting licenses and each employe who may be authorized or designated by the Department of Revenue to issue hunting licenses [and each agent] employe who may be authorized or designated by the Department of Revenue to receive applications for such licenses] in accordance with the provisions of this act is hereby empowered to administer any oath that may be required in connection with the issuance of such licenses or receiving applications therefor.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

A verification of the roll was requested by Messrs. MIHM, POWERS and HEATHERINGTON.

The roll was verified and was as follows:

YEAS—94

Achterman,	Fletcher,	Lovett,	Rooney,
Allmond,	Flynn,	McClanaghan,	Rose, S.,
Baker,	Gerard,	McFall,	Rosenfeld,
Baugher,	Goodwin,	Melchiorre,	Rush,
Bentzel,	Haberlen,	Modell,	Sarraf,
Boles,	Hall,	Monks,	Scanlon,
Boney,	Hamilton,	Mooney,	Shaffer,
Breth,	Hare,	Moran,	Shaw,
Brown,	Harkins,	Moul,	Shepard,
Burns,	Harmuth,	Nagel,	Tate,
Chervenak,	Heatherington,	O'Brien,	Thompson, E. F.,
Chudoff,	Hering,	O'Connor,	Verona,
Cochran,	Herman,	O'Dare,	Vincent,
Cohen, M. M.,	Hersch,	O'Mullen,	Voldow,
Cohen, R. E.,	Hirsch,	Owens,	Weiss,
Cooper,	Holland,	Petrosky,	Welsh, E. B.,
Croop,	Jefferson,	Pettit,	Welsh, M. J.,
Cullen,	Jones, P. N.,	Polaski,	Williams,
Dolon,	Kolankiewicz,	Polen,	Woodring,
Early,	Leonard,	Powers,	Yester,
Elliott,	Lesko,	Prosen,	Young,
Falkenstein,	Levy,	Reagan,	Kilroy,
Finestone,	Leydic,	Reese, R. E.,	Speaker.
Finnerty,	Longo,	Reynolds,	

NAYS—87

Auker,	Gates,	Malloy,	Schwab,
Balthaser,	Gillette,	Marks,	Serrill,
Boorse,	Greenwood,	Maxwell,	Simons,
Bretherick,	Gross,	McClester,	Skale,
Brunner, C. H.,	Gryskewicz,	McDermott,	Snyder,
Brunner, P. A.,	Gyger,	McGrath,	Sollenberger,
Burris,	Habbyshaw,	McIntosh,	Stambaugh,
Cook,	Haines,	McKinney,	Stank,
Cordier,	Harris,	McLane,	Tarr,
Dalrymple,	Helm,	McMillen,	Thompson, R. L.,
Dennison,	Hewitt,	McSurdy,	Trout,
Dix,	Huntley,	Mihm,	Turner,
Duffy,	Imbrie,	Muir,	Van Allsburg,
Eckels,	James,	Munley,	Wagner,
Elder,	Kenehan,	O'Neill,	Watkins,
Ely,	Kline,	Rank,	Weingartner,
Fisher,	Knoble,	Rausch,	Wolf,
Fiss,	Lee, E. A.,	Readinger,	Wood, L. H.,
Fleming,	Lee, T. H.,	Riley,	Wood, N.,
Foor,	Leisey,	Rose, W. E.,	Woodside,
French,	Lichtenwalter,	Sarge,	Wright,
Gallagher,	Lyons,		Yeakel,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. FINNERTY asked and obtained permission for the Committee on Cities—First Class to meet during the session of the House.

BILLS PASSED OVER

There being no objection House Bill No. 1166, Printer's No. 461, was pasesd over at the request of Mr. SAMUEL ROSE.

There being no objection House Bill No. 1355, Printer's No. 475, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1070, Printer's No. 284, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 709, as follows:

An Act to further amend section four hundred and twelve of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended 'An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and op-

eration of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with the transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by further defining the sales of malt or brewed beverages

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred and twelve of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) is hereby further amended to read as follows

Section 412 Sale of Malt or Brewed Beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees other than clubs may sell malt or brewed beverage for consumption off the premises where sold in quantities of not more than [seventy-two] one hundred forty-four fluid ounces in a single sale to one person No licensee under this act shall at the same time be the holder of any other license except a retail dispensers license authorizing the sale of malt or brewed beverages only

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

A verification of the roll was requested by Messrs. ELLWOOD B. WELSH, PAUL A. BRUNNER and MOONEY.

The roll was cerified and was as follows:

YEAS—86

Allmond,	Harmuth,	McKinney,	Reynolds,
Baker,	Herman,	McLanahan,	Rhea,
Balthaser,	Hersch,	McLane,	Rooney,
Boles,	Hirsch,	McSurdy,	Rose, S.,
Bradley,	Holland,	Melchiorre,	Rose, W. E.,
Breth,	Jefferson,	Mihm,	Scanlon,
Brunner, P. A.,	Kenehan,	Modell,	Schwab,
Burns,	Kline,	Monks,	Shepard,
Chudoff,	Kolankiewicz,	Mooney,	Skale,
Cook,	Komorofski,	Moran,	Stank,
Cooper,	Lee, E. A.,	Munley,	Tate,
Cordier,	Leonard,	O'Brien,	Thompson, E. F.,
Dolon,	Lesko,	O'Mullen,	Thompson, R. L.,
Duffy,	Levy,	O'Neill,	Turner,
Early,	Longo,	Owens,	Verona,
Falkenstein,	Lovett,	Petrosky,	Voldow,
Finnerty,	Malloy,	Pettit,	Watkins,
Flynn,	Marks,	Polaski,	Weiss,
Gallagher,	Maxwell,	Polen,	Welsh, E. B.,
Gerard,	McClanaghan,	Powers,	Woodring,
Gryskewicz,	McDermott,	Rausch,	Young,
Harkins,	McGrath,	Reese, R. E.,	Kilroy, Speaker.

NAYS—71

Achterman,	Gillan,	Jones, P. N.,	Shaffer,
Baugher,	Goodwin,	Knoble,	Simons,
Bentzel,	Gross,	Leydic,	Snyder,
Bretherick,	Gyger,	Lyons,	Sollenberger,
Burris,	Habbyshaw,	McClester,	Stambaugh,
Chervenak	Haberlen,	McFall,	Stine,
Cochran,	Haines,	McIntosh,	Trout,
Cullen,	Hall,	McMillen,	Van Allsburg,
Dennison,	Hamilton,	Moul,	Vincent,
Dix,	Hare,	Muir,	Wagner,
D'Ortona,	Harris,	Nagel,	Weingartner,
Ely,	Heatherington,	O'Connor,	Welsh, M. J.,
Fisher,	Helm,	Rank,	Wood, N.,
Fiss,	Hering,	Reagan,	Woodside,
Fleming,	Hewitt,	Riley,	Wright,
Foor,	Huntley,	Rush,	Yeakel,
French,	Imbrie,	Sarge,	Yester,
Gates,	James,	Serrill,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL PASSED OVER

There being no objection House Bill No. 943, Printer's No. 489, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1386, (Senate Bill No. 295), entitled:

An Act to amend sections seven and eight of the act approved the twelfth day of June, one thousand eight hundred and seventy-eight, (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," requiring the publication of advance sheets of such reports, requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein; and further regulating the basis upon which bids shall be submitted and the provisions of the contract for publication of such reports and advance sheets.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fiss,	Leonard,	Rhea,
Allmond,	Fleming,	Lesko,	Riley,
Auker,	Fletcher,	Levy,	Rose, S.,
Baker,	Flynn,	Leydic,	Rose, W. E.,
Balthaser,	French,	Lichtenwalter,	Rosenfeld,
Baugher,	Gallagher,	Longo,	Royer,
Bentley,	Gates,	Lovett,	Rush,
Boles,	Gerard,	Lyons,	Sarraf,
Boney,	Gillette,	Malloy,	Scanlon,
Bower,	Goodwin,	Marks,	Schwab,
Bradley,	Greenwood,	Maxwell,	Serrill,
Breth,	Gross,	McClanaghan,	Shaw,
Bretherick,	Gryskewicz,	McClester,	Shepard,

Brown,	Gyger,	McDermott,	Simons,
Brunner, C. H.,	Habbyshaw,	McFall,	Skale,
Brunner, P. A.,	Haberlen,	McGrath,	Snyder,
Burns,	Haines,	McIntosh,	Sollenberger,
Burris,	Hall,	McKinney,	Stambaugh,
Cadwalader,	Hamilton,	McMillen,	Stank,
Chervenak,	Hare,	McSurdy,	Tarr,
Chudoff,	Harkins,	Melchiorre,	Tate,
Cochran,	Harmuth,	Mihm,	Taylor,
Cohen, M. M.,	Harris,	Modell,	Thompson, E. F.,
Cohen, R. E.,	Heatherington	Monks,	Thompson, R. L.,
Cook,	Helm,	Mooney,	Trout,
Cooper,	Hering,	Moran,	Turner,
Cordier,	Herman,	Moul,	Van Allsburg,
Corrigan,	Hersch,	Muir,	Verona,
C...p,	Hewitt,	Munley,	Vincent,
Cullen,	Hirsch,	Nunemacher	Voldow,
Dalrymple,	Holland,	O'Brien,	Voorhees,
Dennison,	Huntley,	O'Connor,	Wagner,
DiGenova,	Imbrie,	O'Dare,	Watkins,
Dix,	James,	O'Mullen,	Weiss,
Dolon,	Jefferson,	O'Neill,	Welsh, E. B.,
D'Ortona,	Jones, G. E.,	Owens,	Welsh, M. J.,
Duffy,	Jones, P. N.,	Petrosky,	Williams,
Early,	Keenan,	Pettit,	Winner,
Eckels,	Kenehan,	Polaski,	Wolf,
Elder,	Kline,	Polen,	Wood, L. H.,
Elliott,	Knoble,	Powers,	Wood, N.,
Ely,	Kolankiewicz,	Prosen,	Woodring,
Falkenstein,	Komorofski,	Rank,	Woodside,
Finestone,	Krise,	Rausch,	Wright,
Finnerty,	Lee, E. A.,	Readinger,	Yeakel,
Fisher,	Lee, T. H.,	Reagan,	Yester,
	Leisey,	Reese, R. E.,	Young,
		Reynolds,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

BILLS PASSED OVER

There being no objection House Bill No. 870, Printer's No. 510, was passed over at the request of Mr. LEVY.

There being no objection House Bill No. 567, Printer's No. 508, was pasesd over at the request of Mr. LEVY.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 801, as follows:

An Act to further amend section nine of the act approved the eighteenth day of April Anno Domini one thousand eight hundred and fifty-three (P. L. 503) entitled "An act relating to the sale and conveyance of real estate" by including spendthrift trusts in the provision accelerating vested remainders in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the eighteenth day of April Anno Domini one thousand eight hundred and fifty-three (P. L. 503) entitled "An act relating to the sale and conveyance of real estate" as amended by the act approved the fourteenth day of April one thousand nine hundred and thirty-one (P. L. 29) is hereby further amended to read as follows

Section 9 That no person or persons shall after the passing of this act by any deed will or otherwise settle or dispose of any real or personal property so and in such manner that the rents issues interest or profits thereof shall be wholly or partially accumulated for any longer term than the life or lives of any such grantor or grantors settler or settlers or testator and the term of twenty-one years from the death of any such grantor settler or testator that is to say only after such decease during the minority or respective minorities with allowance for the period of gestation of any person or persons who under the uses or trusts of the deed will or other assurance directing such accumulation would for the time being if of full age be entitled unto the rents issues interests and profits so directed to accumulate and in every case where any accumulation shall be directed otherwise than as aforesaid such direction shall be null and void in so far as it shall exceed the limits of this act and the rents issues interests and profits so directed to be accumulated contrary to the provisions of this act shall go to and be received by such person or persons as would have been entitled thereto if such accumulation had not been directed Provided That any donation bequest or devise for any literary scientific charitable or religious purpose shall not come within the prohibition of this section which shall take effect and be in force as well in respect to wills heretofore made by persons yet living and of competent mind as in respect to wills hereafter to be made And provided That notwithstanding any direction to accumulate rents issues interests and profits for the benefit of any minor or minors it shall be lawful for the proper court as aforesaid on the application of the guardian where there shall be no other means for maintenance or education to decree an adequate allowance for such purpose but in such manner as to make an equal distribution among those having equal rights or expectations whether at the time being minors or of lawful age And provided That whenever in the course of the administration of a trust including trusts containing spendthrift provisions created by deed or by the will of a decedent who either before or after the passage of this act shall have died domiciled in this State by the provisions of which deed or will the grantor or testator shall have directed the payment of an annuity or annuities or created an estate for life or for lives or for a term of years with vested remainder to a corporation or association formed for literary scientific charitable or religious purposes it shall be made to appear to the court having jurisdiction of the administration of such estate or trust that all parties in interest in said estate or trust still living or in corporate existence have agreed that the trust be settled and ended upon terms mutually satisfactory to them or that the interests of the annuitant or annuitants or of the beneficial owner or owners of the estate for life or for years have been donated to or acquired by the corporation or association formed for literary scientific charitable or religious purposes holder of the vested interest in remainder said court may in its discretion due notice having been given to all parties in interest and the court being satisfied that all parties who are or may be interested in the trust property are in existence are sui juris and are agreed and that annuitants or cestui que trustent are properly protected decree that the trust be settled and ended in whole or in part and award to such literary scientific charitable or religious corporation or association the sums to which it may be entitled Provided further however That the provisions of the foregoing proviso shall not be effective to bring about the termination of a trust created by deed or will as aforesaid if in the instrument under which the trust arises the grantor or testator as the case may be shall have declared his purpose to create by accumulation a fund for the benefit of a literary scientific charitable or religious corporation or association and shall also have specified the number of years during which such accumulation shall be made by his trustees for that purpose which term shall not have expired or shall have specified a sum that it was his intention to accumulate which sum shall not have been attained or shall have specified a particular object to be accomplished for which the trust fund is not yet sufficient

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fleming,	Levy,	Riley,
Allmond,	Fletcher,	Leydic,	Rose, S.,
Auker,	Flynn,	Lichtenwalter,	Rose, W. E.,
Baker,	French,	Longo,	Rosenfeld,
Balthaser,	Gallagher	Lovett,	Royer,
Baugher,	Gates,	Lyons,	Rush,
Bentley,	Gerard,	Malloy,	Sarraf,
Boies,	Gillette,	Marks,	Scanlon,
Boney,	Goodwin,	Maxwell,	Schwab,
Bower,	Greenwood,	McClanaghan,	Serrill,
Bradley,	Gross,	McClester,	Shaw,
Breth,	Gryskewicz,	McDermott,	Shepard,
Bretherick,	Gyger,	McFall,	Simons,
Brown,	Habbyshaw,	McGrath,	Skale,
Brunner, C. H.,	Haberlen,	McIntosh,	Snyder,
Brunner, P. A	Haines,	McKinney,	Sollenberger,
Burns,	Hall,	McMillen,	Stambaugh,
Burris,	Hamilton,	McSurdy,	Stank,
Cadwalader	Hare,	Melchiorre,	Tarr,
Chervenak,	Harkins,	Mihm,	Tate,
Chudoff,	Harmuth,	Modell,	Taylor,
Cochran,	Harris,	Monks,	Thompson, E.,
Cohen, M. M.,	Heatherington,	Mooney,	Thompson, R.,
Cohen, R. E.	Helm,	Moran,	Trout,
Cook,	Hering,	Moul,	Turner,
Cooper,	Herman,	Muir,	Van Allsburg,
Cordier,	Hersch,	Munley,	Verona,
Corrigan,	Hewitt,	Nunemacher,	Vincent,
Croop,	Hirsch,	O'Brien,	Voldow,
Cullen,	Holland,	O'Connor,	Voorhees,
Dalrymple,	Huntley,	O'Dare,	Wagner,
Dennison,	Imbrie,	O'Mullen,	Watkins,
DiGenova,	James,	O'Neill,	Weiss,
Dix,	Jefferson,	Owens,	Welsh, E. B.,
Dolon,	Jones, G. E.,	Petrosky,	Welsh, M. J.,
D'Ortona	Jones, P. N.,	Pettit,	Williams,
Duffy,	Keenan,	Polaski,	Winner,
Early,	Kenehan,	Polen,	Wolf,
Eckels,	Kline,	Powers,	Wood, L. H.,
Elder,	Knoble,	Prosen,	Wood, N.,
Elliott,	Kolankiewicz,	Rank,	Woodring,
Ely,	Komorofski,	Rausch,	Woodside,
Falkenstein	Krise,	Readinger,	Wright,
Finestone,	Lee, E. A.,	Reagan,	Yeakel,
Finnerty,	Lee, T. H.,	Reese, R. E.,	Yester,
Fisher,	Leisey,	Reynolds,	Young,
Fiss,	Leonard,	Rhea,	Kilroy,
	Lesko,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1454, Printer's No. 516, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1455, Printer's No. 515, was passed over at the request of the SPEAKER.

BILL ON THIRD READIN

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1413, as follows:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania after the use of any highway as a detour has been discontinued to restore promptly such highway to substantially the same condition as it was prior to its use as a detour

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever as a result of construction or repairs along or to any State highway it has proved necessary or advisable to designate any other highway as a detour and to divert traffic over such other highway it shall be the duty of the Department of Highways of the Commonwealth of Pennsylvania promptly after the use of such highway as a detour shall have been discontinued to restore it to substantially the same condition as it was prior to its use as a detour

Section 2 In order to carry out the provisions of this act the Department of Highways is hereby authorized to expend any of the moneys appropriated to it from time to time for highway purposes

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 187

Achterman,	Fleming,	Leydic,	Rose, S.,
Allmond,	Fletcher,	Lichtenwalter,	Rose, W. E.,
Auker,	Flynn,	Longo,	Rosenfeld,
Baker,	French,	Lovett,	Royer,
Balthaser,	Gallagher,	Lyons,	Rush,
Baugher,	Gates,	Malloy,	Sarraf,
Bentley,	Gerard,	Marks,	Scanlon,
Boies,	Gillette,	Maxwell,	Schwab,
Boney,	Goodwin,	McClanaghan,	Serrill,
Bower,	Greenwood,	McClester,	Shaw,
Bradley,	Gross,	McDermott,	Shepard,
Breth,	Gryskewicz,	McFall,	Simons,
Bretherick,	Gyger,	McGrath,	Skale,
Brown,	Habbyshaw,	McIntosh,	Snyder,
Brunner, C. H.,	Haberlen,	McKinney,	Sollenberger,
Brunner, P. A.,	Haines,	McMillen,	Stambaugh,
Burns,	Hall,	McSurdy,	Stank,
Burris,	Hamilton,	Melchiorre,	Tarr,
Cadwalader,	Hare,	Mihm,	Tate,
Chervenak,	Harkins,	Modell,	Taylor,
Chudoff,	Harmuth,	Monks,	Thompson, E.,
Cochran,	Harris,	Mooney,	Thompson, R.,
Cohen, M. M.,	Heatherington,	Moran,	Trout,
Cohen, R. E.	Helm,	Moul,	Turner,
Cook,	Hering,	Muir,	Van Allsburg,
Cooper,	Herman,	Munley,	Verona,
Cordier,	Hersch,	Nunemacher,	Vincent,
Corrigan,	Hirsch,	O'Brien,	Voldow,
Croop,	Holland,	O'Connor,	Voorhees,
Cullen,	Huntley,	O'Dare,	Wagner,
Dalrymple,	Imbrie,	O'Mullen,	Watkins,
Dennison,	James,	O'Neill,	Weiss,
DiGenova,	Jefferson,	Owens,	Welsh, E. B.,
Dix,	Jones, G. E.,	Petrosky,	Welsh, M. J.,
Dolon,	Jones, P. N.,	Pettit,	Williams,
D'Ortona,	Keenan,	Polaski,	Winner,
Duffy,	Kenehan,	Polen,	Wolf,
Early,	Kline,	Powers,	Wood, L. H.,
Eckels,	Knoble,	Prosen,	Wood, N.,
Elder,	Kolankiewicz,	Rank,	Woodring,
Elliott,	Komorofski,	Rausch,	Woodside,
Ely,	Krise,	Readinger,	Wright,
Falkenstein,	Lee, E. A.,	Reagan,	Yeakel,
Finestone,	Lee, T. H.,	Reese, R. E.,	Yester,
Finnerty,	Leisey,	Reynolds,	Young,
Fisher,	Leonard,	Rhea,	Kilroy,
Fiss,	Lesko,	Riley,	Speaker.
	Levy,		

NAYS—1

Hewitt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1188, Printer's No. 511, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 986, as follows:

An Act to amend section two thousand one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing the minimum compensation for patrolmen in such cities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2001 Appointment Number Rank Compensation and Qualifications of Policemen The council shall fix by ordinance the number rank and compensation of the members of the city police force who shall be appointed in accordance with the civil service provisions of this act No policeman shall after his appointment and qualification hold at the same time the office of constable Council shall prescribe all necessary rules and regulations for the organization and government of the police force The compensation of patrolmen shall in no case be less than the following amounts

Fourteen hundred dollars ($1,400) per annum for the first year of service and an additional annual increment of ninety-five dollars ($95) for each year of service after the first year not however exceeding seven such annual increments All patrolmen employed in any city shall from the time this act becomes effective be entitled to compensation in accordance with this act including the increment credits accrued for service prior to the effective date of this act Provided That compensation of a patrolman shall not after the effective date of this act be reduced below the amount he is receiving at the time this act becomes effective for the reason that he has not sufficient annual increment credits to entitle him according to the preceding provisions of this act to the compensation he is then receiving or be reduced for any other reason whatsoever

Section 2 The provisions of this act shall become effective the first day of January one thousand nine hundred and forty-two.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. DIX. Mr. Speaker, I desire to interrogate the gentleman from Fayette, Mr. Tarr.

The SPEAKER. Will the gentleman from Fayette permit himself to be interrogated?

Mr. TARR. I shall, Mr. Speaker.

Mr. DIX. Mr. Speaker, will the gentleman from Fayette explain the salaries provided in this bill for policemen?

Mr. TARR. Mr. Speaker, does the gentleman have a copy of the bill there?

Mr. DIX. I think I have.

Mr. TARR. Mr. Speaker, for the information of the gentleman from Wayne, the salary range is very clearly set forth in the bill. The bill starts the policemen in third class cities at an annual salary of $1400, and has seven increments of $95 each.

Mr. DIX. Mr. Speaker, are the increments retroactive?

Mr. TARR. Mr. Speaker, if the gentleman will read lines 16 and 17 of the bill, he will find, "After the first year, not however exceeding seven such annual increments. All the patrolmen employed in any city shall from the time this act becomes effective be entitled to compensation in accordance with this act including the increment credits accrued for service prior to the effective date of this act."

Mr. DIX. Mr. Speaker, then I understand that the bill includes increments for years prior to the passage of this bill?

Mr. TARR. Mr. Speaker, it does for seven years.

Mr. DIX. Mr. Speaker, I understand the gentleman from Fayette is an educator, a school teacher.

Mr. TARR. Mr. Speaker, I have been called that, sir.

Mr. DIX. Mr. Speaker, may I inquire what salary the gentleman gets at the present time, if I am not a little bit personal?

Mr. TARR. Mr. Speaker, that is rather personal but I will say that I make, when I am teaching school, more than the policemen get when they get all their increments. May I state that I work for a good Democratic school board.

Mr. DIX. Mr. Speaker, may I inquire what the gentleman's starting salary was?

Mr. TARR. My starting salary was not in the state of Pennsylvania but my salary was $175 per month.

Mr. DIX. Mr. Speaker, does the gentleman from Fayette think that a policeman is worth more to aid safety and to regulate traffic than one who teaches our children the American way of life, and how to use his faculties for the best interests of himself and his family?

Mr. TARR. Mr. Speaker, in answer to the gentleman from Wayne, I would say that I cannot compare the teacher and the policemen in the matter of salary. I might answer the gentleman by asking him this question, "Do you think a technician in some of our industries who receive five six or seven thousand dollars a year are worth more than the teacher or the policeman?" I believe both the policeman and the school teacher have a definite part to play in our society, and I say further I think that they both should be adequately paid.

MR. WOODSIDE IN THE CHAIR

Mr. DIX. Mr. Speaker, is not the gentleman from Fayette the sponsor of this bill?

Mr. TARR. Mr. Speaker, I am the sponsor of this bill.

Mr. DIX. Did not the gentleman from Fayette support a bill which provided for teachers' starting salary to be one thousand dollars a few days ago?

Mr. TARR. Mr. Speaker, I supported a bill and I also supported a bill to start the teachers. If you will look back in your history, you will notice that I have there a bill starting the teachers in the fourth class districts at fourteen hundred dollars and having four one hundred dollar increments. That bill is in print under my name but I have not been able as yet to get it moved from any committee.

Mr. DIX. Mr. Speaker, did the gentleman from Fayette add an amendment to this bill which was passed a few

days ago, starting teachers at one thousand dollars? Did the gentleman offer any amendment to that bill?

Mr. TARR. I did not, Mr. Speaker.

POINT OF ORDER

Mr. MORAN. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman from Allegheny will state his point of order.

Mr. MORAN. Mr. Speaker, the interrogation is not on the bill before the House.

The SPEAKER pro tempore. The gentleman will confine his remarks to the question before the House.

Mr. DIX. Mr. Speaker, I am comparing the salaries of policemen with the salaries of teachers and I think that is perfectly proper. Mr. Tarr comes in here with a bill starting the policemen's salary at fourteen hundred dollars a year with increments bringing their final salary up to two thousand dollars, but when the teacher's bill came up here providing for a starting salary of one thousand dollars with two increments of fifty dollars each, or a total of eleven hundred dollars, the gentleman from Fayette did not offer an amendment to that bill.

QUESTION OF PERSONAL PRIVILEGE

Mr. TARR. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman from Fayette will state his question of personal privilege.

Mr. TARR. Mr. Speaker, it seems to me that every time a bill is sponsored by me or has any part of my name on it, certain Members of the House seem to rise to their feet to express the poison that seems to be in their system concerning me. Now, I am not a bad fellow and if you do not believe me, ask my mother. It seems to me that every time anything comes up. I am asked all sorts of questions as to when I started to teach school, how long ago, which was fifteen years ago, and how much money I make. I, therefore, ask the Chair to request the gentleman to confine his remarks to the bill now before us.

Mr. DIX. Mr. Speaker, I am not as squeamish as that—

The SPEAKER pro tempore. The gentleman from Fayette, Mr. Tarr, is not required to answer any questions which relate to his personal conduct. He has the right to refuse to answer any questions that are put to him. The gentleman romf Wayne will confine his remarke to the bill before the House.

Mr. DIX. Mr. Speaker, I am not so squeamish and I would be very glad to answer any questions the gentleman wishes to ask me.

Mr. TARR. Mr. Speaker, I desire to interrogate the gentleman from Wayne Mr. Dix.

The SPEAKER. Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. I shall, Mr. Speaker.

Mr. TARR. Mr. Speaker, I would like to ask the gentleman from Wayne the same question I asked a couple of weeks ago. First, does the gentleman represent any third class city?

Mr. DIX. No, I do not. But I think I represent the taxpayers of Pennsylvania to a certain extent as a state Representative.

Mr. TARR. I thank the gentleman, Mr. Speaker. Does the gentleman from Wayne have any taxpayers in his county who will be affected by the passage of this bill?

Mr. DIX. Mr. Speaker, we are likely to have that very soon, we are approaching a city stature and that is the only reason why I am opposing this bill. Just as soon as this bill is passed they will be asking the same thing for boroughs.

Mr. TARR. Mr. Speaker, does the gentleman know the amount of money that is returned to third class cities by the Commonwealth for law enforcement each year?

Mr. DIX. Mr. Speaker, I must say I am not familiar with the amount returned to the cities for law enforcement.

Mr. TARR. Mr. Speaker, does the gentleman know whether or not the state of Pennsylvania pays any part of the law enforcement bill to third clas cities?

Mr. DIX. I understand the state does Mr. Speaker.

Mr. TARR. Mr. Speaker, can the gentleman from Wayne tell me any way that they do contribute the money directly to law enforcement in third class cities?

Mr. DIX. Mr. Speaker, I will be glad to answer that question to the best of my ability. I imagine that the cities get some refunds from traffic violations and things of that sort.

Mr. TARR. That is all, Mr. Speaker.

Mr. DIX. Mr. Speaker, I have here before me letters from half of the third class cities of Pennsylvania. I do not intend to read the contents of these letters but I would like to read a few brief extracts and then ask permission to file certain portions of these letters of record.

Mr. Speaker, I sent a questionnaire to every mayor of all third class cities of Pennsylvania and I received a reply to ninety percent of those questionnaires and there is not one of those questionnaires except possibly one, where the mayor and the council are in favor of raising the salaries of third class city policemen. All these councilmen and mayors are elected by the people and there is no reason why these duly elected officers should not be the ones to set the salaries. This bill is definitely an anti-home rule bill and I for one am going to speak every time a bill of this kind comes up. I think it is an imposition upon the taxpayers for the legislature to set the salaries of policemen of third class cities when they have officials elected for that purpose. I would therefore like to just read a few extracts from these letters and then turn the letters over for the record if I may do so.

Here is a letter from city number one, which says:

> "There are seventy-three patrolmen who are each receiving $1,800 salary a year and seven patrolmen each receiving $650 per year making the total to be extended for patrolmen for the year $142,950. Under the system as proposed by the new act the total to be extended for the year for patrolmen would be $184,100, or an increase of $41,150".
>
> "Should this bill be passed I believe we would be obliged to increase our tax rate one mill and this would most certainly be a burden to the taxpayer to pay this additional tax".

For your information I will read a letter from City No. 2 which is as follows:

> "For your information, if the salaries of the Police Officers are increased as contemplated by the Act of the Legislature, the Police Payroll will be increased approximately $30,000."
>
> "We do not believe it would be fair for the Legislators to set the salaries for men for whom they are not responsible. There is nobody in a better position to judge the salaries than the public officials who are responsible for the affairs of the City."

Here is an excerpt from a letter received from City No 3:

"I am very much opposed to the legislature fixing a minimum salary for police and firemen as was proposed at a former session. It seems to me that that denies the city the right to control its financial affairs and would unquestionably work a serious hardship."

Mr. HEATHERINGTON. Mr. Speaker, I have just looked at a map I have here in my desk and I cannot find City No. 1, City No. 2 or City No. 3.

Mr. DIX. Mr. Speaker, these letters are confidential.

The SPEAKER (pro tempore). The gentleman from Wayne is talking about cities 1, 2 and 3.

Mr. DIX. Mr. Speaker, these letters are confidential and a newspaperman never violates a confidence.

Mr. Speaker, may I read for the benefit of the House the following from a letter received from City No. 4:

"Please let me say that I am unalterably opposed to to the proposed bill whereby the salaries of policemen would be set by the legislature."

I will quote an excerpt from a letter received from City No. 6 which is as follows:

"I wish to first congratulate you and the other members of the House that opposed this police bill two years, and I feel you showed a keen sense of business ability in so doing.

"I feel that the State has no right to take from the local communities the right of setting the salaries of our policemen. Each community knows best what they can afford to pay.

"We as officials of our city have tried to run it on a business like basis, one in which industry would be glad to locate in Pennsylvania in, so please do not spoil this by taking away any more local rights."

Mr. BAKER. Mr. Speaker, I just noticed the gentleman from Wayne, Mr. Dix, skipping over one or two cities. The gentleman first mentioned cities 1, 2 and 3 and then he jumped over City No. 5 and took up City No. 6. I think this House is entitled to know where these letters are coming from. I think it is foolish for us to sit here and listen to Cities 1, 2 and 3 and then jump over 5 and then come to City No. 6. I think the gentleman from Wayne, Mr. Dix has been in the House long enough to know better.

Mr. DIX. Mr. Speaker, I could read all these letters but I know that nobody wants to hear everything that is in the letters. If the gentleman insists I will read them all.

Mr. MIHM. Mr. Speaker, I want to hear about City No. 7.

Mr. DIX. Mr. Speaker, I will read from a letter received from City No. 7 as follows.

"I do not believe it to be the best interest of the taxpayers and citizens to abolish the local rights of setting up salaries and to have that done by the legislature.

"I believe very much in home rule and that the city should be allowed to make its own budget and I would very much favor our city patrolmen having the above increases as suggested."

Mr. BAKER. Mr. Speaker, I would like to interrogate the gentleman from Wayne, Mr Dix.

The SPEAKER (pro tempore) Will the gentleman from Wayne permit himself to be interrogated?

Mr. Dix. I shall Mr. Speaker.

Mr. BAKER. Will the gentleman from Wayne tell this House where City No. 7 is, east, west, north, or south?

Mr. DIX. I will tell the gentleman where it is, it is in the state of Pennsylvania.

Mr. BAKER. Mr. Speaker, the state of Pennsylvania covers a lot of territory. Will the gentleman tell us what the name of the city is?

Mr. DIX. No I will not, Mr. Speaker.

Mr. BAKER. Will the gentleman tell us what county it is in?

Mr. DIX. No, I will not Mr. Speaker.

Mr. BAKER. Will the gentleman tell us the name of the Mayor of that city?

Mr. DIX. No, I will not, Mr. Speaker, because this is confidential.

Mr. BAKER. Mr. Speaker, since the gentleman from Wayne, Mr. Dix, does not know where these cities exist, I move that they be expunged from the record, those cities exist only on paper.

Mr. DIX. Mr. Speaker, I do know where they exist, they exist in the Commonwealth of Pennsylvania.

The SPEAKER (pro tempore). If the gentleman desires to make that motion, he may make it after the vote is taken on the bill.

Mr. BAKER. Mr. Speaker, I withdraw my motion.

Mr. DIX. Mr. Speaker, if I had not been delayed by the opposition, by the tactics of the gentleman on the other side, I would have been through with this long ago.

The following is an excerpt from City No. 11:

"I am opposed to interference with the present local right of setting salaries of all municipal employes as the legislation intended for all third class cities cannot comprehend the problems of this city. We are not only unable to increase the present salaries but we are also unable to increase the police force, although such increase is really necessary because of traffic conditions."

Mr. PETROSKY. Mr. Speaker, I desire to interrogate the gentleman from Wayne, Mr. Dix.

The SPEAKER (pro tempore). Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. I shall, Mr. Speaker.

Mr. PETROSKY. Mr. Speaker, due to the fact that I have five third class cities in my county it has always been my principle to vote intelligently on these bills, and not having any communication from them, I would like to have the gentleman read the data from his letters from the cities of Monessen, Jeannette, Greensburg, Arnold and New Kensington in Westmoreland County. I believe that courtesy should be shown to the members so that they can vote intelligently. If the gentleman will show letters such as he has been reading, from the cities I have named, then I will be in favor of opposing this bill, and not until then.

Mr. DIX. Mr. Speaker, that is exactly what I am going to do. I have here a survey of practically every third class city in Pennsylvania and the data relating to them and I will be glad to answer anyone's question from this data.

Mr. PETROSKY. Mr. Speaker, will the gentleman from Wayne tell me the status of the letters from the city of New Kensington in Westmoreland County.

Mr. DIX. Mr. Speaker, I will give the gentleman the status of the questionnaire from what I have listed here. I cannot give the gentleman these letters because they are confidential.

Mr. PETROSKY. Mr. Speaker, does the gentleman from Wayne have the data of the city of New Kensington?

Mr. DIX. Mr. Speaker, if the gentleman will bear with me just a moment, I will get down to the data which I have collected. The gentlemen on the other side have taken

up far more time than I have and I would like to continue with my statement with reading excerpts from these third class cities.

Mr. Speaker, I will now read for the benefit of the members a portion of a letter received from City No. 13 which is as follows:

"Our City Council have gone on record opposing the bill for the reason that it will mean an increase of the cost of maintaining our police department the first year of $12,500, and our city is not in a financial condition to stand an increase of that kind.

"I would say that the police are well paid considering everything. They have one day a week off, with pay, ten days sick leave with pay, and in addition fourteen days vacation with pay, and we pay our patrolmen $140 a month.

QUESTION OF PERSONAL PRIVILEGE

Mr. MAXWELL. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Westmoreland will state his question of personal privilege.

Mr. MAXWELL. Mr. Speaker, being from a third class city, the great city of Monessen, I object to that city being labeled, as one, two, three, four, five or six. I would like the gentleman to enumerate the names of these cities that he has on those letters.

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER, pro tempore. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, the gentleman is not speaking on a question of personal privilege.

The SPEAKER, pro tempore. The point of order is well taken.

Mr. DIX. Mr. Speaker, these interruptions are getting on my nerves.

The SPEAKER, pro tempore. The gentleman from Wayne will keep his nerves.

Mr DIX. Mr. Speaker, if I have any more interruptions, I am going to say something that perhaps I should not say.

Mr. MATTHEW J. WELSH. Mr. Speaker, the gentleman from Wayne has stated that the interruptions are getting on his nerves. He also stated——

POINT OF ORDER

Mr TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, the gentleman is speaking and addressing the House during the time the gentleman from Wayne, Mr. Dix has the floor.

The SPEAKER pro tempore. The point of order is well taken. The gentleman from Wayne, Mr. Dix has the floor and will proceed.

Mr. DIX. Mr. Speaker, I want to repeat again that there are certain gentlemen on the other side—

Mr. ACHTERMAN. Mr. Speaker, I would like the consent of the gentleman from Delaware to make a motion.

The SPEAKER pro tempore. What is the nature of the motion?

Mr ACHTERMAN. I desire to recommit to the committee on Health and Welfare the frayed nerves of the gentleman from Wayne, Mr. Dix.

The SPEAKER pro tempore. The motion should be delayed until it covers all of the gentleman's remarks.

Mr. DIX. I thank you, Mr. Speaker. I would like to interrogate the majority floor-leader, the gentleman from Monroe, Mr. Achterman.

The SPEAKER pro tempore. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. DIX. Mr. Speaker, how are the conditions of the nerves of the gentleman from Monroe, Mr. Achterman, at the present time?

Mr. ACHTERMAN. Will the gentleman from Wayne please repeat his question?

Mr. DIX. Mr. Speaker, what is the condition of the gentleman's nerves at the present time?

Mr. ACHTERMAN. Mr. Speaker, I am still managing to bear up even with the impressive comments on the other side.

Mr. DIX. Mr. Speaker, if the gentleman can bear up with the comments, I think I can bear up with the more impressive comments from the other side.

Mr. BAKER. Mr. Speaker, I desire to interrogate the gentleman from Wayne, Mr. Dix.

The SPEAKER pro tempore. Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. I shall be delighted, Mr. Speaker.

Mr. BAKER. Can the gentleman from Wayne, Mr. Speaker, tell this House whether or not this is one of those bills that we saw so well portrayed the other night, "Somebody stole my bill"?

Mr. DIX. Well, Mr. Speaker, I certainly did not steal this one. I would not acknowledge ownership of it.

Mr. BAKER. Mr. Speaker will the gentleman tell this House how much they pay policemen in Honesdale, where I spent some months ago the sum of twenty or thirty dollars?

Mr. DIX. Mr Speaker, they pay them a pretty good salary, more than they pay the teachers, I am sorry to say.

Mr BAKER Mr Speaker that is another one of those answers, one, two, three and four. How much do they pay the police in Honesdale?

Mr. DIX. Mr Speaker we have various scales of wages —they run all the way from $1,000 to $1,200 or $1,400.

Mr BAKER. Mr. Speaker, since the nerves of the gentleman in this debate have been shattered, along with the nerves of Mr. Achterman. I refer both of the gentlemen to the doctor back here Doctor Sarraf.

Mr. DIX. Mr. Speaker I will add one more letter.

The SPEAKER pro tempore. The gentleman will read the last letter.

Mr. DIX. Mr Speaker, this is from City No. 14, which reads as follows

"Our city has a police force of about 100 men and it pays our patrolmen the same amount; $1,890 each per annum."

QUESTION OF PARLIAMENTARY INQUIRY

Mr. READINGER. Mr Speaker, I rise to a question of parliamentary inquiry

The SPEAKER pro tempore The gentleman from Berks will state his question of parliamentary inquiry .

Mr. READINGER. Are we Mr. Speaker in the midst of an anonymous filibuster?

The SPEAKER pro tempore. The Chair believes so. The gentleman will proceed with the final letter.

Mr. DIX. Mr. Speaker, I will continue with reading the excerpts from the letter from City No. 14:

> "We have figured that this would increase the pay of our police force $42,660 or more than half a mill additional levy on our property taxes."
> "Conditions are such in our city that this would be a very great burden on our taxpayers who are demanding a reduction rather than an increase."

Mr. Speaker, I would have been through with my entire talk in regard to this police bill if it had not been for so many interruptions from the other side, but at the present time I would like to introduce here a copy of a tax bill, a tax advertisement that was put in the papers this morning. This is from a Harrisburg newspaper. I find here that there are around three hundred tax sales advertised in the city of Harrisburg. Some of the taxes only run a few cents and up to as high as $500. I contend that any city, and there are many of the third class cities that are in worse shape than Harrisburg, I contend that any city that has hundreds of tax sales for delinquent taxes is in no shape to pay the policemen additional sums of money at the present time.

I have here now, Mr. Speaker, a survey of all of the third class cities in the state of Pennsylvania and if there is any gentleman who would like to get some information in regard to any particular city I will be glad to answer his question.

Mr. TARR. Mr. Speaker, I desire to remind the Members of the House that the No. 1 City in the State of Pennsylvania is the city of Uniontown.

In all seriousness we have had quite a bit of fun this afternoon but we have a question before us which we must decide. I think if the figures are properly presented and if the towns are called by name, as I am going to call them, we will find that it is not so much a question of taxes for police purposes as it is for other purposes.

Let me illustrate with the city of Uniontown which employs only twenty-two policemen? The city of Uniontown according to the figures I have from the Liquor Control Board received last year $18,840 for law enforcement. The city of Uniontown took in on its various fines during the past year or $14,000. The city of Uniontown also received from the parking meters, and this will apply to parking meters in all third class cities in the state of Pennsylvania, they received an average of one dollar per person in the city. In other words, the city of Uniontown received, exclusive of the real estate taxes, a sum which was $20,000 in excess of the amount required to run its police department. Let me explain that further by saying that in the city of Uniontown the policemen receive $140 a month after they have worked one year, then salaries stay at $140. This is after having worked the first year when they receive $120 a month.

I am sincere in saying that the problem of the policeman is a very serious problem. He is one of those persons who must be taken care of, not by the local politicians, not by the local councilmen or mayors who are elected by some political group, but they are the men who we call when we are in trouble. As long as we pay our policemen the sum of $120 or $130 a month, just so long we will have fat gangsters and number writers riding the streets and eating in the best of restaurants, and just so long are we going to have this problem of helping our policemen out, and we will have the battle of juvenile delinquency. The policeman must put up a good front. He has to buy his own uniform, he must even buy the bullets that are sometimes taken from him and pumped into his own body. We quibble here and have a lot of fun about the police department, yet we are not paying the policemen enough. My bill only starts the policemen at a salary of $1,400 a year. That is, of course, subject to the retirement tax. Again let me point out the dangers that are attendant upon being a policeman in any third class city. I know there are very few men in this House who would have the intestinal fortitude to walk up to a parked car on a dark street and open the door of that car to see who was in there, knowing that any time someone might pull a gun on him. We have the opposition of some members who purport to represent certain leagues of cities of first, second and third class, but I say, gentlemen, in all fairness the policemen who protect our homes, my wife and my children and my parents, should give them a decent living wage by voting for this bill at this time.

Mr. DIX. Mr. Speaker, the only persons that tried to make a joke out of this bill are the members of the majority party. I would just like to summarize so long as no one has asked me that question as to my own city. I hope that the Members of the House will not interrupt me again. I might say that the number of third class cities is forty-six, I have statistics here from thirty-eight of these cities. The councils and mayors of the cities who are in favor of increasing the salaries are to the extent of one; those who are opposed to the legislature setting the salaries are thirty-three; those who do not send any data are four. In 1940 the population of all these cities ran into a tremendous figure, up into the millions. The largest city is the city of Erie with 116,243 population, and the smallest city is the city of Titusville with a population of 8055. I am just wondering if the Members of this House who are thinking of voting for this bill know that there is only one policeman in every thousand population. In other words, you are voting to take money away from one thousand people and to hand it over to one person. That is all there is to it.

There is a waiting list of from two hundred and seventy-four to none in these cities. A high school education is required in only two cities. No high school education is required in 36 of the 38 The policemen are satisfied with their salaries in 35 of the cities; only two cities are dissatisfied with the salaries paid to their policemen. Uniforms are furnished by nine cities and by contributions by six—

Mr. MATTHEW J. WELSH. Mr. Speaker, I desire to interrogate the gentleman from Wayne, Mr. Dix.

The SPEAKER pro tempore. Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. I shall, Mr. Speaker.

Mr. MATTHEW J. WELSH. Mr. Speaker, is the gentleman for this bill or against it?

Mr. DIX. Mr. Speaker, I do not want to question the intelligence of the gentleman from Fayette. The gentleman from Fayette certainly knows that I am against the bill.

Mr. MATTHEW J. WELSH. Mr. Speaker, does the

gentleman think by holding this House here for another couple of hours it will make any difference in the result?

Mr. DIX. Mr. Speaker, I do not know that it will make any difference, but I would have been through some time ago if I had not had these constant interruptions on the part of the gentlemen of the majority party.

Mr. MATTHEW J. WELSH. The gentleman will proceed.

Mr. DIX. Mr. Speaker, the cities that have a retirement system are 31. The maximum salary, and I want each Member of the House to note this, as there is absolutely no need for this bill, because the policemen are already getting practically what this bill calls for, there are only two cities that I can find which have a salary of twelve hundred dollars. I say that under those circumstances there is no need for this bill at all. The number of cities who have salaries of fifteen hundred dollars run from Lock Haven up to New Kensington, which has a salary of $2,220. As to minimum salaries, there are two cities, one is York, which has a salary of $1,200, and that is practically the only city in the state that has a $1,200 starting salary. The tax rate in the cities runs from 6 mills to 22 mills

MR. MATTHEW J. WELSH IN THE CHAIR

The SPEAKER (pro tempore). The Chair now recognizes the gentleman from Allegheny, Mr. Baker, who moves the previous question. All those in favor of the motion for the previous question will please arise.

Mr. DIX. Mr. Speaker, I appeal from the ruling of the Chair. I still have the floor.

The SPEAKER (pro tempore). The Chair regrets to say he does not see enough seconders. The gentleman from Wayne has the floor. The gentleman will proceed.

Mr. DIX. Thank you, Mr. Speaker. You are more courteous as a Speaker than you are as a Member of the House.

The SPEAKER (pro tempore). Will the gentleman please repeat the remark.

Mr. DIX. I said, Thank you, you are more courteous as a Speaker of the House than you are as a Member of the House.

The SPEAKER (pro tempore). The presiding officer at this time thanks the gentleman for the kind remarks, and suggests that he confine his remarks. Most of us have not had our lunch.

Mr. DIX. Neither have I, Mr. Speaker. I just have a few more words to say.

Mr. MOUL. Mr. Speaker, I desire to interrogate the gentleman from Wayne, Mr. Dix.

The SPEAKER (pro tempore). Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. I shall, Mr. Speaker.

Mr. MOUL. Mr. Speaker, the gentleman from Wayne has been mentioning City No. 1, No. 2, No. 3, No. 4, No. 5 and so on, and in his last remark he referred to the City of York. In behalf of myself and my colleagues who come from the City of York, since the City of York was mentioned specificially, I would like to know what correspondence the gentleman has from the City of York. I think that is a fair question as long as the gentleman has mentioned particularly the City of York as one that stood out by itself.

Mr. DIX. Mr. Speaker, as I said before, when I wrote and sent out these questionnaires I told each Mayor that the information conveyed was absolutely confidential and it will be confidential.

THE SPEAKER (Elmer Kilroy) in the Chair.

The SPEAKER. The Chair thanks the gentleman from Dauphin, Mr. Woodside and the gentleman from Fayette, Mr. Welsh, for presiding.

Mr. MOUL. Mr. Speaker, did not the gentleman violate that confidence when he singled out the city of York a minute ago and said something about the city of York? He mentioned cities by numbers, City No. 1, No. 2, 3 and 4 but he mentioned specifically the city of York.

Mr. DIX. Mr. Speaker, I would be very glad if the gentleman wants to take up the time to take the questionnaire and read it. I was giving my information from the questionaire and not from the letters.

Mr. MOUL. Mr. Speaker, we are going to be asked to vote on this question and since the city of York has been specifically mentioned by the gentleman from Wayne. I would like to know what information the gentleman has when he mentioned the city of York. I think that is a fair question, if the information supplied by the gentleman is to be used as a basis to decide this vote.

Mr. DIX. That is a perfectly fair question and I will give him the information I have. The population is 56,666, the number of officers without the chief is given as 52; the waiting list is 50; high school education is not required; satisfied with their salary, the majority of them; uniforms, I understand are not furnished. I think that is the way to answer that. Retirement system, yes, they have their retirement system. Maximum salary is $2,000 and the minimum salary is $1,200 and the tax rate is .0105.

Mr. MOUL: Since the gentleman from Wayne has given out that much information we are entitled to know what was the recommendation of the gentleman who wrote the letter. The gentleman has given us the major portion of the information and we are entitled to know what the recommendation was, are they for or against the increase in salary?

Mr. DIX. Mr. Speaker, I see no necessity for giving out the entire contents of these letters.

Mr. MOUL. Mr. Speaker, the gentleman from Wayne has given out at least some portion of them and therefore we are entitled to know whether or not they were given as being in favor or as being against the increase in salaries.

PARLIAMENTARY INQUIRY.

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Delaware will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, a member of the House having stated a fact which he had received in a confidential communication, is he compelled to disclose the fact of that confidential communication?

The SPEAKER. In answer to the question of parliamentary inquiry he is not compelled to do so.

Mr. TURNER. Mr. Speaker, then it seems to me it is highly unfair to continue this interrogation. Mr Dix has stated that he has communications which he considers confidential. There can be no purpose in disclosing what is in these confidential communications. He has given the

facts. It seems to me in consideration of the Members of the House, this sort of tactics should be discontinued, and Mr. Dix should be allowed to close as quickly as possible.

PARLIAMENTARY INQUIRY

Mr. MOUL. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. MOUL. Mr. Speaker, is it permissible for a member to use anonymous information in an effort to swing votes in this House, to convince us that we should vote for or against the bill? We are being quoted a lot of anonymous information. If we have no names and the gentleman refuses to give them, except No. 1, No 2, No 3, No. 4, No. 5 and so on, if that is to be a part of the record to convince us, is the gentleman permitted to use anonymous information in order to influence our minds as representatives?

The SPEAKER. Each individual Member will determine for himself whether he will permit such information to influence his vote.

Mr. RUSH. Mr. Speaker, I desire to interrogate the gentleman from Wayne, Mr. Dix.

The SPEAKER. Will the gentleman from Wayne, Mr. Dix, permit himself to be interrogated?

Mr. DIX. I shall, Mr. Speaker.

Mr. RUSH. Mr. Speaker, I would like to ask the gentleman from Wayne, Mr. Dix, whether he has received any communication from the city of Chester, Pennsylvania, concerning this bill?

Mr. DIX. I have, Mr. Speaker.

Mr. RUSH. Mr. Speaker, I understood Mr. Dix to say that there is one City in the state of Pennsylvania that approved an increase in wages to the policemen of that city. Was that city the City of Chester, Pennsylvania.

Mr. DIX. Mr. Speaker, that would be violating a confidence again. I think the gentlemen on the other side are more imbused with curiosity than they are with justice

The SPEAKER Will the gentleman please confine his remarks to the bill. The Chair has given him plenty of latitude.

Mr. DIX. I will do that, Mr. Speaker.

Mr. RUSH. Mr. Speaker, I would like to have that information, if the gentleman from Wayne will give it to us.

Mr. TARR. Mr. Speaker, the information which is being given out by the gentleman from Wayne is taken from a questionnaire about satisfaction with wages, and so forth, and does not deal directly with the bill before us. The bill before us is, whether or not we shall vote to set a minimum wage for policemen and set a salary schedule. The only thing in that is whether the policemen are satisfied, which is a statement by the Mayor; also whether they buy uniforms or not. I do not think it has any bearing on the bill, and I think the gentleman is out of order.

Mr. DIX. Mr. Speaker, this is a tax measure as well as a salary grab and the taxpayer will have to foot the bill, and I submit that anything that is pertinent to the salaries of policemen is certainly pertinent to this bill

Mr. RUSH. Mr. Speaker, within the period of the last six weeks the mayor and council of our city have definitely made a statement to the Police Association of the city of Chester that they do favor an increase in wages and it would be provided for in the next budget which is to be set up at the beginning of next year.

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, the gentleman is speaking on the measure and not interrogating.

The SPEAKER. The gentleman asked permission to have the floor and the Speaker granted it—

Mr. DIX. Mr. Speaker, if you will just give me two minutes—

The SPEAKER. Will the gentleman from Wayne yield? The gentleman from Wayne, Mr. Dix had the floor. The gentleman from Delaware, Mr. Rush, asked permission to interrogate the gentleman and then addressed the House. Therefore, the point of order of the gentleman from Delaware is not well taken.

Mr. RUSH. Mr. Speaker, I thought that the gentleman from Wayne was through and I asked permission to make a statement and was granted permission.

The SPEAKER. The gentleman from Wayne has the floor.

Mr. DIX. Mr. Speaker, if those Members of the House on the other side—

The SPEAKER. The gentleman is out of order. The gentleman will have to confine himself to the bill before the House.

Mr. BAKER. Mr. Speaker, I move the previous question. tion.

The motion was seconded by Messrs. Marks, Wright, McDermott, Rausch, Leonard, Finestone, Hering, Hersch, Malloy, Melchiorre, Reynolds, Polaski, Cochran, O'Mullen, Bentzel, Stine, Moul, Gryskewicz, Gallagher, Komorofski, and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—130

Achterman,	French,	Maxwell,	Rooney,
Allmond,	Gallagher,	McClanaghan,	Rose, S.,
Baker,	Gerard,	McDermott,	Rose W E.,
Balthaser,	Goodwin,	McFall,	Rush,
Bentzel,	Gross,	McGrath,	Sarraf,
Boies,	Gryskewicz,	McIntosh,	Scanlon,
Boney,	Habbyshaw,	McLanahan,	Schwab,
Bradley,	Haberlen,	McLane,	Shaffer,
Breth,	Haines,	McSurdy,	Shepard
Brunner, P A	Harkins,	Melchiorre,	Stank,
Burns,	Harmuth,	Mihm,	Stine,
Burris,	Harris,	Modell,	Tarr,
Chervenak,	Heatherington,	Monks,	Tate,
Chudoff,	Hering,	Mooney,	Taylor,
Cochran,	Herman,	Moran,	Thompson, E F.,
Cohen, M M,	Hersch,	Moul,	Thompson, R. L.,
Cohen, R. E.,	Hirsch,	Munley,	Verona,
Cook,	Jefferson,	Nunemacher,	Vincent,
Cooper,	Jones, P. N.,	O'Brien,	Vogt,
Cordier,	Kenehan,	O'Connor,	Voldow,
Corrigan,	Kline,	O'Mullen,	Watkins,
Croop,	Kolankiewicz,	O'Neill,	Weiss,
Cullen,	Komorofski,	Owens,	Welsh, E B.,
Dalrymple,	Lee, T. H.,	Petrosky,	Welsh, M. J.,

Dolon,	Leonard,	Pettit,	Wilkinson,
D'Ortona,	Lesko,	Polaski,	Williams,
Duffy,	Levy,	Polen,	Wolf,
Elliott,	Leydic,	Powers,	Woodside,
Falkenstein,	Lichtenwalter,	Prosen,	Wright,
Finestone,	Longo,	Rausch,	Young,
Finnerty,	Lovett,	Readinger,	Kilroy,
Fleming,	Malloy,	Reese, R. E.,	Speaker.
Flynn,	Marks,	Reynolds,	

NAYS—39

Auker,	Fletcher,	Lyons,	Stambaugh,
Boorse,	Foor,	McClester,	Trout,
Bretherick,	Gates,	McKinney,	Turner,
Dennison,	Gillette,	Muir,	Van Allsburg,
Dix,	Gyger,	O'Dare,	Weingartner,
Early,	Hall,	Rank,	Wood, N.,
Eckels,	Helm,	Riley,	Woodring,
Elder,	Imbrie,	Royer,	Yeakel,
Ely,	James,	Sarge,	Yester,
Fisher,	Leisey,	Snyder,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. RANK filed the following reason for his vote:

My reason for voting against House Bill 986, is that I object to the delegation from Allegheny and Philadelphia Counties telling the Cities of the 3rd Class what they shall pay their police officers. Its our city officials problems and not one of the Legislature. Home rule should apply here.

Mr. WOODRING filed the following reason for his vote:

On Tuesday, April 22, 1941, this House voted upon House Bill 571, Printer's No. 264. At that time I caused reasons to be filed explaining my thoughts concerning the type of legislation now proposed by House Bill 986, Printer's No. 512. Those reasons which appear in the Legislative Journal, page 1597, are equally applicable to the instant Bill. I therefore am compelled to vote in the negative on House Bill 986. I do so with the greatest reluctance, with the utmost sympathy for the policemen's cause, and with the sincere hope that local consideration will be afforded them; or, that a proper Bill, whereby the increases to salaries would be provided by State funds, will be speedily introduced and enacted.

BILL PASSED OVER

There being no objection House Bill No. 139, Printer's No. 514, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1094, entitled:

An Act to protect the public health and safety by requiring registration with and the securing of permits from the State Board of Pharmacy by persons, copartnerships, associations and corporations engaged in the manufacture, producing and dealing in drugs and medical supplies, regulating the manufacture of drugs and medical supplies, prescribing permit, providing for inspections and the suspension and revocation of permits, conferring powers on the State Board of Pharmacy, and courts and providing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. ELLWOOD B. WELSH. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 3, page 4, line 5, by inserting after the word "supplies" the following: "or such other person."

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment.

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1265, as follows:

An Act to amend section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" by changing a certain route

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following route established by section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is hereby amended to read as follows

Section 65 The township roads to be taken over under the provisions of this act in the County of Westmoreland are those situate and described as follows.

* * * * *

Route 64060 Beginning at a county improved road in Waterford and extending in a southerly direction to Willow Grove School thence in a southwesterly direction to the village of Laughlintown on Route 119 [and from Route 119 in a general westerly direction to intersect with Route 64062 thence] thence along and coincident with Route 119 in a general westerly direction to the Hanover Farm School thence intersecting with and coincident with Route 64062 in a general southwesterly direction to a road intersection near Speedwell School thence in a southwesterly direction to the village of Rector thence westerly to and across Route 302 thence in a general northwesterly direction by way of Fairview School to intersection with Route 64075 thence in a general northerly direction down Four Mile Run to the west side of Loyalhanna Creek and thence down said creek to Route 119 at McCane in Westmoreland County a distance of about [13.7] 12.5 miles

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fleming,	Lesko,	Riley,
Allmond,	Fletcher,	Levy,	Rose, S.,
Auker,	Flynn,	Leydic,	Rose, W. E.,
Baker,	French,	Lichtenwalter,	Rosenfeld,
Balthaser,	Gallagher,	Longo,	Royer,
Baugher,	Gates,	Lovett,	Rush,
Bentley,	Gerard,	Lyons,	Sarraf,
Boles,	Gillette,	Malloy,	Scanlon,
Boney,	Goodwin,	Marks,	Schwab,
Bower,	Greenwood,	Maxwell,	Serrill,
Bradley,	Gross,	McClanaghan,	Shaw,
Breth,	Gryskewicz,	McClester,	Shepard,
Bretherick,	Gyger,	McDermott,	Simons,
Brown,	Habbyshaw,	McFall,	Skale,
Brunner, C. H.,	Haberlen,	McGrath,	Snyder,
Brunner, P. A.,	Haines,	McIntosh,	Sollenberger,
Burns,	Hall,	McKinney,	Stambaugh,
Burris,	Hamilton,	McMillen,	Stank,
Cadwalader,	Hare,	McSurdy,	Tarr,
Chervenak,	Harkins,	Melchiorre,	Tate,
Chudoff,	Harmuth,	Mihm,	Taylor,
Cochran,	Harris,	Modell,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Monks,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Mooney,	Trout,
Cook,	Hering,	Moran,	Turner,
Cooper,	Herman,	Moul,	Van Allsburg,
Cordier,	Hersch,	Muir,	Verona,
Corrigan,	Hewitt,	Munley,	Vincent,
Croop,	Hirsch,	Nunemacher,	Voldow,
Cullen,	Holland,	O'Brien,	Voorhees,
Dalrymple,	Huntley,	O'Connor,	Wagner,
Dennison,	Imbrie,	O'Dare,	Watkins,
DiGenova,	James,	O'Mullen,	Weiss,
Dix,	Jefferson,	O'Neill,	Welsh, E. B.,
Dolon,	Jones, G. E.,	Owens,	Welsh, M. J.,
D'Ortona,	Jones, P. N.,	Petrosky,	Williams,
Duffy,	Keenan,	Pettit,	Winner,
Early,	Kenehan,	Polaski,	Wolf,
Eckels,	Kline,	Polen,	Wood, L. H.,
Elder,	Knoble,	Powers,	Wood, N.,
Elliott,	Kolankiewicz,	Prosen,	Woodring,
Ely,	Komorofski,	Rank,	Woodside,
Falkenstein,	Krise,	Rausch,	Wright,
Finestone,	Lee, E. A.,	Readinger,	Yeakel,
Finnerty,	Lee, T. H.,	Reagan,	Yester,
Fisher,	Leisey,	Reese, R. E.,	Young,
Fiss,	Leonard,	Reynolds,	Kilroy,
		Rhea,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE BILL NO. 692 TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 692, together with the message from the Senate, which was laid on the table May 8, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 692.

An Act to amend clauses (k) and (l) and to add clause (n) to section two thousand four hundred two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof; including the board of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the leasing of Indiantown Gap Military Reservation to the United States.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested:

The SPEAKER. The Clerk will read the amendments:

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "amend" the words "clauses (k) and (l) and to add clause (n) to section two thousand four hundred two of"; also on page 2, by inserting after the word "determined" in the third from the last line of the title, the following: "as amended by making further provisions for the granting of easements or rights-of-way upon across over under or along lands and waters of the Commonwealth making further provision for the granting of commissions to certain air pilots authorizing the Pennsylvania Historical Commission to charge certain admission fees conferring power upon the Department of Property and Supplies to control and supervise certain buildings devised to the Commonwealth authorizing the micro filming of records in the various administrative departments boards or commissions and"; also in the next to the last line, by inserting after the word "Reservation" the words "and certain other real estate of the Commonwealth."

Amend Section 1, page 2, line 1, by striking out after the figure "1" the words "Clause (k) of section two thousand four hundred two" and inserting in lieu thereof the words "Section five hundred fourteen"; also on page 3, line 8, by striking out after the word "as" the words "added by the act approved the twenty-first" and inserting in lieu thereof the following:

"last amended by the act approved the twenty-second day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred forty-one) and the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws seven hundred ninety-one) is hereby further amended to read as follows

Section 514. Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Comonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so [to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place upon in or over any dry or

submerged land or bridge of or maintained by the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or if such line is necessary for the service of [persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line] the public and it is necessary or reasonably required to cross the Commonwealth's land to afford such service or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line. Every such license shall be revocable for reasonable cause upon six months' written notice by the Commonwealth and [upon] also after like notice for violation of such [other] proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe when the license issues [and unless] Unless any such line is primarily for the benefit of a State building or State institution the license shall provide for the payment to the Commonwealth of compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

But nothing herein contained shall authorize the Commonwealth to impose and collect from any municipality or township any compensation for a license granted to such municipality or township for the running of a public service line over any such bridge

This section shall be deemed the exclusive system for the granting of licenses consents and permits to place public service lines upon in or over any dry or submerged lands of the Commonwealth In the case of submerged lands such licenses shall be granted only by the Water and Power Resources Board and the permit shall prescribe such terms and conditions as shall be deemed necessary by the board to protect the interests of the public In the case of dry lands licenses shall be issued by the department board or commission having the management of such lands

(b) Any department board or commission having control over lands of the Commonwealth underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonwealth Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

(c) Any department board or commission having control over any water supply serving any State institution or sanitorium may with the approval of the Governor permit and authorize the public authorities of any political subdivision to which no other source of supply is available under suitable regulations to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanitorium and may impose reasonable charges payable periodically by such political subdivision for the water so furnished. All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue

(d) In the event that the facilities of any corporation heretofore created under the act, approved the twenty-ninth day of April one thousand eight hundred seventy-four (Pamphlet Laws seventy-three) section two clause eleven as amended by the act approved the eighth day of May one thousand eight hundred eighty-nine (Pamphlet Laws one hundred thirty-six) are located by virtue of a permanent easement right of way upon across over under or along lands of the Commonwealth which lands were acquired by it subject to such easement or right of way and in the interest of National Defense such corporation consents or is required to remove or dispose of such facilities and abandon such easement or right of way any department board or commission having control over such lands of the Commonwealth may with the approval of the Governor and upon the surrender to the Commonwealth of the easement or right of way pertaining to such facilities grant to such corporation a permanent easement or right of way upon across over under or along other lands of the Commonwealth in the same locality Every such department board or commission is hereby authorized and empowered to execute and deliver and to receive deeds or other legal instruments necessary to effectuate such grant and surrender which deeds or instruments shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

Section 2 Paragraph (j) of section seven hundred one of the said act which was added to said section by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1865) is hereby amended to read as follows:

Section 701 The Governor The Governor shall have the power and it shall be his duty:

* * * * *

(j) To grant to pilots, engaged in [the] aeronautical work [of the Department of Revenue] under the provisions of The Aeronautical Code of May twenty-five one thousand nine hundred thirty-three (P. L. 1001) and its amendments commissions of such grades as the Governor may prescribe

Section 3 Paragraph (f) of section one thousand three hundred nine of the said act is hereby amended to read as follows:

Section 1309 Pennsylvania Historical Commission Subject to any inconsistent provisions of this act contained the Pennsylvania Historical Commission shall have the power:

* * * * *

(f) To assume the preservation care and maintenance of historical buildings grounds monuments or antiquities committed to its custody by the General Assembly and to make and enforce rules and regulations for the visitation of such places by the public and at its discretion to charge admission fees therefor such fees to be paid into the State Treasury through the Department of Revenue and credited to the General Fund.

Section 4 Paragraph (a) of section two thousand four hundred two of the said act as amended by the act approved the sixteenth day of May one thousand nine hundred forty (Act No. 7) is hereby further amended to read as follows paragraph (i) of said section is hereby amended to read as follows paragraph (k) of said section as added by the act approved the twenty-first; also in line 11 by striking out after the syllable "lows" the word "clause" and inserting in lieu thereof the word "paragraph"; also in line 15, by striking out after the word "new" the word "clause" and inserting in lieu thereof the word "paragraph"; also by inserting after the word "be" the following:

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol Building and the public grounds and buildings connected with the State Capitol including the State Arsenal any building or buildings that may have been devised or may hereafter be devised to the Commonwealth within the City of Harrisburg the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and the Executive Mansion and to make or supervise the making of all repairs alterations and improvements in and about such grounds and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided.

* * * * *

(i) To rent to individuals, firms, or corporations or the Government of the United States or any branch or agency thereof such real estate owned by the Common-

wealth as is not being used in connection with the work of any department board or commission thereof upon such terms and conditions as the Secretary of Property and Supplies may prescribe with the approved of the Governor in writing Provided however That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year; also on page 4, line 8, by inserting after the word "writing" the following:

Section 5 Article five of the said act is hereby amended by adding at the end thereof a new section to be known as section five hundred twenty-five and to read as follows:

Section 525 Any administrative department board or commission may with the approval of the Executive Board have micro film records made of any correspondence records or other papers for the purpose of protecting and safeguarding the original correspondence records or other papers or for the purpose of conserving filing space and such micro film reproduction shall when properly identified be admitted in evidence in any proceedings in place of the original correspondence records or other papers.

Section 6 All acts or parts of acts inconsistent herewith are hereby repealed

Amend Section 2, page 4, line 9, by striking out after the word "Section" the figure "2" and inserting in lieu thereof the figure "7."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 7, 1941.

Resolved (if the Senate concur), that House Bill No. 666, Printer's No. 208, entitled "An act to amend section one of the act approved the twenty-sixth day of August A D one thousand nine hundred thirty-two (Pamphlet Laws 101) entitled 'An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments' by including counties," be recalled from the Governor for the purpose of amendment.

HOUSE BILL NO. 524 TAKEN FROM TABLE

Mr. CULLEN. Mr. Speaker, I move that House Bill No. 524, Printer's No. 130, together with the communication from the Governor, which was laid on the table, May 6, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 524

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 524, Printer's No. 130, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. CULLEN. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. MODELL. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Cullen vote on the final passage of this bill?

Mr. CULLEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia Mr. Modell vote on the final passage of this bill?

Mr. MODELL. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. MODELL. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. CULLEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 7 of the title, by inserting after the word "Commonwealth'" and before the word "prohibiting" the word: "by."

Amend page 1, line 7 of the title, by inserting at the end of the line the word: "purchase."

Amend page 1, line 8 of the title, by inserting after the word "sale" and before the word "of" the following: "or exposure for sale."

Amend section 1 (section 210), page 2 line 8 by inserting after the word "sale" and before the word "any" the following: "(a)."

Amend section 1 (section 210), page 2, line 9 by inserting after the word "trout" and before the word "any" the following: "caught in waters wholly within this Commonwealth "(b)."

Amend section 1 (section 210), page 2, line 10 by striking out at the end of the line, with boldface brackets, the following: "[or striped bass or rock fish un-]".

Amend section 1 (section 210), page 2, line 11, by striking out at the beginning of the line, with boldface brackets, the following: "[der eighteen (18) inches in length]".

Amend section 1 (section 210) page 2, by striking out, with boldface brackets, line 13.

Amend section 1 (section 210), page 2, line 14, by striking out at the beginning of the line, with boldface brackets, the following: "[in length]".

Amend section 1 (section 210), page 2, line 15, by inserting after the word "otherwise" and before the word "No" the following: "or (c) any striped bass or rock fish under eighteen (18) inches in length caught in waters wholly within this Commonwealth or any striped bass or rock fish under eighteen (18) inches in length caught in waters without this Commonwealth and received in interstate commerce or otherwise".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

REPORTS FROM COMMITTEES

Mr. MODELL, from the Committee on Cities-First Class, reported as committed, House Bill No. 1588, entitled:

An Act to amend and reenact section five hundred and twenty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the methods of collecting such revenue and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith." as amended, by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class; and prescribing the method of fixing the levy of school taxes in such districts.

Mr. VOLDOW, from the Committee on Judiciary General, reported as committed, House Bill No. 1444 (Senate Bill No. 315), entitled:

An Act to further amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties.

Mr. HOLLAND, from the Committee on Public Utilities, reported as amended, House Bill No. 1450, entitled:

An Act requiring public utilities engaged in the transportation of passengers for hire in this Commonwealth, to charge only half-fare for all school children transported by such companies; imposing duties on the heads of certain schools in this Commonwealth; and imposing penalties.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 528.

Making a deficiency appropriation to aid certain school districts

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS INTRODUCED AND REFERRED

By Messrs. O'NEILL and MUNLEY.

HOUSE BILL No. 1589.

An Act to further amend subsection (a) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estate of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," limiting the right of the Department of Public Assistance to recover moneys expended for direct assistance, and setting aside pending actions and judgments therefor.

Referred to the Committee on Welfare.

By Mr. MELCHIORRE. HOUSE BILL No. 1590.

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum, Philadelphia.

Referred to the Committee on Appropriations.

By Messrs. HERMAN and YOUNG.

HOUSE BILL No. 1591.

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia.

Referred to the Committee on Appropriations.

REPORT FROM SLATE COMMITTEE

Mr LOVETT offered a privilege resolution which was read, considered and adopted as follows:

In the House of Representatives, May 13, 1941.

Resolved that Charles Wadowsky, 931 North 6th Street, Philadelphia be appointed as clerk to committee as of May 14th, 1941 in place of Anthony A. Camarese, resigned.

CONGRATULATORY RESOLUTION

Mr. DALRYMPLE offered a privileged resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, May 13, 1941.

Whereas, Three score years are generally more than are allotted the average mortal, and

Whereas, A veteran member of this House has now attained his sixty-eighth birthday, and

Whereas, The said member of the House has during the terms he served in the Legislature ably represented his constituents and his party, and

Whereas, It is fitting that the House of Representatives pay homage to one of its members, who, though sixty-eight years of age is still youthful in spirit, verve and statesmanship, therefore be it

Resolved, That the House of Representatives hereby felicitates the Honorable John E. Van Allsburg on this his sixty-eighth birthday and wishes him many many more happy returns of the day.

The SPEAKER. The Chair congratulates the gentleman from Erie, Mr. VanAllsburg.

The Chair recognizes the gentleman from Erie Mr. VanAllsburg.

Mr. Van Allsburg. Thank you, Mr. Speaker.

COMMITTEE MEETINGS

Appropriations, Wednesday, May 14 at 8 a. m. in Room 327.

Banking, Wednesday, May 14 at 9 a. m. in Room 330

Boroughs, Wednesday, May 14 at 10:30 a. m. in Room 330.

Constitutional Amendments, Wednesday, May 14, at 10:30 a. m. in Room 325.

Counties, Wednesday, May 14 at 11:30 a. m. in Room 521.

Education, Wednesday, May 14 at 10 a. m. in Room 326.

Fisheries, Wednesday, May 14 at 10:30 a. m. in Room 324.

Highways, Wednesday, May 14 at 9 a. m. in Room 324.

Labor, Wednesday, May 14 at 10 a. m. in Room 522.

Public Health and Sanitation, Wednesday, May 14 at 11:30 a. m. in Room 326.

Townships, Wednesday, May 14 at 10 a. m. in Room 329.

Welfare, Wednesday, May 14 immediately after the session in Room 246.

PUBLIC HEARINGS

There will be a Public Hearing before the Committee on Workmen's Compensation on House Bills Nos. 990 and 1002 on Tuesday, May 13, 1941 at 6:00 p. m., E.S.T., in the New House Caucus Room—Main Floor.

There will be a Public Hearing before the Committee on Judiciary Special on House Bill No. 365, Printer's No. 495, on Wednesday, May 14, 1941 at 7:00 p. m., E.S.T., in the New House Caucus Room—Main Floor.

The Public Hearing before the Committee on Professional Licensure on House Bill No. 1118, will be held on Tuesday, May 13, 1941 at 7:00 p. m., E.S.T. in the Hall of the House.

ADJOURNMENT

Mr. GROSS. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 14, 1941, at 12 m.

The motion was agreed to, and (at 4:05 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., WEDNESDAY, MAY 14, 1941. No. 53,

SENATE

WEDNESDAY, May 14, 1941.

The Senate met at 1:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

For Thy protection during the hours of rest and sleep for the replenishing of our physical strength, we are truly grateful, our Heavenly Father, and we pray Thy continued providential care over us throughout the day.

As Thy children seeking their Father's will it is expedient and necessary that we be found in prayer and that our thoughts be turned Heavenward for these brief moment. May our prayer never cease to ascend unto Thee just as Thy blessings never cease to descend upon us.

We have a goodly heritage and our lines have fallen in pleasant places. Accept both our profound gratitude and thanksgiving as well as our humble petitions for Divine Guidance this day. For Thy name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HOMSHER and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 14, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

FAYETTE COUNTY

D. W. Smiley, Uniontown, May 19, 1941.

GREENE COUNTY

Eli Cole, Waynesburg, May 19, 1941.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Frank P. Duschek, 523 Wabash Bldg., Pittsburgh.

DAUPHIN COUNTY

Walter S. Marcus, Harrisburg.

ELK COUNTY

Miss Theckla Steinhauser, St. Marys.

FAYETTE COUNTY

Miss Rosemarie Burns, South Connellsville.

LANCASTER COUNTY

Mrs. Helena W. Hall, Lancaster.

PHILADELPHIA COUNTY

James F. Giltrap, Jr., 700 Keystone Bldg., Philadelphia.

WASHINGTON COUNTY

Miss Florence E. Charlier, McDonald.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Chapman,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Mundy,	Tyler,
Cox,	Heyburn,	Reed,	Wade,
Crider,	Homsher,	Ruth,	Walker,
Crowe,	James,	Scarlett,	Watkins,
Deitrick,	Jaspan,	Snowden,	Wilson, H. I.,
DiSilvestro,	Kephart,	Stevenson,	Wilson, T. B.,
Ealy,	Letzler,	Stiefel,	Woodward,
Edmonds,	Mallery,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL No. 295

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 295, entitled:

An Act to amend sections seven and eight of the act approved the twelfth day of June, one thousand eight hundred and seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," requiring the publication of advance sheets of such reports, requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein; and further regulating the basis upon which bids shall be submitted and the provisions of the contract for publication of such reports and advance sheets

with the information that the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 295, entitled:

An Act to amend sections seven and eight of the act approved the twelfth day of June, one thousand eight hundred and seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," requiring the publication of advance sheets of such reports, requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein; and further regulating the basis upon which bids shall be submitted and the provisions of the contract for publication of such reports and advance sheets.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 801, (Senate Bill No. 875), entitled:

An Act to further amend section nine of the act, approved the eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three (P. L. 503), entitled "An act relating to the sale and conveyance of real estate," by including spendthrift trusts in the provision accelerating vested remainders in certain cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 986, (Senate Bill No. 876), entitled:

An Act to amend section two thousand one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," by fixing the minimum compensation for patrolmen in such cities.

Which was committed to the Committee on Municipal Government.

House Bill No. 1156, (Senate Bill No. 877), entitled:

An Act to add section one thousand six hundred and seven and one-tenth to article sixteen of the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," requiring teaching in the public schools of principles of democratic government and patriotism and imposing certain duties on the Superintendent of Public Instruction.

Which was committed to the Committee on Education.

House Bill No. 1265, (Senate Bill No. 878), entitled:

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law," by changing a certain route.

Which was committed to the Committee on Highways.

House Bill No. 1413, (Senate Bill No. 879), entitled:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania, after the use of any highway as a detour has been discontinued, to restore promptly such highway to substantially the same condition as it was prior to its use as a detour.

Which was committed to the Committee on Highways.

House Bill No. 1427, (Senate Bill No. 880), entitled:

An Act requiring lock-up to be attended at all times, except when entirely unoccupied, and imposing liabilities.

Which was committed to the Committee on County Government.

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 692

He also informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 692, entitled:

An Act to amend clauses (k) and (l), and to add clause (n) to section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," authorizing the leasing of Indiantown Gap Military Reservation to the United States.

MOTION TO LAY ON TABLE

Mr. EALY. Mr. President, I move that the message be laid on the table.

Mr. THOMAS B. WILSON. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. LETZLER, from the Committee on Highways, reported as committed, Senate Bill No. 454, (House Bill No. 107), entitled:

An Act to amend section eleven of the act, approved the twenty-seventh day of April 1927 (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired.

Mr. CARR, from the Committee on Federal Relations, reported as committed, Senate Bill No. 807, entitled:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting the imposition of conditions upon grants of moneys and the invasion of state rights.

He also, from the Committee on Federal Relations reported as committed, Senate Bill No. 451, entitled:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States, prohibiting taxation of bonds and securities of States, their instrumentalities or political subdivisions and the income therefrom, without the consent of the State.

Mr. EDMONDS, from the Committee on Education, reported as committed, Senate Bill No. 740, entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions, and imposing certain duties upon the juvenile court.

Mr. TAYLOR, from the Committee on Highways, reported as committed, Senate Bill No. 419, entitled:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg, in the county of Dauphin, and the borough of New Hope, in the county of Bucks.

BILLS RE-REFERRED

Mr. WATKINS, from the Committee on Federal Relations, reported as committed, Senate Bill No. 835, (House Bill No. 1435), entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national-defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national-defense activities.

with the request that it be re-referred to the Committee on Banking.

He also, from the Committee on Federal Relations, reported as committed, Senate Bill No. 836, (House Bill No. 1438), entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

with the request that it be re-referred to the Committee on Banking.

He also, from the Committee on Federal Relations, reported as committed, Senate Bill No. 837, (House Bill No. 1439), entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto.

with the request that it be referred to the Committee on Banking.

Mr. McQUIDDY, from the Committee on Highways, reported as amended, Senate Bill No. 344, entitled:

An Act to amend further section five of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads, highways, and bridges," as amended, by making the maximum width of a public road two hundred feet.

Mr. KEPHART, from the Committee on Highways, reported as amended, Senate Bill No. 303, entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways.

He also, from the Committee on Forests and Waters, Game and Fish reported as amended Senate Bill No. 650, (House Bill No. 1022), entitled:

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in

certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from rabies, and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties," permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of non-resident hunting licenses, without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania.

Mr. RUTH, from the Committee on Education reported as amended, Senate Bill No. 693, (House Bill No. 1173, entitled:

An Act to further amend the fourth paragraph of section five hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any part thereof, that are or may be inconsistent therewith," allowing further deductions from gross indebtedness in order to determine indebtedness of any school district.

He also, from the Committee on Education reported as amended, Senate Bill No. 724, entitled:

An Act to amend section four hundred one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the length of the terms and the method of appointing and removing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

Mr. MUNDY, from the Committee on Highways reported as committed, Senate Bill No. 576, entitled:

An Act to amend the clause defining Motor Vehicles of section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refund," by including trackless trolley omnibuses within the definition of Motor Vehicles.

Mr. HALUSKA, from the Committee on Education reported as amended, Senate Bill No. 522, entitled:

An Act to amend the title and further amend the act, approved the third day of May, one thousand nine hundred thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by conferring all powers and duties of the Department of Public Instruction upon the Board of Examiners for Beauty Culture Registrations; eliminating apprentices, and setting-up classification of junior operators; further regulating operators, junior operators and beauty parlors; setting-up new period for expiration of certificates issued by boards; and imposing penalties.

with the understanding after further amendments are inserted it will be recommitted after second reading.

Mr. SCARLETT, from the Committee on County Government, reported as committed, Senate Bill No. 655, entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 496, (House Bill No. 609), entitled:

An Act to amend section four hundred thirty-eight of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto changing the qualifications of historical societies to receive county appropriations.

Mr. JAMES, from the Committee on Forests and Waters, Game and Fish, reported as amended, Senate Bill No. 629, (House Bill No. 764), entitled:

An Act to add section nine hundred thirty-eight to the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for the establishment regulation and use of special dog training areas

Mr. THOMAS, from the Committees on Highways, reported as committed, Senate Bill No. 465, entitled:

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages.

REPORT FROM COMMITTEE

Mr. SCARLETT. Mr. President, I ask unanimous consent to make report from the committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

RESOLUTION REQUESTING CERTAIN PERSONNEL INFORMATION OF THE SECRETARY OF HEALTH

Mr. SCARLETT, from the Committee on County Government, to which was referred resolution offered by Messrs. WADE and TAYLOR on May 5, 1941, reported the same without amendment as follows:

In the Senate, May 5, 1941.

Whereas, The administration of various social security laws within the Commonwealth in which the Federal government assumes a portion of the cost, has resulted in the practice of having the names of employes appear on both State and Federal payrolls; and

Whereas, Employes who heretofore received a good wage from the Commonwealth for their entire employable time have now had their compensation materially increased, and render no additional service for such increase; and

Whereas, The receipt of payment for services from two employers results in a divided allegiance and is contrary to the age-old biblical admonition to the effect that "man cannot serve two masters"; and

Whereas, This Senate should have full knowledge of the extent to which such practice has developed so that a study can be made of the actual appropriations necessary for administrative purposes; therefore be it

Resolved, That the Secretary of the Senate is hereby instructed to request the Secretary of the Department of Health to forthwith furnish to the Senate the following information:

1. Total number of employes in the Department of Health.

2. Total number of employes in the Department of Health who receive compensation only from the Commonwealth.

3. Total number of employes in the Department of Health who receive compensation only from the Federal Government together with their names and addresses, the date of their appointment and the amount of salary received by each.

4. Total number of employes in the Department of Health who receive compensation from the Commonwealth and from the Federal Government together with their names and addresses, the date of their appointment, the date of the commencement of dual payments of compensation and the amount received from each the Commonwealth and the Federal Government.

Resolution will lay over one day.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 881, entitled:

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," authorizing the making of contracts for hospitalization; and extending the provisions of the act to vocational school districts and institution districts.

Which was committed to the Committee on Insurance.

He also read in his place and presented to the Chair Senate Bill No. 882, entitled:

A Joint Resolution proposing an amendment to article five of the Constitution of the Commonwealth of Pennsylvania, by adding thereto, section twenty-eight, providing for one general court of common pleas.

Which was committed to the Committee on Constitutional Changes.

Messrs. HEYBURN and CROWE read in their places and presented to the Chair Senate Bill No. 883, entitled:

An Act to enlarge the powers of the Navigation Commission for the Delaware River and its navigable tributaries with respect to the maintenance, operation and financing of a nautical school for the Commonwealth of Pennsylvania.

Which was committed to the Committee on State Government.

Mr. THOMAS B. WILSON read in his place and presented to the Chair Senate Bill No. 884, entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one.

Which was committed to the Committee on Appropriations.

Mr. KEPHART read in his place and presented to the Chair, Senate Bill No. 885, entitled:

An Act to amend article seven by adding thereto section seven hundred and eight of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations, defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders, prescribing the conditions on which such corporations may exercise their powers, providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers, authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for the cancellation of shares acquired by corporations.

Which was committed to the Committee on Corporations.

Mr. LETZLER read in his place and presented to the Chair, Senate Bill No. 886, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to

and remaining unpaid on May thirty-first, one thousand nine hundred forty-one.

Which was committed to the Committee on Appropriations.

Mr. CARR read in his place and presented to the Chair, Senate Bill No. 887, entitled:

An Act authorizing cities, boroughs, incorported towns and townships to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims, and providing for the extension thereof.

Which was committed to the Committee on Municipal Government.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 888, entitled:

An Act abolishing Court of Common Pleas Number Seven of Philadelphia County.

Which was committed to the Committee on Municipal Government.

PERMISSION TO ADDRESS SENATE

Mr. EALY. Mr. President, I ask permission to address the Senate.

The PRESIDENT. If there is no objection the gentleman from Somerset will proceed.

Mr. EALY. Mr. President, inquiry has been made by some of the members of the Senate as to whether or not the Senate would sit four days next week. We feel our Thursday sessions should now begin and I believe the Senators should arrange to stay here Thursday of next week.

RECESS

Mr. WALKER. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. WALKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER. Senate Resolution No. 20, which was cosponsored by the gentlemen from Philadelphia, Senator DiSilvestro and Senator Jaspan, was introduced in the Senate February 4, 1941, and was referred to the Committee on Judiciary General. As the history of the Senate shows, there was a sub-committee appointed and that subcommittee of the Committee on Judiciary General has made report to the committee as a whole and I am instructed at this time to read to the Senate the report of the sub-committee on that resolution, which is as follows:

"TO THE JUDICIARY GENERAL COMMITTEE OF THE SENATE OF THE COMMONWEALTH OF PENNSYLVANIA

"The sub-committee appointed to study and consider the Jaspan-DiSilvestro Resolution reports as follows:

"That it has met at various times and has carefully considered the resolution, and has heard the sponsors of it.

The sub-committee finds:

1. "That the sponsors of the resolution in appearing before your sub-committee brought out that they were unable, under the terms of the resolution, to force the appearance of witnesses on their behalf by subpoena or otherwise.

2. "That no persons, other than the sponsors of the resolution, did appear before the sub-committee.

3. "That the matter heard by the committee indicated fault-finding by the sponsors of the resolution against boxing in general.

4. "That no testimony or other matter was produced before your sub-committee to substantiate the charges contained in the resolution.

"Wherefore, the sub-committee respectfully recommends that the Committee on Judiciary General indefinitely postpone the said Resolution."

I might state, Mr. President, this sub-committee report is signed by all the members of the sub-committee and was unanimously approved by the Judiciary General Committee. This report is made to advise the members of the Senate that Senate Resolution No. 20 has been indefinitely postponed.

Mr. JASPAN. Mr. President, when Senator DiSilvestro and I introduced Senate Resolution Serial No. 20, we did so because, upon information we deemed reliable and from observation, we were firmly convinced that the boxing and wrestling sports in Pennsylvania needed thorough investigation and their regulation required substantial revision.

In the interest of these sports and of the millions of citizens who derive enjoyment and benefit from them, we brought into the open on the floor of this Chamber certain charges, which we hoped would be the spearhead of an intensive and thorough investigation into the entire situation.

At that time, as the members of this Chamber will recall, the Louis-Dorazio bout had not been held. We made certain charges in connection with that prospective fiasco. The results spoke for themselves.

Other charges were set forth in the resolution. All of them emanated from sources we considered reliable or observations we deemed accurate. Nothing has occurred to alter our opinions then expressed.

However, subsequent events have convinced us that this matter cannot be adequately handled by mere resolution. For example, it is now apparent that the power of subpoena over witnesses would be essential to the conduct of such an investigation. In addition, nothing could be accomplished without a substantial appropriation which of course would require concurrence of the House of Representatives. Promoters, fighters, gamblers, and others throughout the country would be involved. Individuals residing thousands of miles from the city would have to be

interviewed. A haphazard or casual investigation would probably do more harm than good.

We recognize that there are now before this body questions of transcending importance to the people of Pennsylvania—indeed, to the entire nation. They demand our diligent and individual attention. We fear that in the light of the urgency of these questions, and in view of the fact that we are already in the month of May, time is too short to undertake the intensive and thorough-going investigation which the importance of the subjects covered by Resolution No. 20 warrants.

Under these circumstances we do not desire to stand in the way of our colleagues in connection with the pending executive nominations of members of the Boxing Commission, and accordingly we release them to vote as they may see fit in this connection.

However, we serve notice upon all parties connected with the boxing and wrestling sports—whether as promoters, as participants in regulatory capacity, or in any other role—that we shall keep careful and ceaseless watch upon the conduct of these sports. If, as we hope, the searchlight of publicity which this resolution has focused upon the conduct of these sports in Pennsylvania serves to inspire those in control to put their own houses in order, no one will be more pleased than we.

We seek no victim. We are after no one's scalp. We are impelled solely by an overwhelming desire that the sports be conducted upon a lofty basis and be regulated in a manner which serves the interest, not of any small group, and certainly not of any of the sinister elements which like leeches attach themselves to these sports but rather in the interests of all of the people of Pennsylvania.

Accordingly, we now announce formally that when this body next convenes and at the very outset of the session—be it Regular or Special—we intend to rise and summarize the events which have transpired in connection with these sports between this time and that. If substantial steps have been taken to improve the situation and real progress has been made, we shall be the first to commend those responsible. However, if the reverse is true, the investigation which shortness of time now prevents will proceed vigorously and fearlessly. In that circumstance, we shall ask the House to concur with us in providing for a joint Legislative investigation in which the investigators will be granted the widest latitudes, including the power of subpoena, and will have at their command an adequate appropriation to support an intensive and courageous investigation.

If, in the meantime, some flagrant violation is committed, we shall immediately seek a Grand Jury investigation or request the Attorney-General's office to take the initiative in tracking down the sinister elements that are ruining the good name of boxing and wrestling.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 364

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 364, entitled:

An Act to amend the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 786), entitled, as amended 'The Workmen's Compensation of 1915'." amplifying the provisions thereof as to persons entitled to such payments.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 610

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 610, entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act, approved the twenty-third of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," changing the qualifications of historical societies to receive appropriations.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1021

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1021, entitled:

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 364, entitled:

An Act to amend the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 786), entitled, as amended 'The Workmen's Compensation Act of 1915'." amplifying the provisions thereof as to the persons entitled to such payments.

House Bill No. 610, entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act, approved the twenty-third of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," changing the qualifications of historical societies to receive appropriations.

House Bill No. 1021, entitled:

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district.

House Bill No. 1087, entitled:

An Act to amend Clause (2) of Section 3 of the act approved the sixteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1784), entitled "Newspaper Advertising Act," by changing the definition of daily newspaper.

House Bill No. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three (P. L. 1449), entitled "Allegheny County Juvenile Court Law," to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

APPOINTMENT AS JUSTICE OF PEACE IN LUZERNE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 30, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John B. Chesnovitch, 158 East Grove Street, Edwardsville, (Kingston P. O.) Luzerne County, for appointment as Justice of the Peace in and for the Borough of Edwardsville, Luzerne County, until the first Monday in January, 1942, vice George Chesnovitch, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF THADDEUS STEVENS INDUSTRIAL SCHOOL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Elizabeth D. Stine, 580 School Lane, Lancaster, Lancaster County, for appointment as a member of the Board of Trustees of Thaddeus Stevens Industrial School, for the term of four years and until her successor is qualified, to fill a vacancy.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF PENNSYLVANIA INDUSTRIAL SCHOOL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate D. Emmert Brumbaugh, Claysburg, Blair County, for appointment as a member of the Board of Trustees of Pennsylvania Industrial School, for the term of four years and until his successor is qualified, to fill a vacancy.

ARTHUR H. JAMES.

MOTION TO SUSPEND RULE 38 SUSPENDED

By unanimous consent,

A motion was made by Mr. JAMES and Mr. GELTZ

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. GELTZ

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. JAMES, from the Committee on Executive Nominations, also reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

APPOINTMENT AS MEMBERS OF THE STATE ATHLETIC COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 24, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for reappointment as members of the State Athletic Commission, for terms of two years and until their successors are appointed and qualified:

PHILADELPHIA COUNTY

Leon L. Rains, Rittenhouse Plaza, Philadelphia.

ALLEGHENY COUNTY

Harvey J. Boyle, 3 Wynoka Street, Pittsburgh.

LYCOMING COUNTY

George J. Jones, Williamsport.

ARTHUR H. JAMES.

On the question,

Will the Senate advise and consent to the nominations?

Mr. HALUSKA. Mr. President and members of the Senate, you will recall, several months ago I happened to be a guest of my good friends, Senators Jaspan and DiSilvestro, and attended a so-called fight staged by the Pennsylvania Boxing Commission, held between Joe Louis and Gus Dorazio. I went down to that fight in good faith and thought I might enjoy the evening, and you all recall when I returned I gave you my version of that fight, I gave you my honest opinion as to how I felt. There was no malice in my heart towards the boxing commission, the promoters or even the boxers. However, unfortunately, I noticed by the press the following day that Commissioner Rains, one of the men whom we are called upon to confirm, took it upon himself to make a blast; he stated I had made those remarks upon the floor of this Senate because I failed to obtain free tickets for the fight. Mr. President and members of the Senate, I never asked for a free ticket to any fight in my life. True enough, I did not pay for this ticket; my friend Senator Jaspan, paid for the ticket in my presence.

The gentleman further quoted that my mind was made up when I went down to Philadelphia, that I had my mind made up to one of three ways—imagine that—first, if Louis knocked out Dorazio in the first round, I was going to say it was a set-up; second, if the fight went four or five rounds I was going to say Louis was carrying Dorazio; and, third, if it went ten rounds or more I was going to say Louis was slipping. Now, Mr. President, imagine those words coming from a Boxing Commissioner of this Commonwealth.

However, Mr. President, it is not my intention to prolong the confirmation of these men. I only wish to approve and show that we in the Senate are real sportsmen and I am going to vote for Leon Rains because I think he should be pitied more than censured.

Mr. BARR. Mr. President, I know little or nothing about the trouble in Philadelphia in connection with that episode but I know in Western Pennsylvania in Harvey Boyle, of the opposite political party, we have a very fine Boxing Commissioner.

Mr. DiSILVESTRO. Mr President, I intend to vote in favor of the confirmation of Leon Rains because I believe in giving a man another chance. I feel we have shaken the fans to a point where they will watch them and I know the members of the Senate and House of Pennsylvania will keep a pretty good eye on the Athletic Commission. The man is sixty-seven years of age and I do not think we should withhold confirmation because of what has happened. I say let us give him another chance. I am going to vote in favor of the confirmation of Leon Rains as a member of the Boxing Commission.

And the question recurring,

Will the Senate advise and consent to the nominations to the State Boxing Commission?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATIONS RECALLED BY THE GOVERNOR

Mr. JAMES. On behalf of the Committee of Executive Nominations, I am instructed to return the following nominations by the Governor, with the recommendations that the Senate advise and consent to returning the nominations to the Governor as requested.

Mr. EALY. I second the motion, Mr. President.

The motion was agreed to.

RETURNING NOMINATION FOR APPOINTMENT OF RICHARD WEGLEIN, DECEASED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made to your Honorable Body on January 7, 1941, for the appointment of Richard Weglein, Philadelphia, as a member of The Delaware River Joint Commission, Mr. Weglein now being deceased.

ARTHUR H. JAMES.

RETURNING NOMINATION FOR APPOINTMENT OF THOMAS DICKEY, DECEASED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made to your Honorable Body on January 7, 1941, for the appointment of Thomas W. Dickey, New Castle, as a member of the Board of Trustees of Slippery Rock State Teachers College, Judge Dickey now being deceased.

ARTHUR H. JAMES.

Will the Senate advise and consent to returning the nominations to the Governor?

It was agreed to.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. COX. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Allegheny will state his question of personal privilege.

Mr. COX. Mr. President and members of the Senate, I am very happy and very proud at this time to welcome to the Senate Chamber, Professor Dana Peterson and the social study class of the Mt. Lebanon High School. These young men and these young women are tremendously interested in the government of their great country and they have come over two hundred miles to have a visual exhibition of how government works. During the day they have had an audience with the Governor and they have been introduced in the House. Mr. President, I congratulate them on their American spirit.

HOUSE MESSAGE

HOUSE NON-CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 481

The Clerk of the House of Representatives being introduced, informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 481, entitled:

An Act to amend section eighteen of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "Milk Sanitation Law" requiring local ordinances in certain cases to conform to this act and the regulations made thereunder.

MOTION THAT THE SENATE INSISTS UPON ITS AMENDMENTS TO THE FOREGOING BILL

Mr. KEPHART. Mr. President, I move that the Senate insist upon its amendments non-concurred in by the House.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. KEPHART. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KEPHART from the Committee on Public Utilities reported as committed Senate Bill No. 789, entitled:

An Act to amend section eleven of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by expressly providing for administration of the Public Utility Law of June first, one thousand nine hundred and thirty-seven (P. L. 1053), by the Public Utility Commission; and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health.

He also, from the Committee on Public Utilities reported as amended, Senate Bill No. 787, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alternation, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle"; giving the commission additional authority over the alteration, relocation or abolition of crossings; further regulating the right to render scervice as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers, by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON., from the Committee on Public Utilities, reported as committed, Senate Bill No. 788, entitled:

An Act to amend sections one and two of the act, approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereofffi and providing for the suspension of the registration of any motor vehicle, or of the operator's license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public service company law; authorizing the rescission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle.

Mr. GELTZ. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ, from the Committee on Public Utilities, reported as committed, Senate Bill No. 782, entitled:

An Act to further amend subsections (a), (b) and (c), of section one thousand two hundred and one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings; and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," further providing for assessment of regulatory expenses upon public utilities.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 402, (House Bill No. 376), entitled:

An Act to amend section eight hundred sixty-five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser and the disguising and camouflaging of equipment used for marketing liquid fuels, lubricating oils and similar products.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Letzler,	Tallman,
Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McGinnis,	Thomas,
Carr,	Farrell,	McQuiddy,	Tyler,
Cavalcante,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,

NAYS—4

DiSilvestro,	Jaspan,	Shapiro,	Stiefel,

PRESENT—1

McCreesh.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 86, as follows:

An Act requiring the court in imposing sentence to include in such sentence the costs of keeping the person in the institution to which he is sentenced for the term as fixed by the court providing such person is or shall become during such term financially able to pay for the same

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The court in imposing sentence upon any person to serve time in any penal institution within this Commonwealth shall provide in such sentence that the person shall or shall not defray the costs in whole or in part to the county or Commonwealth liable for the costs of

the operation of the penal institution to which such person is sentenced The court in making its determination as to the imposiion of the costs of maintaining the person in the institution shall inquire as to the financial status of each person to be sentenced and if upon inquiry it appears that the person is financially able to pay for the costs incurred in keeping him in the institution during the term for which he is sentenced it shall impose the costs in whole or in part upon such person as part of the sentence

Section 2 The court in any case in which it did not impose the cost of keeping such person in the penal institution to which he was sentenced shall impose such costs when it has been brought to the attention of the court that such person is able to pay in whole or in part and the sentence shall be so changed accordingly

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Tallman,
Carr	Farrell,	McGinnis,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James.	Scarlett,	Wilson, H. I.,
Deitrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 141, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

And said bill having been read at length the third time

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. THOMAS B. WILSON. Mr. President, with the consent of the sponsor, in order that this bill may be in proper form and so that the Senate will not be at least guilty of passing legislation which is of no effect, I ask unanimous consent to present an amendment which is merely a strike-out amendment; it merely strikes out the word "murder"; under the laws of Pennsylvania a provision so that murder is not under the jurisdiction of the Juvenile Court. Therefore, Mr. President, I am asking permission to introduce this strike out amendment, which will allow the bill to be voted on now.

The Clerk read the amendment as follows: Amend Sec. 1, page 1, line 5, by striking out after the word "treason" the following: "murder".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. President, can we not vote on the bill now? It is only a strike-out amendment.

The PRESIDENT. It must be printed again.

Mr. THOMAS B. WILSON. The Chair is, of course, a much better authority than I am, but it has been my understanding, Mr. President, that in offering a strike out amendment we comply with the provisions of the Constitution, because the bill is still on the desks of the members of the Senate.

Mr. EALY. Mr. President, it has been the practice in the past to permit an immediate vote on bills of this character, but in my opinion that is bad precedent and unless there is some very urgent reason for voting on the bill at this time, it would be better to allow the bill to go over until Monday.

Mr. THOMAS B. WILSON. Mr. President, I yield to the wishes and the suggestion of both the President of this Senate and the President Pro Tempore, but I do not recind from my position it is perfectly good practice. In a strike out amendment the constitutional provision is complied with, the members having copies of the bill on their desks. The amendment merely strikes out the word "murder" and it is my opinion we comply with the provisions of the Constitution. However, Mr. President, I am glad to have the bill go over.

The PRESIDENT. The Chair has no interest in the bill; his function is to preside here and enforce the rules which were adopted at the beginning of this Session. Rule No. 17 precludes immediate consideration; at the same time the Chair is of the opinion that by obtaining unanimous consent a vote could be taken at this time.

Mr. THOMAS B. WILSON. Mr. President, I think the Chair is right and probably the better practice would be to put the bill over.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 316 on third reading, entitled:

An Act to amend clause (b) of section five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance, providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance, pensions for the blind, old

age assistance, and the State Emergency Relief Board," by providing that the judge of the court of common pleas, the president of the board of county commissioners, and the coroner shall constitute the county board of assistance in certain cases.

go over in its order.

The PRESIDENT. It there objection?

Mr. MUNDY. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. MUNDY. Mr. President, this bill has been put over at least three or four times now and it has been in committee and as I understand it this bill is presented to correct a situation in the district of the genleman from Northumberland, Dr. Deitrick. May I ask the gentleman from Allegheny the reason this bill is constantly being put over in its order.

Mr. GELTZ. Mr. President, this bill is being put over in its order because we want it put over, and that is with the consent of the gentleman from Northumberland.

Mr. MUNDY. Then it is all right with me, Mr. President

Mr. SHAPIRO. Mr. President, I have been waiting to find out why this bill has been put over in its order and now I understand it has been put over because the Republicans want it to be put over.

Mr. GELTZ. That is right, Mr. President.

Mr. SHAPIRO. I am glad to find that out, Mr. President, but I should like to make my comments on this bill. As I understand it the public assistance law, requires that there shall be appointed by the Governor a certain number of persons who shall act as the local board for public assistance. I understand that this Senate on one or two occasions rejected, did not act, refused to act or refused to give their consent to the appointment of persons nominated by the Governor for that particular county.

Now, I understand since that time there has been no appointment made by the Governor and that in that county the functions of the county are carried out through the administrative office in Harrisburg.

I am glad to find that what is happening now is that the constitutional provision with regard to nominations by the Governor is being ignored and abused, as it has been for years by the Governor appointing those persons whom we refuse to consent to and whose appointment we will not advise the Governor that they should be confirmed; in addition to that when we do refuse to consent the Governor appoints them after we adjourn.

Mr. President, we now have another situation. The Governor refuses to perform a mandatory duty imposed upon him by this Legislature, namely, that he shall appoint, and the Governor finds a way of avoiding coming in to ask us for our consent, by transferring those functions to someone other than the persons whom the Legislature designated shall be the ones to act.

Now, if this Senate wants to consent to that kind of procedure and give up their prerogatives, then I wonder what these school children are doing up here listening to us I want to know why we had bills on the Calendar, and which we have had in committee, in which we have stated we shall teach the children respect for the Constitution; it is high time that we understand just what we are doing

We are making the thing look ridiculous by telling everybody how patriotic we are and how we love the Constitution and telling our teachers, that they shall teach the children to love and respect the Constitution, to love and respect American traditions and now we permit constitutional provisions to be violated. The first is something about which we can do nothing, allowing the Governor to appoint after we adjourn those persons whom we would not agree to, and, secondly, allowing the Governor to neglect the duty imposed upon him by the law, to appoint in counties a public assistance board so that at least in a county in which relief is being administered, there will be somebody who knows something about the county

As I understand it, Mr. President, in a particular county they have roving visitors or persons coming in when they can or will and taking care of the situation as best they possibly can, a situation about which they know nothing as far as the locality is concerned, and day after day the gentleman from Allegheny, Mr. Geltz, since this bill has been reported from committee by proper action of the committee, has calmly risen in his seat and said, "Mr. President, I ask that this bill go over in its order" I agree that it will go over in order because the Republicans want it and, of course, because they have the votes, but I propose for myself to place on record my objection to that kind of a system and to continue to object to it until possibly we will be successful in getting a majority.

Mr. WALKER. Mr. President, I think we should, if we are going to speak to the children in the gallery, explain to them that under the two party system under which Pennsylvania is operating at the present time, when the genleman from Philadelphia, who is a Democrat, sees what he feels to be an opportunity to get up and attempt to castigate the Republican Party and the Republican Governor, that is done under the heading of politics and not statesmanship, and they should not take too seriously the veiled accusations made by a Democrat against the Republican Governor.

Mr. CAVALCANTE. Mr President, I need not say that every time the gentleman from Allegheny, Senator Walker, speaks that I am alarmed. Probably the gentleman from Allegheny has forgotten the beginning of this session when he voted to abolish the two party system in the Senate of Pennsylvania. The gentleman from Allegheny forgets that he is one of those who voted for rules which abolish the voice of the minority of this Senate, and it only requires twenty-six votes to shut the minority up and they have got the twenty-six votes. Prior to this time, when we did have a two party system, it took two-thirds of the members of the Senate to shut the minority out, but with the vote of this gentleman, who believes so implicitly in a two party system, we are now shut out by the majority of this Senate and not a two-thirds vote.

Mr. CARR. Mr. President, it seems to me a few years ago, when I was an onlooker from the outside of the State Senate of Pennsylvania, that I read something about an army marching on the Capitol. I was not here to see it but I read about it in the papers and I have heard since that it required simply the wielding of the gavel by the President of the Senate at that time to rule out the entire minority. That was rule by one individual; that was dictatorship. What we have here seems to me to be majority rule and not dictatorship.

I should like to ask, Mr. President, if when the Gov-

ernor of Pennsylvania has made his nominations and the nominations have been negelcted or rejected by the Senate on whose shoulders the responsibility falls? That action rests not upon the Governor, who in good faith made those nominations, and his motives should not be impuned or challenged because he did perform his constitutional duty, and if the Senate failed to agree to advise and consent and to those nominations, that is not the fault of the Governor of Pennsylvania.

Mr. THOMAS B. WILSON. Mr. President, I am rather surprised that the gentleman from Philadelphia, Mr Shapiro, would lend his talents to as poor an argument as he made on this floor. There is no constitutional provision, nor any law, nor any custom that requires the Governor or the President of United States or any other executive to make nominations on a particular day. We have at the present time in the Supreme Court of the United States a vacancy, and the Senate of the United States is in session and the Court is in session, and nobody, Republican or Democrat is criticising the President of the United States for not filling that vacancy until he sees fit to fill it. The Senator from Philadelphia certainly knows better than the argument which he made on this floor, because it is the duty of the Chief Executive of this Commonwealth to fill this vacancy and he has tried to do it, and the time when he shall send another nomination to this Senate is wholly in the hands of the Governor of Pennsylvania and neither he nor the President of the United States is subject to criticism because they do not do it on a particular day

POINT OF INFORMATION

Mr. HALUSKA. Mr. President, being somewhat confused, I rise on a point of information.

The PRESIDENT. The gentleman from Cambria will state his point of information.

Mr. HALUSKA. Mr. President, are we speaking in relation to Senate Bill No. 316 or under the heading of personal privilege.

The PRESIDENT. It that the point of information?

Mr. HALUSKA. Yes, Mr. President.

The PRESIDENT. The Chair understands the discussion is concerning Senate Bill No. 316. There is really nothing before the Senate. A request was made that Senate Bill No. 316 go over in its order, which is usually complied with; then the Chair recognized certain gentlemen who wished to speak, so there is really nothing before the Senate excepting the request that Senate Bill No. 316 go over in its order. A motion is now in order to put the bill over in its order, if any of the Senators see fit to do so

There is nothing before the Senate at this time excepting consideration of Senate Bill No. 316; the Senate can do whatever it desires with the bill.

Mr. GELTZ. Mr. President, I requested that Senate Bill No. 316 go over in its order and I do not believe there was objection.

Mr. SHAPIRO. I objected, Mr President.

MOTION THAT SENATE BILL No. 316 GO OVER IN ITS ORDER

Mr. GELTZ. Mr. President, then I move that Senate Bill No. 316 go over in its order.

Mr. MILLER. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. MUNDY. Mr. President, am I in order at this time to interrogate the gentleman from Northumberland, Mr. Deitrick?

The PRESIDENT. Will the gentleman from Northumberland permit himself to be interrogated?

Mr. DEITRICK. I will, Mr. President.

Mr. MUNDY. Mr. President, I desire to ask the gentleman from Northumberland, in originally asking that this bill be released from committee, if he did not state a serious situation existed in his own County of Northumberland; that there was a board appointed there by the Governor of Pennsylvania, who had not consulted him—the appointments had been made without his consent—and that board had failed of approval, and that that board as appointed was not acceptable to the gentleman from Northumberlnd and that the board, having not been qualified by being approved by the Senate, that there is at present no board functioning in Northumberland County? Also this question: that Northumberland County is now functioning, relief is functioning by direction of people who are far removed from Northumberland County, a group of outsiders trying to conduct the affairs there which they are not familiar and of which they know nothing? Is that correct?

Mr. DEITRICK. I say that is correct, Mr. President.

Mr. MUNDY. May I inquire, Mr. President, whether that situation has been altered at all in the last week, since he made that last pronouncement.

Mr. DEITRICK. No, it has not, Mr. President.

Mr. MUNDY. Is it with the consent of the gentleman from Northumberland, Mr President, that this bill is constantly being put over in its order.

Mr. DEITRICK. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, I have been charged by the gentleman from McKean with having made a very poor argument. Before I made my objection, I made statements which have now been affirmed by the interrogation through the questions offered by the gentleman from Luzerne and the answers of the gentleman from Northumberland.

I suggest that when there are three members of a court on the bench and there is a vacancy of one, there are two to function. I suggest it was a very good argument to say that where there are three, four or five members of a board required to perform duties of importance in a community, when no members of the board are available and the fact they are not available is due to the fact that the Governor does not perform a function imposed upon him by the Legislature, I contend that the argument I made is a good one and that the Senate ought to do something about it.

Dictatorship, of course, can occur, as we see without positive action but by passively doing nothing. In this particular case there is passive action. We have refused to confirm twice. The Governor of the Commonwealth of Pennsylvania must submit names and he will not submit names because he anticipates apparently that the names he will submit will be submitted without the approval of the gentleman who knows more about the situation than anyone else, because he lives in that community, and the Governor therefore will not make appointments.

Now, Mr. President, I read the act to which this is a

proposed amendment: "Every board shall be composed of eleven members in counties of the first or second classes and of seven members in other counties. In each county having a board of seven the Governor shall with the advice and consent of two-thirds of all the members of the Senate appoint two members to serve for the term ending December 31, 1938," and so on.

POINT OF ORDER

Mr. GELTZ. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Allegheny will state his point of order.

Mr. GELTZ. Mr. President, I suggest my colleague from Philadelphia is out of order. There is a motion before the Senate that Senate Bill No. 316 go over in its order.

Mr. SHAPIRO. Mr. President, I am discussing the motion and not the bill; I am discussing why this bill should not go over in its order, not the merits of the bill.

Now, Mr. President, if that is the law and this bill continues to be thrown back into committee and back and forth and remain on this Calendar, as the gentleman from the county in question has stated, there is chaos, there are important matters that should be attended to and the functions of the board are not being carried out. I protest against such action and say it is a good argument and I say to the members of this Senate we are giving up prerogatives, we are passing laws which are being ignored and we ought to do something about it, and you certainly do not do anything about it by allowing this bill to go over in its order day after day, and if the gentleman from Allegheny, Mr. Walker, thinks a facetious remark such as his solves the problem, then I hope he is satisfied; I am not.

Mr. WALKER. I am, Mr. President.

Mr. DEITRICK. Mr. President, I feel in this particular case I should have something to say, because I do feel the responsibility that Northumberland County does not have a board for the direction of public assistance.

In the regular session two years ago the Governor appointed a board, as I have stated before, without any consideration for my regards as to the personnel of the board, and after it was appointed I, for certain reasons, took exception to the board and asked the Senate not to confirm the appointments.

The Senate itself is not responsible; neither is the Governor; I feel that I am responsible because the Governor did really make the appointments but out of senatorial courtesy the appointments were not confirmed.

Immediately ater the 1939 regular session was over the Governor did re-afppoint, as was his prerogative, the same members of the board who had theretofore served.

Of the original seven members of the board, one resigned immediately; two attended one or two meetings and then resigned; a fourth member resigned soon after. In other words, Mr. President, of the seven members of the board, four resigned; there were still three members of the original board when the Special Session convened. Their places were refilled by people who to me seemed to be just as politically inclined as was the original board.

It was my thought perhaps, as a so-called independent Republican, that the relief system should not be put into the hands of politicians. That, of course, is my personal opinion. For that reason, when the Special Session convened in 1940, I still felt the appointees to the Northumberland County Board of Public Assistance should not be confirmed and so I asked the members of the Senate, not to confirm them.

After the end of the 1940 Special Session the Governor did not see fit to re-appoint the board. That again was his prerogative, because as one of the previous speakers said, there is no time set as to the time the Governor should appoint a board, so from the end of the Special Session up until the present time, the Governor has not seen fit to appoint a board. Whether or not he will appoint a board between now and the end of this session I do not know, but if he does I hope he will appoint a board which will be an independent board and a board which will function for the good of the poor citizens and the needy of my particular community.

As the matter stands now, Mr. President, the Secretary of the State Public Assistance System can appoint a temporary board to function in Northumberland County, but up until this time he has not appointed such a board. In my opinion, the reason he has not appointed such a board is that such a board would be only temporarily appointed and I can see why nobody would put themselves in a position to render some important decisions that would have to be made in Northumberland County while serving on a temporary board, and soon after a permanent board would be appointed and they would be dropped out. In fact, Mr. President, I think those problems which will come before the Northumberland County Board should be decided by a regularly appointed board.

I personally think we should have a board in Northumberland County, the same as the other counties, and for that reason I think that local people should control the different problems we have, because our problems are local. At the present time if any relief recipient, no matter whether it be public assistance, old age, dependent children or the blind, if he has any complaint to make he must make it to the people who originally made the decision. In accordance with the law as we have enacted it, they have a right to appeal, but in our county the judges in the court which would hear the appeal are the same people that made the original decision. In other words, we have practically nobody to go to on an appeal from the decision as made by the original people who are supposed to make those decisions in our county. Personally I do not think that is correct because we should have somebody to whom we could go, with whom we could talk, and before whom we could at least put our side up to, should we feel some person is being neglected or some person is not getting what he really and justly deserves.

It is true the county supervisor of public assistance in our county was sent over by the state supervisor of public assistance. In other words, he works out of the office of the state supervisor Some people may think that is more effective but personally I think it is not.

I am anxious that a board be appointed and I do feel the Governor should appoint a board, but I also want the Senate to know I have gone along the last two or three days with the thought of this bill going over in its order, and I do request that the members of the Senate should go along and acquiesce in this motion that Senate Bill No. 316 go over in its order until next week, at least, because I feel by that time we will be in a position to think more favorably on this matter and perhaps do something that will really be helpful to my local community up home. Thank you.

And the question, recurring,

Will the Senate agree to the motion?

(During the calling of the roll:)

Mr. JASPAN. Mr. President, I desire to inquire how the gentleman from Northumberland voted?

Mr. DEITRICK. Mr. President, I voted "aye."

Mr. JASPAN. Mr. President, then I desire to be recorded as voting "aye."

The yeas and nays were required by Mr. GELTZ and were as follows, viz:

YEAS—35

Bartlett,	Farrell,	Letzler,	Thomas,
Becker,	Frey,	Mallery,	Tyler,
Carr	Geltz,	Miller,	Wade,
Chapman,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Snowden,	Wilson, H. I.,
Deitrick,	James,	Stevenson,	Wilson, T. B.,
Ealy,	Jaspan,	Tallman,	Woodward,
Edmonds,	Kephart,	Taylor,	

NAYS—11

Barr,	Cox,	McGinnis,	Shapiro,
Cavalcante,	DiSilvestro,	McQuiddy,	Stiefel,
Coleman,	McCreesh,	Mundy,	

So the question was determined in the affirmative.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 327, as follows:

An Act to further amend paragraph six of section thirteen of article nineteen of the Act approved the twenty-fifth day of June one thousand nine hundred and nineteen P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as heretofore amended by an act approved the twelfth day of April one thousand nine hundred and thirty-five (P. L. 25) by authorizing the Civil Service Commission of such cities to make and establish regulations governing the reinstatement of persons who without fault or delinquency have resigned or have been separated from the service

Section 1 The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

That paragraph six of section thirteen of article nineteen of the Act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as heretofore amended by an act approved the twelfth day of April one thousand nine hundred and thirty-five (P. L. 25) be and the same is hereby further amended to read as follows

6 Regulations governing the reinstatement within one year of persons who without fault or delinquency on their part have resigned or have been separated from the service Provided That persons who have voluntarily resigned from the service shall not be reinstated within six months

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to interrogate the sponsor of this bill.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. FARRELL. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, in connection with this bill will the gentleman from Philadelphia tell us the purpose of this amendment?

Mr. FARRELL. Mr. President, the purpose of this amendment is that quite some years ago when Mr. Schofield was Director of Public Safety in Philadelphia they had a Grand Jury investigation and Mr. Schofield discharged three or four hundred policemen.

Some years afterwards Mayor Wilson of Philadelphia came here before a Democratic House and a Democratic Senate—those things happen once in a while—and they changed the law to read that those policemen must be restored before the civil service bureau could appoint from the civil service list. This act restores the act to just where it was before it was changed by a Democratic House and a Democratic Senate some years ago. I do not know when that was, Mr. President, but I think it was the act of 1935.

Mr. SHAPIRO. In 1935, Mr. President, this bill amended the act of 1919. In 1935 there was a Democratic House and a Republican Senate. This bill was adopted by a Republican Senate a the request of the Republican Mayor of Philadelphia. The amendment was framed originally, to prevent the reinstatement of those persons who had refused to testify before a Grand Jury proceeding on the ground it would incriminate them and they were therefore dismissed.

This bill was framed to take care of those firemen and policemen who when called upon to disclose facts necessary to conserve the property of public government, refused to do so and they said they were protected by the constitutional provision calling for protection against self-incriminating evidence. It also covered a number of other people who after hearing failed to appear at a hearing before the Civil Service Commission when charges were made against them and they were discharged.

The provision in the law as it now exists specifically says no list shall be excluded for the purpose of giving these people the right to be reinstated.

This bill takes out that provision and says these men can be reinstated ahead of those who have since passed examinations and are entitled to appointment first.

If that is the kind of a bill you want to vote for you may do so, but I propose to vote "no" and ask my colleagues to do likewise.

Mr. FARRELL. As the act stands today, Mr. President, nobody can be appointed from a Civil Service list until the list of employes who have been dropped years ago—some of them are even beyond the age limit—is exhausted.

This bill was drawn at the request of the Mayor of Philadelphia and the President of the Civil Service Bureau, Mr. Walnut. I believe it was drawn by Mr. Lohengrin, of the City Solicitor's office.

I should like to quote an article appearing in one of our Philadelphia newspapers. If the Philadelphia papers print things as I think they do, this is not such a bad bill as the gentleman from Philadelphia, Mr. Shapiro, is trying to make the members of the Senate believe.

This is at the head of the editorial page and is entitled "Philadelphia Group Backs Reinstatement Curb," and reads as follows:

The Philadelphia Committee on Public Affairs, through its chairman, Karl Scholz, yesterday gave its full support to a bill now before the State Senate, limiting to one year the period in which former employes of the various city departments would be eligible for reinstatement.

The bill, introduced by Senator Louis H. Farrell of Philadelphia, further amends Article 19, Section 13, Paragraph 5 of the City Charter of 1919 by restoring the section to its original form. The section was changed by the act of April 12, 1935, to provide for reinstatement of former city employes regardless of the length of time they had been off the payroll.

Mr. SHAPIRO. Mr. President, I desire to further interrogate the sponsor of this bill.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be further interrogated?

Mr. FARRELL. Yes, Mr. President.

Mr. SHAPIRO. Will the gentleman from Philadelphia state whether I did not understand him correctly when I said he said this bill was designed to reinstate people who had been dismissed by Major Schofield during the grand jury investigation.

Mr. FARRELL. Yes, Mr. President, that is true but these men were only discharged for cause and now if they want to be reinstated, according to the act as it stands today, these men must be reinstated regardless of charges against them, regardless of their age, and as the act stands today, the Civil Service Bureau cannot appoint younger and eligible men until this list of men that have been dropped for cause expires.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Geltz,	McQuiddy,	Tyler,
Chapman,	Heyburn,	Miller,	Wade,
Crider,	Homsher,	Scarlett,	Walker,
Crowe,	James,	Snowden,	Watkins,
Deitrick	Jaspan,	Stevenson,	Wilson, H. I.,
Ealy,	Kephart,	Tallman,	Wilson, T. B.,

NAYS—12

Barr,	DiSilvestro,	McCreesh,	Ruth,
Coleman,	Frey,	McGinnis,	Shapiro,
Cox,	Haluska,	Mundy,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

CONFERENCE COMMIMTTEE APPOINTED ON SENATE BILL No. 253

The PRESIDENT. The President Pro Tempore announces a conference committee on the part of the Senate on Senate Bill No. 253, as follows:

The Senator from Allegheny, Mr. Walker; the Senator from Dauphin, Mr. Taylor; and the Senator from Allegheny, Mr. Frey.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 346, as follows:

An Act to amend section two hundred one and to further amend sections two hundred two and four hundred four of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" making the levying of a tax on trades occupations professions and persons who follow no occupation or calling optional in counties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 201 Subjects of Taxation Enumerated The following subjects and property shall as hereinafter provided be valued and assessed and subject to taxation for all county city borough town township school and poor purposes at the annual rate

(a) All real estate to wit Houses land lots of ground and ground rents mills and manufactories of all kinds furnaces forges bloomeries distilleries sugar houses malt houses breweries tan yards fisheries and ferries wharves and all other real estate not exempt by law from taxation

(b) All salaries and emoluments of office all offices and posts of profit professions trades and occupations except the occupation of farmer and all persons over the age of twenty-one years who do not follow any occupation or calling as well of unnaturalized foreign-born persons who shall have resided within this Commonwealth for one whole year as of citizens of this Commonwealth Provided That whenever a person other than a Federal employe not taxable under the provisions of this clause is disfranchised from voting because he cannot be lawfully assessed for a county or State tax it shall be lawful for the county commissioners to assess the occupation of such persons for county taxation purposes in the manner provided by this act for such assessments The provisions of this clause shall not apply to counties of the second and third class or to any other county the county commissioners of which shall by resolution determine not to levy a tax on trades occupations professions and persons who follow no occupation or calling nor shall the provisions of this clause apply to cities of the second and second A class or to school districts

(c) All other things and persons now taxable by the laws of this Commonwealth for county city and school purposes

Section 2 Sections two hundred two and four hundred four of said act as amended by the act approved the tenth day of July one thousand nine hundred and thirty-five (P. L. 646) are hereby further amended to read as follows

Section 202 Occupation Tax in Counties of the Second Class and Third Class Abolished Optional in Other Counties In counties of the second and third class the county tax on trades occupations and professions is hereby abolished In all other counties except counties of the first class the county commissioners may by resolution de-

termine not to levy a tax on trades occupations professions and persons who follow no occupation or calling Such action may at any time and in like manner be repealed and such tax be levied as theretofore

Section 404 Assessments of Persons in Counties that do not Levy Occupation Taxes It shall be the duty of the assessors for taxation purposes in counties of the second and third class and in counties electing not to levy a tax on trades occupations professions and persons who follow no occupation or calling to prepare a list of all residents and inhabitants in such counties over the age of twenty-one years and return the same to the proper county authorities with other taxable property as provided by law The assessor shall also state the occupation of each such resident and inhabitant or that a person does not follow an occupation or calling as the case may be for the assessment of any twonship or borough tax on occupations as provided by law The county commissioners or boards for the assessment and revision of taxes as the case may be shall continue to fix valuations for trades occupations professions and persons who follow no occupation or calling as provided by law for the use of boroughs and townships and nothing contained in this act shall be construed to repeal the power of townships and boroughs to levy taxes on trades occupations professions and on persons who follow no occupation or calling as provided by law

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 43

Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Ruth,	Walker,
Crider,	James,	Scarlett,	Watkins,
Crowe,	Jaspan,	Shapiro,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Wilson, T. B.,
DiSilvestro,	Letzler,	Stevenson,	Woodward,
Ealy,	Mallery,	Stiefel,	

NAYS 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. EDMONDS. Mr. President, I move that Senate Bill No. 500, (House Bill No. 708), on third reading, entitled:

An Act enabling city county poor institution district ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants or by the expiration of their terms of office extending the time for the collection of the same for a period of two years from the passage of this act and validating collections and proceedings for collections made or commenced without previous authority.

be recommitted to the Committee on Municipal Government.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 696.

(House Bill No. 1205) as follows:

An Act to amend subsections (b) and (c) of section two of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" to provide for the appointment of the members of the Board of Property Assessment Appeals and Review in second class counties by the county commissioners

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsections (b) and (c) of section two of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" are hereby amended to read as follows

Section 2

* * *

(b) The members of the board shall be appointed by the county commissioners

(c) The terms of the members first appointed shall begin on the first Monday of January one thousand nine hundred and forty-two Of such members first appointed [the member to be appointed on the nomination of the court of common pleas one of the members to be appointed on the nomination of the mayor or mayors of the city or cities of the second class if any and one of the members to be appointed without nomination] three shall be appointed for terms of six years two shall be appointed for terms of five years and the two remaining members shall be appointed for terms of four years Thereafter all appointments to fill vacancies happening by the expiration of a term shall be for terms of six years All appointments to fill vacancies happening in any manner other than by the expiration of a term shall be filled for the unexpired term only In each case whether or not the vacancy happens by the expiration of a term the appointment shall be made subject to the same requirements as in the case of the member whose vacancy is to be filled

Section 2 The provisions of this act shall become effective on the first Monday of January one thousand nine hundred and forty-two

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WALKER. Mr. President, I might state this is an amendment to a bill which we passed in the 1939 session, relative to appointments of members of the joint commission. In the original bill it consolidated the boards; the appointments were distributed around among a number of individuals or office holders, some were appointed by the county commissioners, some were appointed by the mayor of the City of Pittsburgh and some were ap-

pointed by the Court of Common Pleas of Allegheny County. This amendent, which just came over from the House, consolidated the appointments in the Board of County Commissioners and, as the sponsor of the bill in 1939, I wish to say that this amendment meets with my approval and I think it is a worthy amendment and should receive the support of my colleague.

And the question recurring,

Shall the bill pass finally?

The years and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	Homsher,	Scarlett,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deitrick,	Jaspan,	Snowden,	Wilson, T. B.,
Dent,	Kephart,	Stevenson,	Woodward,
DiSilvestro,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 714, as follows:

An Act to further amend section fifteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors; regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" by providing for the return of a portion of moneys received for licenses to the counties for use by Societies for the Prevention of Cruelty to Animals and specifically appropriating the same for such purpose

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section fifteen of the act approved the eleventh day of May one thousand nine hundred twenty-one (P. L. 522) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" as last amended by section five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 456) is hereby further amended to read as follows

Section 15 The county treasurer shall keep an acurate record of all license fees and fines collected by him or paid over to him by any justice of the peace alderman magistrate or notary public and of all money received from the sale of dogs Such record shall be a public record and open to persons interested during business hours All such moneys received by the county treasurer shall be remitted to the State Treasurer through the Department of Revenue on the first Monday of each calendar month together with a report in duplicate of each payor on forms furnished by the Department of Revenue One copy of each such report shall be transmitted by the Department of Revenue to the Department of Agriculture on and after the first day of January one thousand nine hundred and forty-two and annually thereafter there shall be paid by the State Treasurer to the treasurers of the several counties of the Commonwealth fifteen per centum of the net amount paid into the State Treasury through the Department of Revenue by the treasurer of each of said counties based upon the returns filed pursuant to the provisions of this section Each county treasurer receiving such payment from the State Treasurer hereunder shall forthwith pay the amount so received to the treasurer of the Society for the Prevention of Cruelty to Animals now existing or hereafter organized within such county for use by such society for the carrying out of the purposes for which it was organized and for such use such moneys are hereby speciffcally appropriated In the event that more than one such society exists in any county then such money shall be paid to the treasurer of such societies in such proportions as may be determined by the county treasurer based upon the dog licenses issued in the districts of the county served or represented by such societies In case no such society exists in any county the amount payable to the county treasurer of such county shall not be paid and the appropriation thereof shall lapse Warrants for the above purposes shall be drawn by the Audtior General and payable to the treasurers of the several counties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barr,	Farrell,	Mallery,	Stiefel,
Bartlett,	Geltz,	McCreesh,	Taylor,
Becker,	Haluska,	Miller,	Thomas,
Carr,	Heyburn,	Mundy,	Tyler,
Chapman,	Homsher,	Ruth,	Wade,
Coleman,	Jaspan	Scarlett,	Walker,
Crowe,	Kephart,	Snowden,	Watkins,
DiSilvestro,	Letzler,	Stevenson,	Wilson, T. B.,

NAYS—9

Cox,	Edmonds,	James,	Shapiro,
Crider,	Frey,	McGinnis,	Wilson, H. I.,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. EDMONDS. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified.

The Clerk read the names of those voting in the affirmative as follows:

Barr,	Farrell,	Mallery,	Stiefel,
Bartlett,	Geltz,	McCreesh,	Taylor,
Becker,	Haluska,	Miller,	Thomas,
Carr,	Heyburn,	Mundy,	Tyler,
Chapman,	Homsher,	Ruth,	Wade,
Coleman,	Jaspan,	Scarlett,	Walker,
Crowe,	Kephart,	Snowden,	Watkins,
DiSilvestro,	Letzler,	Stevenson,	Wilson, T. B.,

The PRESIDENT. Are there any corrections? The Chair hears none.

The affirmative vote will stand as verified.

The Clerk read the names of those voting in the negative as follows:

Cox,	Edmonds,	James,	Shapiro,
Crider,	Frey,	McGinnis,	Wilson, H. I.,
Ealy,			

The PRESIDENT. Are there any corrections? The Chair hears none.

The negative vote will stand as verified.

The votes in the affirmative—32; negative—9.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Philadelphia will state his point of order.

Mr. SHAPIRO. Mr. President, I understand this bill carries with it an appropriation and therefore requires a two-thirds vote.

Mr. SNOWDEN. Mr. President, I question that statement. I have had some advice on it and there is a question as to whether or not it requires a vote of thirty-four members of the Senate. I had some very good legal advice and I am advised it does not require a vote of thirty-four.

POINT OF ORDER WITHDRAWN

Mr. SHAPIRO. Mr. President, if it is legal advice I withdraw my objection.

The PRESIDENT. The point of order of the gentleman from Philadelphia has been withdrawn and the announcement of the vote as made will stand.

SENATE BILL NO. 529 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. MALLERY. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 529, on third reading postponed, Page 5 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 529, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employes; providing for their compensation payable by such counties; eliminating the triennial assessment; and abolishing the distinction between seated and unseated lands for the purpose of taxation.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 529

Mr. MALLERY. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 529, passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. MALLERY. Mr. President, I voted "aye".

Mr. GELTZ. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The "Table of Contents" was read.

On the question,

Will the Senate agree to the "Table of Contents?"

Mr. MALLERY. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend TABLE OF CONTENTS, page 2, Article VI "Assessments" by striking out the number "611" and inserting in lieu thereof the following: "623;" Amend section 302, sub-section 5, page 10, line 23 by inserting after the word "roll" at the end of the line the following: "Such assessment roll shall be issued to the assessors on or before May 15 of each triennial assessment year;" Amend section 501, page 14, by striking out in lines 4 and 5 the following: "in the year one thousand nine hundred and forty-three" and insert in lieu thereof the following; "preceding the expiration of the term of any assessor now in office;" Amend section 501, page 14, line 11, by striking out the following: "ward in each town an assessor" and inserting in lieu thereof the following: "town two assessors;" Amend section 501, page 14, by striking out all of lines 18 to 27 inclusive and insert in lieu thereof the following paragraph: "(b) The office of assistant triennial assessor in townships of the first class is hereby abolished;" Amend section 505, page 16, lines 17 and 18 by striking out the following: "six dollars for each day of six hours or;" Amend section 505, page 16, lines 18 and 19 by striking out the following: "for any lessor period" and insert in lieu thereof: "for the time;" Amend section 505, page 16, line 19 by striking out the words "by him;" Amend section 505, page 16, line 20 by inserting after the word "duties" the following: "not exceeding eight hours in any one day;" Amend bill page 17, by inserting immediately underneath the word "Assessment" which appears on line thirteen, a new sub-heading as follows: "(a) Triennial Assessments;" Amend section 601, page 17, line 15 by striking out the word "Annually" which appears at the beginning of the line and inserting in lieu thereof the following: "Triennially;" Amend section

601, page 17, line 23 by striking out the words "The making" at the end of the line and all of lines 24 and 25;" Amend Article VI, page 19, by inserting between lines 26 and 27 a new section, as follows:

"Section 605. REAL ESTATE OMITTED FROM TRIENNIAL ASSESSMENT. Whenever any taxable real estate shall be omitted to be assessed at the triennial assessment the assessor on notice thereof shall forthwith assess and return the same to the board which assessment shall be subject to appeal and shall continue until the next triennial assessment and its proper proportion of all taxes to which such real estate is liable levied after such assessment shall be laid thereon."

Amend section 605, page 19, line 27 by striking out the figure "605" and insert in lieu thereof the following: "606;" Amend bill page 20 by inserting between lines 23 and 24 new sections as follows:

"Section 607. PERSONS ACQUIRING UNSEATED LANDS TO FURNISH STATEMENT TO BOARD. It shall be the duty of every person hereafter becoming a holder of unseated lands by gift grant or other conveyance to furnish to the board a statement signed by such holder or his her or their agent containing a description of each tract so acquired the name of the person or persons to whom the original title from the Commonwealth passed and the nature number and date of such original title together with the date of the conveyance to such holder and the name of the grantor within one year from and after such conveyance and on failure of any holder of unseated lands to comply with the injunctions of this act it shall be the duty of the board to assess on every tract of land respecting which such default shall be made when discovered four times the amount of the tax to which such tract or tracts of land would have been otherwise liable and to enforce the collection thereof in the same manner that taxes due on unseated lands are or may be assessed and collected Provided, That nothing in this section shall be construed as giving greater validity to unexecuted land warrants than they are now entitled to nor to the detriment of persons under legal disabilities provided such person or persons comply with the foregoing requisitions within the time or times limited respectively after such disability shall be removed.

Section 608. ASSESSMENT OF UNSEATED LANDS. All unseated lands within this Commonwealth, held by individuals copartnerships associations or corporations either by improvement warrant patent or otherwise shall for the purpose of raising county rates and levies be valued and assessed in the same manner as other property.

"When any tax levy is made upon land as unseated which the assessor for the same year by error or mistake returned assessed as seated while the same ought or might legally have been assessed as unseated such levy shall be deemed valid and regular for all intents and purposes notwithstanding it differs from the copy of the duplicate furnished by the assessor. All records of the board charging lands as unseated with arrears of taxes shall be evidence of an assessment. No clearing over by mistake shall ever be deemed sufficient to render land seated.

Amend section 606, page 20, line 24 by striking out the number "606" and insert in lieu thereof the following: "609;" Amend section 606, page 20, line 25 by inserting before the word "lands" the following: "seated;" Amend section 607, page 21, line 9 by striking out the number "607" and insert in lieu thereof the following: "610;" Amend section 607, page 21, line 10 by inserting before the word "lands" the word: "seated;" Amend section 607, page 21, line 16 by inserting before the word "lands" the following: "seated;" Amend section 608, page 21, line 24 by striking out the number "608" and insert in lieu thereof the following: "611;" Amend section 608, page 22, line 1 by inserting before the word "land" where it first occurs in said line, the word: "seated;" Amend section 609, page 22, line 15 by striking out the number "609" and insert in lieu thereof the following: "612;" Amend section 609, page 22, line 17 by inserting before the word "lands" the word: "seated;" Amend section 610, page 22, line 25 by striking out the number "610" and insert in lieu thereof the following: "613;" Amend section 610, line 27 by inserting before the word "lands" the word: "seated;" Amend section 611, page 23, line 4 by striking out the number "611" and insert in lieu thereof the following: "614;" Amend section 612, page 23, line 21 by striking out the number "612" and insert in lieu thereof the following: "615;" Amend section 613, page 24, line 9 by striking out the number "613" and insert in lieu thereof the following: "616;" Amend section 614, page 24, line 22 by striking out the number "614" and insert in lieu thereof the following: "617;" Amend section 615, page 24, line 27 by striking out the number "615" and insert in lieu thereof the following: "618;" Amend section 616, page 25, by striking out all of lines 7 to 12 inclusive; Amend section 617, page 25, line 13 by striking out the number "617" and insert in lieu thereof the following "619;" Amend Article VI, page 25 by inserting between lines 24 and 25 the following:

"(b) Inter-Triennial Assessments.

"Section 620. INTER-TRIENNIAL ASSESSMENTS. In each of the two years succeeding the triennial assessment the board shall send a transcript of such triennial assessment roll to every assessor together with its precepts requiring the assessors to take an account of all personal property taxable by law together with a just valuation of same and all persons and also a valuation of all offices and posts of profit professions trades and occupations taxable by law enjoining such assessors to make a just return to the board and to note in such return such alterations in his ward borough town township or district as may have been occasioned by the transfer or division of real estate or by the destruction of buildings or by the mining out of coal ore or other minerals assessed under the triennial assessment and also noting all persons who have arrived at the age of twenty-one years since the last triennial assessment and all others who have since that time come to inhabit in such ward borough town township or district together with the taxable property such persons may possess and the valuation thereof agreeably to the provisions of this act and to reassess all real estate which may have been improved by the erection of buildings or other improvements subsequent to the last preceding triennial assessment subject to appeals as now provided by law.

"(c) Optional Reassessments.

"Section 621. PERSONS REMOVING INTO DISTRICT PROPERTY TRANSFERRED OR OMITTED. The board may in its discretion issue its precept as to the assessors of the respective wards districts boroughs towns and townships on or before the first day of March of each year for the assessment of such persons as may remove into the respective township ward borough town or district since the last assessment and for the reassessment of such property as may have been transferred since the last assessment and for the assessment of those who may have been omitted from the last assessment. And it shall be the duty of such assessors to make such assessment and return the same before the twenty-fifth of May. For such service the said assessors shall receive out of the county funds such compensation as may be fixed by the board not however exceeding the per diem compensation fixed by this act.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the table of Contents as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title page 1, by striking out in the last four lines thereof the following: "eliminating the triennial assessment and abolishing the distinction between seated and unseated lands for the purpose of taxation" and insert in lieu thereof: "office of assistant triennial assessor"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 122, on second reading, entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rent of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other building devised; the abatement and survival of actions; and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale

go over in its order, so that amendments may be prepared.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 207, entitled:

An Act to further amend subsections (a) and (b) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the employment, suspension, and retirement of professional employes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 296, entitled:

An Act to re-enact and amend the title and act approved the twenty-fourth day of June, one thousand nine hundred thirty-nine, (P. L. 748), entitled "For the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," providing for the regulation and registration of persons and entities engaged in the business of investment advisers, and for the revocation and suspension of such registrations; conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 555, on second reading, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing

the Department of Public Assistance to coooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 587, entitled:

An Act to amend section three hundred six of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare, and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts in counties of the third class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 691, (House Bill No. 1093), entitled:

An Act to further amend the act, approved the eighth day of July, one thousand nine hundred nineteen (P. L. 764), entitled, "An act authorizing suits brought to recover in case of accidents in this Commonwealth in courts of common pleas to be certified to the Workmen's Compensation Board when discovered that suit has been brought wrongfully," extending said act to cases heretofore or hereafter brought in any court of record; and defining the legal effect of such certifications.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 624, entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," increasing the minimum salaries of teachers in school districts of the fourth class and providing for the payment of the whole of such increase by the State for the period of two years.

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. HOMSHER. Mr. President, I desire to offer amendment.

The Clerk read the amendments as follows:

Amend section 2, page 3, lines 8 and 9 by striking out the words "increase in the salaries of elementary teachers provided for by this act" and inserting in lieu thereof the following: "difference between the minimum salaries heretofore prescribed and the minimum salaries prescribed by these amendments."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

On the question,

Will the Senate agree to the bill on second reading as amended?

REQUEST THAT SENATE BILL NO. 624 GO OVER IN ITS ORDER

Mr. SHAPIRO. Mr. President, I ask that Senate Bill No. 624 go over in its order, before second reading, so that we may have opportunity to consider the effect of the amendments just presented.

Mr. GELTZ. Mr. President, I desire to inquire whether the gentleman from Philadelphia is asking that the bill go over in its order or whether he is making a motion. If he is asking I object.

Mr. SHAPIRO. I am asking, Mr. President, that the bill go over in its order.

Mr. GELTZ. I object, Mr. President.

The PRESIDENT. It has been requested that Senate Bill No. 624 go over in its order and there has been objection. A motion is in order.

MOTION THAT SENATE BILL NO. 624 GO OVER IN ITS ORDER

Mr. SHAPIRO. I so move, Mr. President.

Mr. COLEMAN. I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF INFORMATION

Mr. COLEMAN. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Lackawanna will state his point of information.

Mr. COLEMAN. Mr. President, I desire to inquire in the event the motion of the gentleman from Philadelphia is carried, do I understand the bill will appear on the second reading calendar, with the insertion of the amendment just presented?

The PRESIDENT. That is the way the Chair understands.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—6

Coleman,	McQuiddy,	Shapiro,	Stiefel,
Cox,	Ruth,		

NAYS—27

Bartlett,	Ealy,	Kephart,	Taylor,
Becker,	Edmonds,	Letzler,	Thomas,
Carr,	Farrell,	Mallery,	Wade,
Chapman,	Geltz,	Miller,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Snowden,	Wilson, H. I.,
Deitrick,	James,	Stevenson,	

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading, as amended?

It was agreed to.

Ordered, That the bill be transcribed for a third reading.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 185, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to consent of, and notice to be given to, parents of the person proposed to be adopted.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 362, entitled:

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," changing the required proportion of mine foremen to other persons to be employed in bituminous mines.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 374, entitled:

An Act to provide for the settlement of disputes among states with respect to domiciliary death taxes, and imposing certain duties upon the Department of Revenue, the Attorney General and executors and administrators.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 408, (House Bill No. 401), entitled:

An Act to further amend section five hundred eleven of the act approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," appropriating to the Department of Military Affairs the proceeds of the sale of certain products, to be expended for the Indiantown Gap Military Reservation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 491, entitled:

An Act to protect property by making criminal certain unlawful entries on injuries to and interference with property and attempts or conspiracies to do so; and providing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 535, (House Bill No. 316), entitled:

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 566, entitled:

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated

as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries, the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees; reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction powers, and proceedings of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges as real estate.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 572, entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 592, entitled:

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183) entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 614, (House Bill No. 1126), entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State Government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 653, entitled:

An Act regulating and improving the civil service departments and agencies of the Commonwealth, vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employes of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making an appropriation and repealing certain acts and parts thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill 654, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commisisons and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 663, entitled:

An Act relating to honest mistakes published in newspapers and periodicals; defining the same; prohibiting the same; prohibiting punitive damages in actions of libel arising out of such publications; and fixing the burden of proof in reference thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reding and consideration of Senate Bill No. 683, (House Bill No. 1228), entitled:

An Act to amend sections three and four of the act, approved the fifth day of June, one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trademark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name" exempting the sale of books to libraries from the provisions of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 705, (House Bill No. 897), entitled:

An Act providing for and regulating the appointment promotion and reduction in rank suspension and removal of paid members of the police force in boroughs incorporated towns and townships of the first class maintaining a police force of not less than three members creating a civil service commission in each borough incorporated town and townships of the first class defining the duties of such civil service commission imposing certain duties and expense on boroughs incorporated towns and townships of the first class imposing penalties and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 734, (House Bill No. 1373), entitled:

An Act to amend part of section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of 1939, page 60), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 752, (House Bill No. 580), entitled:

An Act to amend section twenty-four of the act, approved the sixteenth day of June, one thousand eight hundred thirty-six (P. L. 784), entitled "An act relating to the jurisdiction and powers of courts," by further defining the power of courts to punish summarily for contempt, and setting up a period of limitations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 784, entitled:

An Act to amend section four hundred three of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provisions of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 823, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, libilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions; and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons; and of officers, directors, trustees and employes of such corporations and persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 824, entitled:

An Act relating to the rentention or purchase of shares of its own stock or stock of a subsiduary corporation by a bank and trust company or trust company or national banking association in estates of which such institution is a fiduciary or co-fiduciary.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. HOMSHER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOMSHER. From the Committee on Agriculture reported as amended, Senate Bill No. 562, entitled:

An Act to amend Sections 103, 301, 304, 305, 307, 308, 310, 311, 401, 402, 404, 405, 410, 501, 502, 503, 505, 506, 508, 510, 511, 513, 703, 801, 802, 803, 804, 807, 808, 809, 904 and 1101 of the act, and to add sections 810, 1007, 1008, and 1009 to the act, approved the twenty eighth day of April, one thousand nine hundred thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission, defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," by providing that milk delivered or made available or handled or received on consignment or otherwise shall be subject to all the provisions of said act including price fixing and bonding; authorizing special agents or examiners to conduct hearings on behalf of the commission; requiring witnesses to testify fully at hearings; enabling certain officers, employes and agents to administer oaths; enabling commissioners to issue, appropriate process beyond the Commonwealth, providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders; enabling employes of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected; providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders; requiring milk dealers to be licensed; stating grounds for refusal, suspension, revocation of lisenses or right to apply for a license or for refusal to transfer licenses; stating the effect of service by registered mail when the addressee refuses to accept or receive such mail; enlarging requirements of milk dealers to file bonds to secure payment to producers and certain milk dealers; prescribing the effective date and term of such bonds and providing for their release; providing for the increase or decrease of the amounts of bonds; prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds; providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or producers; increasing the scope of regulation of sub-dealers; making certain information available to cooperatives clarifying the requisites of orders fixing prices for milk; providing for the competency of certain statistical testimony and data; providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity on those asserting the same; prescribing the result of partial invalidity of any order; providing for the classification of prices to be paid producers for milk; authorizing the establishment of equalization pools for the ejualizing, averaging or blending of minimum prices to be paid producers; requiring reports from dealers and producers for establishing equalized prices; providing for a reasonable check-off to cover the expense of administering equalization pools, for the establishment of basic averages, and providing a reserve to cover amounts owing by defaulting milk dealers; establishing "The Milk Equalization Fund"; prescribing the method of establishing equalization pools; providing for certain differentials from equalized prices; defining violations of orders of the commission fixing prices; making milk dealers responsible for acts of directors, officers agents or other persons acting for or on behalf of them; prescribing procedure on appeal from orders of the commission; prescribing the method of handling moneys in the Milk Control Fund; further regulating milk dealers and cooperative agricultural associations; further defining and prescribing penalties, defenses and remedies; and authorizing the commission to establish a base-rating price system, a system of classified prices, a system of equalizing or pooling minimum prices to be paid producers or any combination thereof.

BILL INTRODUCED

Mr. WADE, on behalf of Senator Mundy and myself Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. It there objection? The Chair hears none.

Messrs. WADE and MUNDY read in place and presented to the Chair Senate Bill No. 889, entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the

revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws.

Which was committed to the Committee on Agriculture

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, May 19, 1941, at 3:30 o'clock p. m. Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:02 o'clock, p. m. Eastern Standard Time until Monday, May 19, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 14, 1941

The House met at 12m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The SPEAKER. Prayer will be offered by the Rev. W. H. Christ, Pastor of First Evangelical Church, Perkasie, who is the guest of the gentleman from Northampton, Mr. McFall. The invocation will be delivered by Rev. Christ at the invitation of the Chaplain of the House.

Rev. W. H. Christ offered the following prayer:

Almighty God, Father of us all, Thou who art the source of light and love and truth, we reverently invoke Thy blessing upon us all as the servants of the people of this great Commonwealth, here assembled to transact their business. We pray for divine guidance and wisdom and for the impartation of high ideals and noble impulses, and especially for the enrichment of Thy constant love and peace, which we are assured comes to all who trust Thee and obey Thy righteous will.

We pray that all classes of men in America may unitedly strive to maintain the hallowed institutions and liberties of our beloved nation, and to defend those religious movements and principles which tend toward God and the welfare of all our fellow citizens. This we pray in the name of Him who loved us with an everlasting love. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday when, on motion of Mr. Burris, unanimously agreed to the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. DIX. HOUSE BILL No. 1582.

An Act to amend section one of the act, approved the third day of May, one thousand nine hundred nine (P. L. 395), entitled "An act regulating the sale of concentrated commercial feeding-stuffs, also of condimental stock and poultry-food, and patented, proprietary or trade-mark stock and poultry-food, possessing nutritive value combined with medicinal properties; defining concentrated commercial feeding-stuffs; prohibiting the adulteration of any feeding-stuff, sold, offered, or exposed for sale, in this State, with oat hulls, ground corn cobs, flax plant refuse, elevator chaff, cotton-seed hulls; ground corn stalks, rice hulls, peanut hulls, weed seeds, or other similar adulterants; providing for the collection of samples and analysis thereof by the Department of Agriculture, and the publication of information concerning the same; providing also for the expenses of the enforcement of the law, fixing penalties for its violation, and repealing act number two hundred and eleven (P. L. 1907, page 273), entitled 'An act regulating the sale of wheat-, rye-, corn- and buckwheat-bran and middlings, or any admixture thereof,' et cetera, approved the twenty-eighth day of May, one thousand nine hundred and seven," by requiring that every concentrated commercial feeding-stuff intended for domestic animals that is compounded from two or more substances shall have affixed to the container thereof, a label indicating the amounts of the various ingredients of which it is composed; or that a card bearing such information be supplied on request to purchasers where such feeding stuff is sold in bulk.

Referred to the Committee on Public Utilities.

By Mr. HEATHERINGTON. HOUSE BILL No. 1583.

An Act to regulate control and discourage inflation of public utility rates and charges during the national defense emergency placing an annual tax of 10% on all increases of public utility rates and charges taking effect subsequent to January 1, 1939 and providing for return of 60% of said tax collected by the Commonwealth to the counties wherein the said increases of rates and charges are paid by consumers.

Referred to the Committee on Public Utilities.

By Mr. SCHWAB. HOUSE BILL No. 1584.

An Act to amend section eleven of the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares and merchandise, and providing for the collection of said tax," prescribing further duties on dealers and imposing penalties.

Referred to the Committee on Judiciary Special.

By Messrs. VOORHEES and McCLANAGHAN HOUSE BILL No. 1585.

An Act authorizing political subdivisions to accept in full payment of municipal claims, taxes, penalties, interest and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

Referred to the Committee on Judiciary General.

By Mr. LEVY. HOUSE BILL No. 1586.

An Act to further amend and reenact clauses one, two, three, and four of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the minimum salaries and increments required to be paid certain employes in school districts of

the first class by establishing a minimum salary schedule and increments for school secretaries, school nurses, attendance officers, special class teachers, vocational school teachers, and heads of departments in high schools in school districts of the first class.

Referred to the Committee on Education.

By Mr. FALKENSTEIN. HOUSE BILL No. 1587.

An Act providing minimum salaries for permanent employes of the Commonwealth.

Referred to the Committee on State Government.

(For House Bills Nos. 1588, 1589, 1590 and 1591 see Legislative Journal of May 13, 1941.)

By Mr. FALKENSTEIN. HOUSE BILL No. 1592.

An Act to further amend subsection B of section three hundred and two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees and imposing penalties," by setting-up minimum salaries of employes of the board.

Referred to the Committee on Liquor Control.

By Mr. LEVY. HOUSE BILL No. 1593.

An Act to further amend sections twenty and twenty-one of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for the collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by further regulating manufacturers and distributors and importing distributors of malt and brewed beverages.

Referred to the Committee on Liquor Control.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Munley for for Mr. REGAN for remainder of the week.

Mr. ECKELS for himself for the tomorrow's session.

Mr. HALL for himself for the remainder of the week.

Mr. HARMUTH for himself for tomorrow's session.

Mr. LEONARD for himself for tomorrow's session.

Mr. COCHRAN for himself for tomorrow's session.

Mr. Bentzel for Mr. MOUL for today's session.

Mr. WATKINS for himself for tomorrow's session.

Mr. SIMONS for himself for tomorrow's session.

Mr. PROSEN for himself for tomorrow's session.

Mr. FINESTONE for himself for tomorrow's session.

Mr. KOLANKIEWICZ for himself for tomorrow's session.

Mr. IMBRIE for himself for tomorrow's session.

Mr. HERMAN for himself for tomorrow's session.

Mr. GROSS for himself for tomorrow's session.

Mr. WILKINSON for himself for tomorrow's session.

Mr. WEINGARTNER for himself for tomorrow's session.

Mr. VOLDOW for himself for the remainder of the week.

Mr. McCLANAGHAN for himself for tomorrow's session.

Mr. SAMUEL ROSE for himself for tomorrow's session.

Mr. FALKENSTEIN for himself for tomorrow's session.

Mr. FLYNN for himself for tomorrow's session.

Mr. CHUDOFF for himself for tomorrow's session.

Mr. RAUSCH for himself for tomorrow's session.

Mr. VINCENT for himself for tomorrow's session.

Mr. HIRSCH for himself for tomorrow's session.

Mr. SNYDER for himself for the remainder of the week.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1087

An Act to amend Clause (2) of Section 3 of the Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" by changing the definition of daily newspaper.

House Bill No. 1098.

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of asumption of jurisdiction by the court.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1087

An Act to amend Clause (2) of Section 3 of the Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1784) entitled "An Act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings" by changing the definition of daily newspaper

HOUSE BILL No. 1098

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contribuing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court.

Whereupon,

The SPEAKER in the presence of the House signed the same.

REPORTS FROM COMMITTEES

Mr. BAKER, from the Committee on Appropriations, reported as committed, House Bill No. 49, entitled:

An Act making an appropriation for the maintenance, repair, and improvement of the Port of Philadelphia.

Mr. VAN ALLSBURG, from the Committee on Appropriations, reported as committed, House Bill No. 61, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

Mr. NORMAN WOOD, from the Committee on Appropriations, reported as committed, House Bill No. 266, entitled:

An Act making an appropriation to the Glen Mills School, situate in Delaware County, Pennsylvania.

Mr. McDERMOTT, from the Committee on Appropriations, reported as committed, House Bill No. 276, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

Mr. BAKER, from the Committee on Appropriations, reported as committed, House Bill No. 280, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

Mr. McDERMOTT, from the Committee on Appropriations, reported as committed. House Bill No. 281, entitled:

An Act making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

Mr. VAN ALLSBURG, from the Committee on Appropriations, reported as committed, House Bill No. 284, entitled:

An Act making an appropriation from the Motor License Fund, to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

Mr. FINNERTY, from the Committee on Appropriations, reported as committed, House Bill No. 301, entitled:

An Act making an appropriation to Sleighton Farm School for Girls, situated in Delaware County, Pennsylvania.

Mr. BROWN, from the Committee on Appropriations, reported as committed, House Bill No. 305, entitled:

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

Mr. McDERMOTT, from the Committee on Appropriations, reported as committed House Bill No. 310, entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

Mr. WOODSIDE, from the Committee on Appropriations, reported as committed, House Bill No. 317, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

Mr. VAN ALLSBURG, from the Committee on Appropriations, reported as committed, House Bill No. 322, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensatio from the Game Fund.

Mr. BAKER, from the Committee on Appropriations, reported as committed, House Bill No. 347, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Broad to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

Mr. BONEY, from the Committee on Appropriations, reported as committed, House Bill No. 351, entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

Mr. BONEY, from the Committee on Appropriations, reported as committed, House Bill No. 371, entitled:

An Act making an appropriation to the Department f Forests and Waters, for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

Mr. STANK, from the Committee on Appropriations, reported as committed, House Bill No. 546, entitled:

An Act making an appropriation to the Department of Agriculture to advance the potato interests in this Commonwealth.

Mr. O'BRIEN, from the Committee on Appropriations, reported as committed, House Bill No. 1003, entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania.

Mr. STANK, from the Committee on Appropriations, reported as committed, House Bill No. 1065, entitled:

An Act making an appropriation to the National Farm School, at Doylestown, Pennsylvania.

Mr. O'BRIEN, from the Committee on Appropriations, reported as committed, House Bill No. 1068, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Mr. FINNERTY, from the Committee on Appropriations, reported as committed, House Bill No. 1106, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

Mr. MALLOY, from the Committee on Appropriations, reported as committed, House Bill No. 1321, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

Mr. LOVETT, from the Committee on Appropriations, reported as committed, House Bill No. 1330, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board, to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

Mr. McKINNEY, from the Committee on Appropriations, reported as committed, House Bill No. 1332, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

Mr. CHERVENAK, from the Committee on Appropriations, reported as committed, House Bill No. 1334, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

Mr. BOIES, from the Committee on Appropriations, reported as committed, House Bill No. 1343, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Mr. BOIES, from the Committee on Appropriations, reported as committed, House Bill No. 1344, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Mr. CHERVENAK, from the Committee on Appropriations, reported as committed, House Bill No. 1345, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

Mr. MALLOY, from the Committee on Appropriations, reported as committed, House Bill No. 1417, entitled:

An Act making an appropriation to The General State Authority, to defray the costs and expenses of the said Authority in connection with the organization, administration, and operation thereof.

Mr. NORMAN WOOD, from the Committee on Appropriations, reported as committed, House Bill No. 1418, entitled:

An Act making an appropriation to the Department of Welfare, for the maintenance of certain homes.

Mr. O'BRIEN, from the Committee on Appropriations, reported as committed, House Bill No. 1419, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

Mr. CHERVENAK, from the Committee on Appropriations, reported as committed, House Bill No. 1463, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

Mr. BOIES, from the Committee on Appropriations, reported as committed House Bill No. 1534, entitled:

An Act making an appropriation to the Joint State Government Commission.

Mr. REUBEN E. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1590, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum, Philadelphia.

Mr. BONEY, from the Committee on Appropriations, reported as amended, House Bill No. 291, entitled:

An Act making appropriations for aid to free public nonsectarian county libraries, and for the purchase and transportation of books.

Mr. NORMAN WOOD, from the Committee on Appropriations, reported as amended, House Bill No. 333, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

Mr. BAKER, from the Committee on Appropriations, reported as amended, House Bill No. 348, entitled:

An Act making an appropriation to the Department of Welfare, to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

Mr. O'BRIEN, from the Committee on Appropriations, reported as amended, House Bill No. 378, entitled:

An Act making an appropriation to the Chief Clerk of the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940.

Mr. BAKER, from the Committee on Appropriations, reported as amended, House Bill No. 489, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

Mr. McKINNEY, from the Committee on Appropriations reported as amended, House Bill No. 5572, entitled:

A Supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as amended, House Bill No. 614, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

Mr. LOVETT, from the Committee on Appropriations, reported as amended, House Bill No. 954, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation on behalf of the Commonwealth of Pennsylvania, a tract of land near the present site of the Joseph T. Rothrock memorial for the purpose of erecting a new and suitable memorial to the memory of Joseph T. Rothrock thereon; providing for the selection of such a site and memorial by and with the consent of the Pennsylvania Historical Commission; providing for the control, management, supervision, improvement and preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

Mr. REUBEN E. COHEN, from the Committee on Appropriations, reported as amended, House Bill No. 1066, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as amended, House Bill No. 1083, entitled:

An Act making an appropriation to the Trustees of Temple University, at Philadelphia, Pennsylvania.

Mr. REUBEN E. COHEN, from the Committee on Appropriations, reported as amended, House Bill No. 1130, entitled:

An Act making an appropriation to the Department of Commerce, towards expenses of the National Encampment in Philadelphia.

Mr. FALKENSTEIN, from the Committee on Appropriations, reported as amended, House Bill No. 1203, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

Mr. FINNERTY, from the Committee on Appropriations, reported as amended, House Bill No. 1591, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia.

Mr. ELLIOT, from the committee on Fisheries, reported as committed, House Bill No. 955, entitled:

An Act to amend section ninety-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating use of nets in boundary lakes.

Mr. BALTHASER, from the Committee on Boroughs, reported as committed, House Bill No. 757, entitled:

An Act providing for and regulating the validation of certain borough ordinances.

Mr. DUFFY, from the committee on Public Health and Sanitation reported as committed, House Bill No. 1230, entitled:

An Act to further amend section one and to amend section three of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 730), entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties," by excluding certain juices and combinations of juices from the operation of the act; and requiring separate registration for each bottling or manufacturing plant.

Mr. HERING, from the Committee on Boroughs, reported as committed, House Bill No. 940, entitled:

An Act to amend section 1202 by adding thereto clause IX, of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" authorizing boroughs to appropriate money for the support of hospitals.

Mr. HERSCH, from the Committee on Banking, reported as committed, House Bill No. 1399, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation, conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commission, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

Mr. McFALL, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 1485, entitled:

A Joint Resolution proposing an amendment to section four of article two of the Constitution of the Commonwealth of Pennsylvania, prescribing procedure to be followed at regular sessions of the General Assembly and the publication of legislative histories thereat.

Mr. GROSS, from the Committee on Fisheries, reported as committed, House Bill No. 1218, entitled:

An Act to amend section two hundred and eighty-two of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," providing for payment of one-fourth of fines collected for violation of said act to the counties for maintenance of prisoners committed for such violations; and imposing duties on magistrates, aldermen, and justices of the peace.

Mr. SAMUEL ROSE, from the Committee on Judiciary General, reported as amended, House Bill No. 1025, entitled:

An Act relating to attorneys-at-law; regulating the admission of persons to said office, by prescribing the conditions upon which, and the method by which law colleges and schools shall be entitled to receive certificates of approval as institutions of learning, properly qualified to prepare registered law students for admission to any final examination for the practice of law in this Commonwealth, and the effect thereof upon such law students and upon examining boards or commissions; authorizing the collection of fees for services to be rendered hereunder; prohibiting certain acts or omissions; and imposing penalties; prescribing the procedure by which such approval may be enforced, suspended, revoked and reinstated; limiting the construction of this act; and repealing all acts and parts of acts inconsistent herewith.

Mr. HERMAN, from the Committee on Highways, reported as amended, House Bill No. 1315, entitled:

An Act to amend the title and the act, approved the seventh day of May, one thousand nine hundred thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," by adding new sections; making certain streets taken over as State highways, and adding thereto certain additional streets; providing for the taking, opening, relocation, widening, or change of grade of such state highways by the Commonwealth at the expense of the Commonwealth and the city, or either of them; designating the city as agent for the Commonwealth in such taking, opening, relocation, widening or change of grade and the determination of damages arising therefrom; authorizing agreements for the taking, opening, relocation, widening, change of grade, construction, reconstruction, repair, and maintenance of such State highways; appropriating money in the Motor License Fund for the purposes of the act as amended.

Mr. ELDER, from the Committee on Boroughs, reported as amended House Bill No. 861, entitled:

An Act to further amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs; and revising, amending and changing the law relating thereto.

Mr. HAMILTON, from the Committee on Counties, reported as committed, House Bill No. 1537, (Senate Bill No. 381), entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes.

Mr. McKINNEY, from the Committee on Appropriations, reported as committed, House Bill No. 1359, (Senate Bill No. 447), entitled:

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations.

Mr. LONGO, from the Committee on Counties, reported as committed, House Bill No. 872, (Senate Bill No. 66), entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," imposing additional duties on and providing for additional compensation of veterans' grave registrars.

Mr. BAUGHER, from the Committee on Townships, re-

ported as committed, House Bill No. 938, (Senate Bill No. 270), entitled:

An Act to amend section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by authorizing such townships to regulate the use of certain parks and recreational grounds; providing penalties for violation of rules prescribed therefor; and authorizing police officers to arrest violators thereof on view.

Mr. SIMONS, from the Committee on Judiciary Special, reported as amended, House Bill No. 1210, (Senate Bill No. 24), entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

Mr. FALKENSTEIN, from the Committee on Appropriations re-reported as committed, House Bill No. 892, entitled:

An Act authorizing a commission to study recreational facilities available in first class cities; imposing powers and duties on said commission; and making an appropriation.

Mr. STANK, from the Committee on Appropriations, re-reported as amended House Bill No. 726, entitled:

An Act authorizing and directing the Department of Highways to erect, construct and maintain a free bridge over the Susquehanna River in or near the Borough of Plymouth, Luzerne County, and to provide the necessary approaches and connections with state highways providing for the acceptance of Federal aid, empowering counties to pay certain damages; making an appropriation.

Mr. NORMAN WOOD, from the Committee on Appropriations, re-reported as committed, House Bill No. 522, entitled:

An Act making an appropriation to the Pennsylvania State College to advance the tobacco interest of this Commonwealth.

Mr. WOODWIN, from the Committee on Townships, re-reported as committed, House Bill No. 826, entitled:

An Act to amend section one thousand four hundred one of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships, of the second class; and amending, revising, consolidating, and changing the law relating thereto," further regulating the establishment and maintenance of sidewalks.

Mr. MALLOY, from the Committee on Appropriations, re-reported as committed, House Bill No. 1251, entitled:

An Act authorizing and directing the Legislative Reference Bureau to compile, edit and publish, a compilation of laws relating to local taxation; and making an appropriation.

Mr. BROWN, from the Committee on Appropriations, re-reported as amended, House Bill No. 11, entitled:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth establishing the "Pennsylvania Board of Parole" conferring and defining its jurisdiction duties powers and functions including the supervision of persons placed upon probation in certain designated cases provided for the method of appointment of its members regulating the appointment removal and discharge of its officers clerks and employes dividing the Commonwealth into administrative districts for purposes of parole fixing the salaries of members of the board and of certain other officers and employes thereof making violations of certain provisions of this act misdemeanors providing penalties therefor and for other cognate purposes and making an appropriation.

Mr. BONEY, from the Committee on Appropriations, re-reported as amended, House Bill No. 53, entitled:

An Act providing for the acquisition of the Admiral Peary Memorial Park, and for its management and development by the Pennsylvania Historical Commission; and making an appropriation.

Mr. DOLON, from the Committee on Banking, reported as amended, House Resolution No. 91.

Mr. GOODWIN, from the Committee on Townships, reported as amended, House Bill No. 1526, entitled:

An Act to amend section two hundred seven of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising consolidating, and changing the law relating thereto," further prescribing method by which second class townships may be classified as first class townships; and providing for the costs and holding of special elections for that purpose.

Mr. FISS, from the Committee on Fisheries, reported as amended, House Bill No. 1193, entitled:

An Act to further amend section fifty of the act approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating the taking of eels.

Mr. OWENS, from the Committee on Labor, reported as amended, House Bill No. 1208, (Senate Bill No. 80), entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897-1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions: and the payment of such compensation providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer and prescribing penalties" by further defining "contributions" to be paid by certain employers; changing the procedure and administrative details for the determination and payment of compensation; further regulating the appointment, promotion, dismissal, suspension and furlough of civil service employes; further defining the powers of, and procedure before, the board; making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board; and making the Administration Fund subject to certain charges.

BILL RE-REFERRED

Mr. ROONEY, returned from the Committee on Banking with the recommendation that it be re-referred to the Committee on Building and Loan House Bill No. 1535, entitled:

An Act to further amend sections six hundred eighteen and six hundred twenty of, and to add section six hundred twenty-two, to the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457) entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by further defining the rights, powers, duties, and liabilities of such associations, and of their officers, directors, shareholders and other employes, and providing for the capitalization of dividends.

The SPEAKER. The bill is re-referred to the Committee on Building and Loan.

Mr. HARKINS IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 750, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to convey to the county commissioners of Somerset County certain real property located in said county and heretofore acquired by the Commonwealth for development as an airport.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1167, entitled:

An Act to amend section three hundred seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," changing the provisions of said act as to the right of residents to hunt and trap without a license.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1510, entitled:

An Act to further amend section two of the act, approved the third day of June, one thousand nine hundred and nineteen (P. L. 369), entitled "An act providing for the appointment by the district attorney, in counties having a population of over one million five hundred thousand inhabitants, of a chief county detective, an assistant chief county detective, and special county detectives; defining their duties; defining their authority; fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county," by increasing the compensation of the chief county detective.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1035, entitled:

An Act to further amend clause ten of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining "new member."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1043, entitled:

An Act to add section six hundred ninety-three and one-tenth to article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," imposing penalties for the throwing of refuse, garbage or trash alongside highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1538, entitled:

An Act to further amend section one and to amend section four of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," further defining its powers and duties; and amplifying the provisions relating to appropriations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1110, (Senate Bill No. 232), entitled:

An Act to validate and quiet the title to lands and buildings heretofore sold by boards of school directors at public auction without full compliance with provisions of law authorizing such sales.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1588, entitled:

An Act to amend and reenact section five hundred and twenty-four of the act, approved the eighteenth day of May, one thousand nine hundred and leven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to

establish and maintain the same, and the methods of collecting such revenue and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class; and prescribing the method of fixing the levy of school taxes in such districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1444, (Senate Bill No. 315), entitled:

An Act to further amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 900, entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 744, entitled:

An Act to further amend section seventeen of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from members' salary for the repayment of such amounts into the member's accumulated deductions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1406, (Senate Bill No. 588), entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, either by prescribing the method of fixing the fair market value of such property and limiting the amount collectable hereafter on such judgments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1450, entitled:

An Act requiring public utilities engaged in the transportation of passengers for hire in this Commonwealth, to charge only half fare for all school children transported by such companies; imposing duties on the heads of certain schools in this Commonwealth; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1139, entitled:

An Act to amend section one hundred twenty of the act, approved the fourteenth day of April, one thousand eight hundred thirty-four (P. L. 333), entitled "An act relative to the organization of the Courts of Justice," prescribing procedure permitting the service of jurors as petit jurors or general jurors or both except in counties of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Allegheny, Mr. Harkins, for presiding.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1097, entitled:

An Act to amend section three of the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," extending the provisions of said act to include employers who operate for charitable purposes to those who operate not for profit, and to those who secure aid from the Commonwealth, or any agency or political subdivision thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LOVETT. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 525, entitled:

An Act amending revising consolidating and changing the law relating to the borrowing of money by certain political subdivisions the authorization issuance and sale of general obligation bonds as herein defined of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes and to the funding of debt and the refunding of bonds regulating the keeping and use of sinking funds imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions imposing penalties and repealing existing laws

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1543, entitled:

An Act providing a method for supplying perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect making such records competent legal evidence prescribing fees and imposing certain duties upon the orphans' court.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 543, entitled:

An Act authorizing cities boroughs incorporated towns and townships to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements prohibiting the sale of real property for the nonpayment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1524, entitled:

An Act to amend section one of the act, approved the first day of May one thousand nine hundred and forty-one (Act No. 17), entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof" eliminating the provision authorizing the rejection of the provisions of this act.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1459, entitled:

An Act to enable the county commissioners of counties of the first second and third classes to establish by resolution the requirement of responsible bidders for county printing and to repeal all acts and parts of acts inconsistent with the provisions of this act.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 253, entitled:

An Act providing for the appointment powers and control of members of volunteer fire companies as special fire police and conferring powers on them at fires attended by their fire companies in any city borough town and township.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

TIME EXTENDED ON BILL

Mr. HARKINS. Mr. Speaker, I move that the time on House Bill No. 931, Printer's No. 411, entitled:

An Act to further amend section six of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2603), entitled "An act relating to vocational education; creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Education; and providing for referendum in certain cases." fixing the rate of the annual tax levy; requiring county commissioners or boards for the assessment and revision of taxes to furnish, at the expense of the county, certified duplicates of last adjusted valuations of real estate; making the same taxable for vocational school purposes; and making further provision with reference to the bond of tax collectors.

on page 10 of today's Calendar, bills on second reading postponed, be extended five days.

The motion was agreed to.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 254, as follows:

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by prohibiting the purchase sale or exposure for sale of striped bass or rock fish under eighteen inches in length

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes, and boundary rivers of the Commonwealth" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 846) is hereby further amended to read as follows

Section 210 Sale of Certain Fish Prohibited No person and no proprietor manager clerk or agent of any market hotel boarding house eating house restaurant or saloon shall purchase sell or expose for sale (a) any brook trout or any species of trout except lake trout caught in waters wholly within this Commonwealth (b) any small mouth bass or large mouth bass caught in waters wholly within this Commonwealth or any small mouth bass or large mouth bass caught in waters without this Commonwealth and received in interstate commerce or otherwise or (c) any striped bass or rock fish under eighteen (18) inches in length caught in waters wholly within this Commonwealth or any striped bass or rock fish under eighteen (18) inches in length caught in waters without this Commonwealth and received in interstate commerce or otherwise No person and no proprietor manager clerk or agent of any market hotel boarding house eating house restaurant or saloon shall contract with or employ any person to catch and keep such fish for him by the day or otherwise

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Malloy,	Rosenfeld,
Allmond,	Gates,	Marks,	Royer,
Auker,	Gerard,	Maxwell,	Rush,
Baker,	Gillan,	McClanaghan,	Sarge,
Balthaser,	Gillette,	McClester,	Sarraf,
Baugher,	Goodwin,	McDermott,	Scanlon,
Bentzel,	Gross,	McFall,	Schwab,
Boies,	Gryskewicz,	McIntosh,	Serrill,
Boney,	Gyger,	McKinney,	Shaffer,
Boorse,	Habbyshaw,	McLanahan,	Shaw,
Bower,	Haberlen,	McLane,	Shepard,
Bradley,	Haines,	McMillen,	Simons,
Breth,	Hall,	McSurdy,	Skale,
Brown,	Hamilton,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Hare,	Mihm,	Stambaugh,
Brunner, P. A.,	Harkins,	Modell,	Stank,
Burns,	Harmuth,	Monks,	Stine,
Burris,	Harris,	Mooney,	Tarr,
Cadwalader,	Heatherington,	Moran,	Tate,
Chervenak,	Helm,	Muir,	Taylor,
Chudoff,	Hering,	Munley,	Thompson, E. F.,
Cochran,	Herman,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Nunemacher,	Trout,
Cohen, R. E.,	Hewitt,	O'Brien,	Turner,
Cook,	Hirsch,	O'Connor,	Van Allsburg,
Cooper,	Holland,	O'Dare,	Verona,
Cordier,	Huntley,	O'Mullen,	Vogt,
Corrigan,	Imbrie,	O'Neill,	Voldow,
Croop,	James,	Owens,	Voorhees,
Cullen,	Jefferson,	Petrosky,	Wagner,
Dalrymple,	Jones, P. N.,	Pettit,	Watkins,
Dennison,	Keenan,	Polaski,	Weingartner,
Dix,	Kenehan,	Polen,	Weiss,
Dolon,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorofski,	Rausch,	Winner,
Elder,	Krise,	Readinger,	Wolf,
Elliott,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Leisey,	Reese, D. P.,	Wood, N.,
Falkenstein,	Leonard,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
	Leydic,	Riley,	Yeakel,
Fisher,	Lichtenwalter,	Rooney,	Yester,
Fiss,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy,
Foor,	Lyons,		Speaker.
French,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1284, as follows:

An Act requiring certain owners and lessees of real property in counties of the third class whenever making any improvements thereon or additions thereto costing more than five hundred dollars ($500) to file a report of such improvements or additions with the county board for the assessment and revision of taxes and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Hereafter in all counties of the third class whenever construction improvements or additions costing more than five hundred dollars ($500) have been made on or to any real estate subject to taxation under the laws of the Commonwealth of Pennsylvania the owner or lessee of such real estate shall within thirty days after the completion of the construction additions or improvements file a report thereof with the county board for the assessment and revision of taxes Such reports shall be submitted under oath or affirmation on forms prescribed by that board and furnished at the cost of the county

In addition to such other information as the board may require every report of construction improvement or addition on or to real property shall set forth

(a) The location of the property

(b) The owner or owners thereof

(c) The use being made of the property

(d) The nature and purpose of the improvement addition or construction

(e) The total cost of the improvement addition or construction

(f) The date on which the improvement addition or construction was completed

Whenever any construction improvements or additions on or to real estate are made in any political subdivision where a building permit is required the report hereinbefore directed to be filed shall contain such reference to the number or other designation of the permit involved as to facilitate ready location and identification thereof by the board in case it desires to examine such permit

Section 2 Any person firm association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars ($100) or to undergo imprisonment for a term of not more than thirty (30) days or both in the discretion of the court

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Lyons,	Royer,
Allmond,	Gallagher,	Malloy,	Rush,
Auker,	Gates,	Marks,	Rosenfeld,

Baker,	Gerard,	Maxwell,	Sarge,
Balthaser,	Gillan,	McClanaghan,	Sarraf,
Baugher,	Gillette,	McClester,	Scanlon,
Bentzel,	Goodwin,	McDermott,	Schwab,
Boies,	Gross,	McFall,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Shepard,
Bradley,	Haberlen,	McLane,	Simons,
Breth,	Haines,	McMillen,	Skale,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Monks,	Tarr,
Cadwalader,	Harris,	Mooney,	Tate,
Chervenak,	Heatherington,	Moran,	Taylor,
Chudoff,	Helm,	Muir,	Thompson, E. F.,
Cochran,	Hering,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Nagel,	Trout,
Cohen, R. E.,	Hersch,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	Van Allsburg,
Cooper,	Hirsch,	O'Connor,	Verona,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, P. N.,	Pettit,	Weingartner,
Dix,	Keenan,	Polaski,	Weiss,
Dolon,	Kenehan,	Polen,	Welsh, E. B.,
Duffy,	Kline,	Powers,	Welsh, M. J.,
Early,	Knoble,	Prosen,	Williams,
Eckels,	Kolankiewicz,	Rank,	Winner,
Elder,	Komorofski,	Rausch,	Wolf,
Elliott,	Krise,	Readinger,	Wood, L. H.,
Ely,	Lee, T. H.,	Reagan,	Wood, N.,
Falkenstein,	Leisey,	Reese, D. P.,	Woodring,
Finestone,	Leonard,	Reese, R. E.,	Woodside,
Finnerty,	Lesko,	Reynolds,	Wright,
Fisher,	Levy,	Rhea,	Yeakel,
Fiss,	Leydic,	Riley,	Yester,
Fletcher,	Lichtenwalter,	Rooney,	Young,
Foor,	Longo,	Rose, S.,	Kilroy,
	Lovett,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1094, as follows:

An Act to protect the public health and safety by requiring registration with and the securing of permits from the State Board of Pharmacy by persons copartnerships associations and corporations engaged in the manufacture producing and dealing in drugs and medical supplies regulating the manufacture of drugs and medical supplies prescribing permit providing for inspections and the suspension and revocation of permits conferring powers on the State Board of Pharmacy and courts and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words as used in this act shall for the purposes of this act be construed as follows

(a) "Pharmacy" means a retail drugstore where drugs and medical supplies are hereinafter defined are compounded dispensed prepared and sold at retail or where physicians prescriptions are compounded

(b) "Drug" means (1) articles recognized in the official United States Pharmacopoeia the official National Formulary or the official Homeopathic Pharmacopoeia or any supplement to any of them (2) articles intended for use in the diagnosis cure mitigation treatment or prevention of diseases in man or other animals (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals and (4) articles intended for use as a component of any article specified in clause (1) (2) or (3) hereof but does not include devices or their components parts or accessories

(c) "Medical supplies" means in addition to drugs absorbent cotton bandages gauze sutures compacts compresses surgical dressings of all kinds and descriptions and all other products preparations used in the diagnosis cure mitigation or prevention of disease in man or other animals or intended to affect the structure of any function of the body of man or other animals but shall not include instruments appliances or devices used by physicians dentists nurses or veterinarians in the pursuit of their professional practice

(d) "Manufacture" includes manufacture making producing packing packaging or preparing drugs or medical supplies

(e) "Person" means an individual copartnership association or corporation

(f) "Broker" includes broker jobber agent or distributor engaged in the vending of drugs and medical supplies

(g) "Hospital" includes hospital clinic dispensary or other similar place where drugs are compounded or drugs and medical supplies are dispensed to the public

(h) The words "drug" and "medical supplies" as used in this act do not include surgical or dental instruments or laboratory materials gases oxygen therapy equipment X-ray apparatus or therapeutic equipment their components parts or accessories or equipment instruments apparatus or contrivances used to render such articles effective in medical surgical or dental treatment or for use or consumption in or for mechanical industrial manufacturing or scientific applications or purposes

Section 2 Permits Required No pharmacy hospital place of manufacture broker's or wholesale druggist's place of business shall be conducted or kept open for the transaction of business until it has been registered with and a permit which shall not be transferable has been issued by the State Board of Pharmacy Provided however that nothing in this act shall be construed to apply to the sale of patent or proprietary medicines or commonly used household drugs medical or dental supplies at wholesale or retail when in either the original package of the manufacturer or in the manufacturer's consumer unit sale package

Section 3 Regulation of Manufacture No drugs or medical supplies shall be manufactured made produced packed packaged or prepared in this Commonwealth except under the personal supervision of a registered pharmacist chemist or other persons possessiong at least five years experience in the manufacture of said drugs or medicinal supplies or such other person approved by the State Board of Pharmacy after an investigation and determination by the said Board that such person is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety

Section 4 Applications for Permits Permit Year Applications for registration and for permits required under the provisions of this act shall be made on forms prepared and furnished by the State Board of Pharmacy and shall be accompanied by the fee hereinafter prescribed A separate application shall be made and a separate permit shall be required for each pharmacy hospital place of manufacture broker's or wholesale druggist's place of business except that a separate permit shall not be required for a clinic or dispensary conducted in a hospital having a permit Permits issued under the provisions of this act shall at all times be conspicuously displayed in the pharmacy hospital place of manufacture broker's or wholesale druggist's place of business Permits shall be issued for a permit year commencing July first of one year and expiring with June thirtieth of the year following

Application forms for permits shall be mailed by the State Board of Pharmacy to each applicant or permittee on or before the first day of June of each year or shall be furnished on request and if application is not made before the first day of July the existing permit shall expire and become null and void on said date except upon the production of good and sufficient evidence satisfactory to the

State Board of Pharmacy explaining the failure to file an application for a permit within the time prescribed by this act and the payment to the board of a fee of ten dollars ($10.00)

Section 5 Permit Fees The annual fee for a permit under the provisions of this act shall be as follows (a) Permit for a place of manufacture broker's or wholesale Druggist's place of business five dollars ($5.00) and (b) Permit for a pharmacy or hospital two dollars ($2.00) All permit fees received and collected by the State Board of Pharmacy under the provisions of this act shall be paid into the State Treasury through the Department of Revenue

Section 6 Inspection The State Board of Pharmacy shall have power through its duly authorized and qualified agents to inspect at all reasonable hours in a lawful manner the drugs and medical supplies in any pharmacy hospital place of manufacture broker's or wholesale druggist's place of business or those vended by any person and for such purposes shall have power to enter any pharmacy hospital place of manufacture broker's or wholesale druggist's place of business or to require any person or broker to permit an examination of the drugs and medical supplies which he is engaged in vending and to take samples of such drugs and medical supplies upon payment therefor for the purpose of examining and testing the same

Section 7 Formularies and Publications Required There shall be kept in each pharmacy hospital place of manufacture broker's or wholesale druggist's place of business for which a permit is issued a copy of the latest revision of the United States Pharmacopoeia the latest edition of the National Formulary and the latest edition of the Year Book of the Pennsylvania Pharmaceutical Association and copy of the latest revision of the American Homeopathic if homeopathic remedies are compounded and dispensed a Pharmacopoeia or the Homeopathic Pharmacopoeia of the United States which books and publications must be available for and open to the inspection of the State Board of Pharmacy or its duty authorized agents

Section 8 Refusal Suspension Revocation of Permits Appeals The State Board of Pharmacy shall have power to suspend refuse or revoke the permit of any pharmacy hospital place of manufacture broker's or wholesale druggist's place of business when information in its possession shall disclose that the pharmacy hospital place of manufacture broker's or wholesale druggist's place of business insofar as respects the manufacture or vending of drugs and medical supplies is conducted contrary to law or contrary to the rules and regulations adopted by the State Board of Pharmacy pursuant to the Ninth Section of this act or in any manner so as to endanger the public health and safety

The State Board of Pharmacy shall reinstate any permit where it shall determine the same to be just and proper

No permit shall be suspended or revoked until the permittee shall have been afforded an opportunity for a public hearing at a time and place to be fixed by the State Board of Pharmacy At least ten days' notice of such hearing and of the charges preferred against him shall be given the permittee by registered mail at the address of the permittee as shown on the books of the board At such hearing the permittee may be represented by counsel may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board

Immediate notice of the action of the State Board of Pharmacy shall be given to the permittee by registered mail at the address shown on the books of the board

Any permittee aggrieved by the action of the State Board of Pharmacy in suspending or revoking a permit may appeal from the action of the Board by petition to the Court of Common Pleas of Dauphin County Such appeals must be taken within thirty days after such suspension or revocation No appeal shall act as a supersedeas

Appeals shall be taken by serving upon the State Board of Pharmacy and the Superintendent of Public Instruction a copy of the appeal petition Within thirty days after the service of the copy of the appeal petition the State Board of Pharmacy shall file with the prothonotary of the said court of common pleas a transcript of the proceedings and a complete transcript of the stenographic notes of testimony and notice of the filing of the same shall be given to the permittee by registered mail as above provided

The court upon application of the Board or the permittee shall fix a time and place of hearing at which any judge or judges of said court shall hear the appeal without a jury The court after reviewing the record and testimony and hearing argument may sustain modify or reverse the action of the Board as in its judgment the facts shall warrant

From any decision of the court of common pleas an appeal shall lie to the Superior Court as in other cases

Section 9 Rules and Regulations The State Board of Pharmacy shall have power from time to time to adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this act and as it deems necessary for the protection of the public health and safety with respect to the sanitation materials equipment and supplies of pharmacies hospitals places of manufacture brokers' or wholesale druggists' place of business for which permits are issued

Section 10 Equity Jurisdiction The State Board of Pharmacy may in its discretion in addition to other remedies provided for in this act apply to any court of common pleas having jurisdiction over the parties for a writ of injunction to restrain repetitious violations of the provisions of this act

Section 11 Penalties Any person violating any of the provisions of this act or any of the rules and regulations adopted thereunder shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for a period not exceeding six months or both

Section 12 All acts and parts of acts inconsistent with this act are hereby repealed Provided however that this act shall not be deemed to repeal or otherwise affect section thirteen of the act approved the sevententh day of May one thousand nine hundred and seventeen (P. L. 208) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" as variously amended which said section is hereby reenacted and incorporated into the within Act

Section 13 Effective Date This act shall become effective on the thirtieth day of June one thousand nine hundred and forty-one No prosecutions shall be brought under the provisions of this act until ninety days after the effective date of this act

On the question,

Shall the bill pass finally?

ELLWOOD B. WELSH. Mr. Speaker, the measure now before us, House Bill 1094 has brought much comment from the members of the House on both sides. In all my experience as a legislator I have never found so many persons eager and anxious to understand exactly what this bill does. I have met with all groups that have presented themselves, I have accepted their objections with good grace and I have incorporated in this bill such amendments as they have suggested. In many cases I have permitted them to write their own amendments.

The bill in itself, in its prime motivation, relates to the manufacture of drugs. The Commonwealth of Pennsylvania has a Board of Pharmacy which is vested with the power to regulate and supervise the manufacture of drugs, but in spite of that we find that the general public in many instances has suffered as a result of oversight, as a result of errors on the part of those who manufacture

that most vital product, that product which you and all of your family at sometime or other are obliged to use. It seems to me that main objection to this bill has been the question as to whether or not those who deal in proprietary drugs are interferred with. If you will consult the bill, page three, you will find, starting at line 21, that there is a provision, and this provision has been incorporated in the bill after the pink sheet had been printed, which gives every consideration to those who deal in proprietary and patent medicines. It makes no restriction whatsoever in the manufacturing clause of the bill. It deals directly with the same type of product. Similar exceptions have been made and the only restriction remaining in the bill is that those who manufacture drugs, those who manufacture medicinal products, and have been manufacturing them for five years must show the State board of Pharmacy that they have been manufacturing or supervising the manufacturing of these commodities for five years.

This in my estimation is a fair requirement, and I believe if you will read the bill you will get a comprehensive idea as to exactly what its intention is.

House Bill No. 1094 extends and broadens the powers of the present State Board of Pharmacy. It requires registration with and the securing of permits from the present board, by persons, co-partnerships, associations and corporations engaged in the manufacture, producing and dealing in drugs and medicinal supplies. It gives to the State Board of Pharmacy powers which it sorely needs to enforce and regulate the production of drugs.

House Bill No. 1094 seeks to protect you from the handiwork of those who are ill trained in the production of drugs and medicinal supplies and makes general allowance for those who, even though they are not registered pharmacists, but who can show that they have sufficient experience in the production of such drugs and medicinal supplies as are permitted by the State Board of Pharmacy, after an investigation and determination by the board that such persons are qualified by scientific, or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety.

To carry out the provisions of this act, the State Board of Pharmacy shall have power through its duly authorized and qualified agents to inspect at all reasonable hours in a lawful manner the drugs and medicinal supplies produced under the provisions of this act.

If you will but read the reports issued by the State Pharmacy Laboratory you will gain a sound understanding of the work and accomplishments of the State Board. You will find that its prime aim is to provide the citizens of this Commonwealth with pure drugs.

Samples of drugs are purchased in the open market by Investigators affiliated with the Bureau of Professional Licensing. These drugs are tested by competent chemists in the State Laboratory, located at 114 Walnut Street, right here in Harrisburg.

These drug samples are of a great variety and last years' report showed that a total of seven hundred and six samples were tested. A goodly number of commonly used products as well as some which are not so commonly used, are sent to the State Laboratory by the investigators. Each year the laboratory is attempting to enlarge its service by running a greater number of tests and of a more complicated nature.

Disinfectants, Liniments, Milks (Magmas), Mixtures, Oils, Ointments, Pills, Tablets, Lozenges, solutions, tincture and many other miscellaneous products are constantly under the watchful eyes of your tried and trusted chemists. In addition to this, in the year I mention, 706 Proprietary Medicines were carefully analyzed and examined. Samples of these were obtained from 27 different sources, as follows:

Pharmacies, Cut Rate Stores, Food Distributors, Groceries, Candy and Confectionery Stores, Groceries and Meats, Luncheonettes, Meat Markets, Peddlers, 5 and 10 cent stores, Fairs, Manufacturers, Individual Consumers, Department Stores, General Wholesale Jobbers, Herb Doctors, Canvassers, Wholesale Druggists, Physicians, Midwives, Perfume Stores, Gift Shops, Notion and Novelty Stores, Inns, Cigar Stores, News Stands and one was taken from a Pool Room.

It is interesting to note that of the 706 Proprietary samples tested, 229 were found to be produced in violation of the present laws.

In the group tested was the usual collection of therapeutically superfluous nostrums. The group included a sampling project of proprietary cold remedies, and sampling from county fairs.

The samples from one Antiseptic Powder, for example, consisting of merely a mixture of carbonates and a borate were sold for the treatment of such ills as wounds, snakebite, gastric ulcers, diabetes, diphtheria, amoebic dysentery and constipation, and even to be inhaled for influenza, pneumonia, and tuberculosis.

I commend the State Board for its work thus far and I am in sympathy with any measure that will strengthen its hand as it stands guard between the health of the general public and that unthinking minority of persons who would profit by the sale of fake products and who are not sufficiently honest and willing to submit their articles to the careful, unbiased and capable examination of our State Board of Pharmacy.

For your sake, and for the general good of all who must use drugs, I ask you to vote to enact the bill now under consideration.

House Bill No. 1094 would give an even and complete control by our present State Board, and I urge every member of this House to give his earnest consideration to this measure. I feel that it would benefit one and all, and I ask you to vote for House Bill 1094.

Mr. HUNTLEY. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Welsh.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. ELLWOOD B. WELSH. I will, Mr. Speaker.

Mr. HUNTLEY. I should like to ask the gentleman from Philadelphia, Mr. Speaker, if this bill will prevent little country stores from selling iodine, carbolic acid and other drugs of that kind which are often needed as a disinfectant to wash stores or something of that kind, on a horse or man.

Mr. ELLWOOD B. WELSH. Mr. Speaker, I would say in answer to the gentleman that there is nothing in this measure that will interfere with this group whatsoever. The only provision is that the contents of the original packages may not be taken out, no mixing may take place

or no division of the contents of the real original package.

Mr. HUNTLEY. The original package, as I understand, Mr. Speaker, will have to be bought from some wholesaler who has the good graces of the State Board of Pharmacy.

Mr. ELLWOOD B. WELSH. Well, I wouldn't say that would be a necessary qualification, Mr. Speaker. It might happen that it would come from manufacturers outside of the state, from reputable manufacturing concerns who would have no relations with our State Board.

Mr. HUNTLEY. I thank the gentleman from Philadelphia, Mr. Speaker, I think experience is the best teacher, and from past experience I am suspicious of this kind of bill. You know the fox never tells the goose that he is going to devour him until he gets him by the neck. These people always come around and tell you how they are going to protect your health and do a lot of nice things for you, and generally after they get what they want you are disappointed with their promises.

I have had experiences running a commissionery back in the sticks where you couldn't get to a pharmacy without traveling as far as forty-five miles over dirt roads. The law passed through the influence of the State Board of Pharmacy prohibits these little out of the way stores from selling carbolic acid and iodine and other disinfectants without an order from a pharmacy. The result was that if a horse was hurt and you wanted a little carbolic acid to wash the sore or the injury, or if they wanted some iodine to make a little salve to put on the horse you had to go forty-five miles to get it. It would be the same way if a man were injured. The very things that these little stores ought to carry that are very necessary for the community are the things that are prohibited by this law. It is not a new law nor a new idea; it has been incorporated in many states where I have lived and had experiences, and it is simply giving the pharmacists a monopoly and forcing people to come to the pharmacy to get what they might want instead of at a little country drug store. The result has been, according to my experience, that the little fellow that could not pay a fine is indicted, and the big fellow out of whom they might get something does not have to walk the chalk line.

Mr. ELLWOOD B. WELSH. Mr. Speaker, I think Mr. Huntley's main objection is covered by section two of the bill, which I would especially invite him to read. Line 21 reads as follows:

> "That nothing in this act shall be construed to apply to the sale of patent or proprietary medicines or commonly used household drugs, medical or dental supplies at wholesale or retail when in either the original package of the manufacturer or in the manufacturer's consumer unit sale package."

It seems to me that is very definite and very understandable, and I trust the gentleman upon reading that will have his doubts wiped away.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—60

Allmond,	Fleming,	Melchiorre,	Tate,
Auker,	Fletcher,	Modell,	Thompson, E. F.,
Boles,	Gross,	Monks,	Thompson, R. L.,
Boney,	Hamilton,	Munley,	Turner,
Boorse,	Harkins,	O'Brien,	Voldow,
Bretherick,	Hering,	O'Mullen,	Voorhees,
Brunner, C. H.,	Hersch,	Powers,	Weiss,
Chudoff,	James,	Prosen,	Welsh, E. B.,
Cohen, R. E.,	Jefferson,	Rooney,	Welsh, M. J.,
Cordier,	Kenehan,	Rose, S.,	Wilkinson,
Cullen,	Kolankiewicz,	Rose, W. E.,	Wood, L. H.,
Duffy,	Lee, E. A.,	Sarraf,	Woodside,
Elder,	Lee, T. H.,	Scanlon,	Yester,
Finestone,	McClanaghan,	Shepard,	Young,
Finnerty,	McIntosh,	Skale,	Kilroy, Speaker.

NAYS—94

Achterman,	Gates,	Leydic,	Rhea,
Baker,	Gerard,	Lichtenwalter,	Riley,
Balthaser,	Gillette,	Longo,	Royer,
Baugher,	Goodwin,	Lovett,	Rush,
Bentzel,	Greenwood,	Lyons,	Sarge,
Bower,	Gyger,	Marks,	Serrill,
Bradley,	Habbyshaw,	Maxwell,	Shaffer,
Brunner, P. A.,	Haines,	McClester,	Shaw,
Burns,	Hare,	McDermott,	Simons,
Burris,	Harmuth,	McFall,	Stank,
Chervenak,	Harris,	McKinney,	Stine,
Cochran,	Heatherington,	McLanahan,	Tarr,
Cohen, M. M.,	Hewitt,	McMillen,	Taylor,
Cooper,	Hirsch,	McSurdy,	Trout,
Dennison,	Holland,	Mooney,	Van Allsburg,
Dix,	Huntley,	Muir,	Vogt,
Dolon,	Imbrie,	Nunemacher,	Wagner,
Early,	Jones, P. N.,	O'Dare,	Watkins,
Eckels,	Keenan,	Petrosky,	Weingartner,
Elliott,	Kline,	Polaski,	Wolf,
Fisher,	Komorofski,	Rausch,	Wood, N.,
Foor,	Leisey,	Readinger,	Woodring,
French,	Leonard,	Reagan,	Wright,
Gallagher,	Lesko,	Reese, R. E.,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 364.

An Act to amend the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736), entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amplifying the provisions thereof as to persons entitled to such payments.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 9, by inserting after the syllable "panies" the words "authorized by such cities boroughs incorporated towns and townships."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Foor,	Lovett,	Rosenfeld,
Allmond,	French,	Lyons,	Royer,
Auker,	Gallagher,	Malloy,	Rush,
Baker,	Gates,	Marks,	Sarge,
Balthaser,	Gerard,	Maxwell,	Sarraf,
Baugher,	Gillan,	McClanaghan,	Scanlon,
Bentley,	Gillette,	McClester,	Schwab,
Boles,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McFall,	Shaffer,
Boorse,	Gross,	McIntosh,	Shaw,
Bower,	Gryskewicz,	McKinney,	Shepard,
Bradley,	Gyger,	McLanahan,	Simons,
Breth,	Habbyshaw,	McLane,	Skale,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Haines,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hall,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Burns,	Hare,	Modell,	Stine,
Burris,	Harkins,	Monks,	Tarr,
Cadwalader,	Harmuth,	Mooney,	Tate,
Chervenak,	Harris,	Moran,	Taylor,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel,	Trout,
Cohen, R. E.,	Herman,	Nunemacher,	Turner,
Cook,	Hersch,	O'Brien,	Van Allsburg,
Cooper,	Hewitt,	O'Connor,	Verona,
Cordier,	Hirsch,	O'Dare,	Vogt,
Corrigan,	Holland,	O'Mullen,	Voldow,
Croop,	Huntley,	O'Neill,	Voorhees,
Cullen,	Imbrie,	Owens,	Wagner,
Dalrymple,	James,	Petrosky,	Watkins
Dennison,	Jefferson,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. B.,
Duffy,	Kenehan,	Powers,	Welsh, M. J.,
Early,	Kline,	Prosen,	Williams,
Eckels,	Knoble,	Rank,	Winner,
Elder,	Kolankiewicz,	Rausch,	Wolf,
Elliott,	Komorofski,	Readinger,	Wood, L. H.,
Ely,	Krise,	Reagan,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodring,
Finestone,	Leisey,	Reese, R. E.,	Woodside,
Finnerty,	Leonard,	Reynolds,	Wright,
Fisher,	Lesko,	Rhea,	Yeakel,
Fiss,	Levy,	Riley,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy,
Flynn,	Longo,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 610.

An Act to amend clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" changing the qualifications of historical societies to receive appropriations.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, at the beginning of line 6, by inserting after the syllable "priations" and before the word "for" the words and figures "not exceeding two hundred fifty dollars ($250.00)."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Flynn,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Auker,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarraf,
Baugher,	Gerard,	McClester,	Scanlon,
Bentzel,	Gillan,	McDermott,	Schwab,
Boles,	Gillette,	McFall,	Serrill,
Boney,	Goodwin,	McIntosh,	Shaffer,
Boorse,	Greenwood,	McKinney,	Shaw,
Bower,	Gross,	McLanahan,	Shepard,
Bradley,	Gryskewicz,	McLane,	Simons,
Breth,	Gyger,	McMillen,	Skale,
Bretherick,	Habbyshaw,	McSurdy,	Snyder,
Brown,	Haberlen,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Haines,	Mihm,	Stambaugh,
Brunner, P. A.,	Hall,	Modell,	Stine,
Burns,	Hamilton,	Monks,	Tarr,
Burris,	Hare,	Mooney,	Tate,
Cadwalader,	Harkins,	Moran,	Taylor,
Chervenak,	Harris,	Muir,	Thompson, E.,
Chudoff,	Heatherington,	Munley,	Thompson, R.,
Cochran,	Helm,	Nagel,	Trout,
Cohen, M. M.,	Herman,	Nunemacher,	Turner,
Cohen, R. E.,	Hersch,	O'Brien,	Van Allsburg,
Cook,	Hewitt,	O'Connor,	Verona,
Cooper,	Hirsch,	O'Dare,	Vogt,
Cordier,	Holland,	O'Mullen,	Voldow,
Corrigan,	Huntley,	O'Neill,	Voorhees,
Croop,	Imbrie,	Owens,	Wagner,
Cullen,	James,	Petrosky,	Watkins,
Dalrymple,	Jefferson,	Pettit,	Weingartner,
Dennison,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Kenehan,	Powers,	Welsh, M. J.,
Duffy,	Kline,	Prosen,	Williams,
Early,	Knoble,	Rank,	Winner,
Eckels,	Kolankiewicz,	Rausch,	Wolf,
Elder,	Komorofski,	Readinger,	Wood, L. H.,
Elliott,	Krise,	Reagan,	Wood, N.,
Ely,	Lee, T. H.,	Reese, D. P.,	Woodring,
Falkenstein,	Leisey,	Reese, R. E.,	Woodside,
Finestone,	Leonard,	Reynolds,	Wright,
Finnerty,	Lesko,	Rhea,	Yeakel,
Fisher,	Levy,	Riley,	Yester,
Fiss,	Leydic,	Rooney,	Young,
Fleming,	Lichtenwalter,	Rose, S.,	Kilroy,
Fletcher,	Longo,	Rose, W. E.,	Speaker.
	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1021.

An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An

act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 17, by striking out after the word "power" the words "with the approval of the Department of Public Instruction"; also on page 3, line 2, by inserting after the word "price" the words "provided however that none of the powers granted by this act shall be used by the board of school directors of said school district without the specific and written approval of the State Department of Public Instruction."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Foor,	Lovett,	Rosenfeld,
Allmond,	French,	Lyons,	Royer,
Auker,	Gallagher,	Malloy,	Rush,
Baker,	Gates,	Marks,	Sarge,
Balthaser,	Gerard,	Maxwell,	Sarraf,
Baugher,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Gillette,	McClester,	Schwab,
Boles,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McFall,	Shaffer,
Boorse,	Gross,	McIntosh,	Shaw,
Bower,	Gryskewicz,	McKinney,	Shepard,
Bradley,	Gyger,	McLanahan,	Simons,
Breth,	Habbyshaw,	McLane,	Skale,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Haines,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hall,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Burns,	Hare,	Modell,	Stine,
Burris,	Harkins,	Monks,	Tarr,
Cadwalader,	Harmuth,	Mooney,	Tate,
Chervenak,	Harris,	Moran,	Taylor,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel,	Trout,
Cohen R. E.,	Herman,	Nunemacher,	Turner,
Cook,	Hersch,	O'Brien,	Van Allsburg,
Cooper,	Hewitt,	O'Connor,	Verona,
Cordier,	Hirsch,	O'Dare,	Vogt,
Corrigan,	Holland,	O'Mullen,	Voldow,
Croop,	Huntley,	O'Neill,	Voorhees,
Cullen,	Imbrie,	Owens,	Wagner,
Dalrymple,	James,	Petrosky,	Watkins,
Dennison,	Jefferson,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. B.,
Duffy,	Kenehan,	Powers,	Welsh, M. J.,
Early,	Kline,	Prosen,	Williams,
Eckels,	Knoble,	Rank,	Winner,
Elder,	Kolankiewicz,	Rausch,	Wolf,
Elliott,	Komorofski,	Readinger,	Wood, L. H.,
Ely,	Krise,	Reagan,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodring,
Finestone,	Leisey,	Reese, R. E.,	Woodside,
Finnerty,	Leonard,	Reynolds,	Wright,
Fisher,	Lesko,	Rhea,	Yeakel,
Fiss,	Levy,	Riley,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy,
Flynn,	Longo,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 481.

An Act to amend section eighteen of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties" requiring local ordinances in certain cases to conform to this act and the regulations made thereunder.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 1, line 1, by striking out after the word "amend" the word "section" and inserting in lieu thereof the word "sections"; also in same line by inserting after the word "eighteen" the words "and nineteen"; also in line 10, by inserting after the word "penalties" the words "requiring the filing of local ordinances rules and regulations with the Dairy Advisory Council"; also in same line, by inserting after the word "ordinances" the words "rules and regulations"; also in next to last line by striking out after the word "to" the words "conform to this act and the regulations made thereunder," and inserting in lieu thereof the following: "Be consistent requiring inspectors employed by municipalities to be approved inspectors eliminating the power of the Advisory Health Board to make rules and regulations establishing a Dairy Advisory Council in the Department of Health conferring powers and imposing duties thereon and providing for appeals to the Court of Common Pleas."

On the question,

Will the House concur in the amendments made by the Senate?

Amend Section 1, page 2, line 7, by striking out after the word "penalties" the word "is" and inserting in lieu thereof the word "is"; also in line 10, by striking out the light face brackets before the word "not"; also in line 11, by striking out the light face brackets after the word "to", before the word "nor" and after the word "to"; also in same line, by striking out after the last light face bracket the word "and"; also in line 13, by striking out the light face bracket before the word "for"; also in line 14, by striking out after the word "this" the following: "[inconsistent with provisions of this act This"; also in line 16, by striking out the light face bracket before the word "and"; also in line 23, by striking out the light face brackets after the word "ordinances".

Amend bill, page 2, line 23, by inserting after the word "ordinances" the following:

"Provided That all such ordinances rules and regulations shall be filed with the Dairy Advisory Council and that if any person is aggrieved by the action of any municipality its rules and regulations or the enforcement thereof or by the action of any approved inspector such person may appeal to the Dairy Advisory Council and if such grievance is caused by the application of conflicting provisions of municipal ordinances rules or regulations or the enforcement thereof with regard to physical conditions of dairy farms or milk plants including structures and equipment thereon the Dairy Advisory Council shall decide which provisions such persons shall comply with to properly protect the public health and Provided further that all inspectors of dairy farms and milk plants employed by municipalities shall be approved inspectors

Section 19 [The advisory health board of the State Department of Health is hereby authorized to adopt and promulgate rules and regulations for the proper enforcement of this act]

a There is hereby created and established in the Department of Health a Board to be known and designated as the Dairy Advisory Council The Dairy Advisory Council shall consist of seven (7) members

The Secretary of Agriculture or his authorized representative shall be the Chairman of the Council The Secretary of Health or his authorized representative shall be a member of the Council One member shall be a person actually connected with the Health Department of one of the municipalities of the Commonwealth and shall be appointed by the Secretary of Health The other four members shall be appointed by the Secretary of Agriculture Two members shall be persons familiar with and possessing either training or experience in dairying and the production and marketing of milk In making said appointments the Secretary of Agriculture shall recognize nominations made by the bona fide dairy cooperative organizations doing business in the Commonwealth Two members shall be persons who through training or experience are familiar with the operation of milk plants and the handling and distribution of milk in making such appointments the Secretary of Agriculture shall recognize the nominations made by the substantial organizations of milk dealers in the Commonwealth.

The Secretary of Health or his authorized representative is hereby authorized to convene meetings of the Dairy Advisory Council whenever in his opinion such meetings are necessary and shall convene meetings thereof at any time upon the request in writing of three members thereof and he shall be the custodian of the records and proceedings of such Council

The members of the Dairy Advisory Council other than those employed and paid by the Commonwealth or a municipality shall be paid at the rate of ten dollars per day while actually engaged in the work of the Council and shall receive their necessary traveling expenses

The term of office of all appointed members of the Dairy Advisory Council shall run concurrently with the term of the office of the Governor of the Commonwealth and until their successors shall have been appointed

b The Dairy Advisory Council is hereby authorized to adopt and promulgate rules and regulations not inconsistent with the provisions of this Act for its proper administration and enforcement Such rules and regulations shall be adopted only after a public hearing for the consideration thereof notice of which hearing shall be mailed at least seven (7) days prior thereto to each applicant for or holder of a permit and to any other person who shall have requested notice of public hearings and notice of such hearing shall be given to the public in such newspaper or newspapers as will afford an opportunity to all persons affected to attend such a hearing Such rules and regulations shall be filed in the office of the Secretary shall be open to inspection by the public and copies thereof shall be mailed at least seven (7) days prior to the effective date thereof to each applicant for or holder of a permit and to any other person who shall have requested such copies provided however that such mailing shall not be a condition precedent to the validity of such rule or regulation Such rules and regulations may contain all provisions necessary to carry into effect the intent of the provisions of the Act concerning quality or grades of milk and milk products standards of milk plants and equipment standards of physical condition of dairy farms and cattle sanitary requirements of dairy farms and milk plants sanitary requirements relating to shipping transporting and delivering milk and milk products qualifications and classification of approved inspectors and all other standards practices or sanitary requirements necessary to the effective administration and enforcement of this Act

c Any person aggrieved by any decision rule or regulation made prescribed or adopted by the Dairy Advisory Council may within twenty (20) days after the decision or adoption of such rule or regulation file an appeal therefrom in the Court of Common Pleas of Dauphin County or of the County in which such person resides or has his principal place of business No such appeal shall be permitted to act as a supersedeas except on special order of the court A special order of court permitting the appeal to act as a supersedeas may be made only after reasonable notice to the Secretary of Health The appeal from the action of the Dairy Advisory Council shall be by petition against the Secretary of Health officially as defendant alleging therein in brief detail the action of the Dairy Advisory Council complained of and praying for a reversal thereof Such petition shall specify the petitioner's objections to the action of the Dairy Advisory Council and shall state the reasons in support of such objections All averments in the petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed for the purpose of delay Upon service of a summons upon the Secretary of Health returnable at least ten (10) days from the date of service the Secretary of Health may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition If such motion is not sustained the Secretary of Health shall be given leave to file an answer within not less than ten (10) days after the order of court overruling the motion Upon the filing of the answer by the Secretary of Health the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay

The Secretary of Health shall on the return day of such summons certify to the court the record of the proceedings before the Dairy Advisory Council to which the petition refers Such record shall include the testimony if any taken relative thereto the findings of facts of the Dairy Advisory Council and a copy of the rules and regulations complained of in the petition

Mere technical irregularities in the procedure of the Dairy Advisory Council shall not be the basis of the decisions of the court In an appeal from the decision and action of the Dairy Advisory Council the case shall be heard upon the record certified to the court by the Secretary of Health No evidence shall be received at the hearing of an appeal but if any party shall satisfy the court that evidence has been discovered since the hearing before the Dairy Advisory Council that could not have been obtained for use at that hearing by the exercise of reasonable diligence and will materially affect the merits of the case the court may in its discretion remand the record and proceedings to the Dairy Advisory Council with directions to take such after-discovered evidence and after consideration thereof to make such findings and so modify the decision rules and regulations complained of in the petition as the Dairy Advisory Council may deem proper and re-certify and re-submit to the court the record together with such additional supplemental findings decision rules and regulations as the Dairy Advisory Council shall have issued Whereupon the court of common pleas shall proceed with the hearing of said appeal on the original and supplemental record

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Achterman.

The House resumed the consideration on final passage of House Bill No. 124, entitled:

An Act to reenact and amend the title and the act approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment of milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines, and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," by substituting the term "handler" for the term "milk dealer"; defining the terms "handle" and "handler"· extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase by giving certain additional rights to producers' and farmers' unions or organizations producing milk; setting up a price fixing procedure; restricting powers of the Governor; and providing for the payment of funds in the hands of the commission owing to producers and handlers.

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. ACHTERMAN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. LEVY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Monroe, Mr. Achterman, vote on the third reading of this bill?

Mr. ACHTERMAN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Levy, vote in the third reading of this bill.

Mr. LEVY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. ACHTERMAN. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 304), page 12, lines 16 to 29, both inclusive, by striking out all of said lines.

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment.

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

MT. LEBANON SENIOR HIGH SCHOOL WELCOMED

The SPEAKER. We are pleased to welcome to the House this afternoon members of the Social Studies Class of the Mt. Lebanon Senior High School. They are the guests of the gentlemen from Allegheny, Mr. Cooper and Mr. Ronald L. Thompson.

BILL PASSED OVER

There being no objection House Bill No. 1166, Printer's No. 461, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1355, entitled:

An Act to further amend the act, approved the eighteenth day of May; one thousand nine hundred eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," changing the conditions of eligibility for election or appointment as county, district, assistant county or district superintendent and associate superintendent, and the term of county superintendents.

On the question,

Will the House agree to the bill on third reading?

Mr. GOODWIN. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 3 (Sec. 1105), page 4, line 19, by striking out the word "only".

The SPEAKER. Will the House give unanimous con-

sent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment.

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 1070, Printer's No. 284, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 943, entitled:

An Act to reenact and amend section 441 of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" by authorizing boards of county commissioners to appropriate county moneys for the support of charitable hospitals.

On the question,

Will the House agree to the bill on third reading

Mr. WOLF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the title, page 1, 7th line of title, by inserting after the word "commissioners" the following: "except in counties of the second class."

Amend sec. 1, (sec. 441), page 2, line 12 by striking out the word "And" and inserting in lieu thereof the following: "Except in counties of the second class."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 870, Printer's No. 510, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 567, Printer's No. 508, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1454, Printer's No. 516, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1455, Printer's No. 515, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1188, Printer's No. 511, was passed over at the request of Mr. O'BRIEN.

There being no objection House Bill No. 139, Printer's No. 514, was passed over at the request of Mr. WEISS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1257, as follows:

An Act to add section three and one-tenth to the act approved the fifteenth day of May one thousand nine hundred and thirty-nine (P. L. 134) entitled "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties" providing for an extension of time on permits for such displays when not made on the day designated in the permit

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the fifteenth day of May one thousand nine hundred and thirty-nine (P. L. 134) entitled "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for firework displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties" is hereby amended by adding thereto after section three a new section to read as follows

Section 3.1 If by reason of unfavorable weather the display for which a permit has been granted does not take place at the time so authorized the person to whom such permit was issued may within twenty-four hours apply to the authority having granted the same setting forth under oath the fact that such display was not made giving the reason therefor and requesting a continuance of such permit for a day designated therein not later than one week after the day fixed originally in said permit Upon receiving such application for a continuance the said authority if it believes the facts stated therein are true shall extend the provisions of said permit to the day fixed in said application not later than one week after the original day designated in the permit and such extension of time shall be granted without the payment of any additional fee and without requiring any bond other than the one given for the original permit the provisions of which shall extend to and cover all damages which may be caused by reason of the said display taking place at such extended date in the same manner and to the same extent as if such display had taken place at the date originally fixed in the permit

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Foor,	Lovett,	Rose, W. E.,
Allmond,	French,	Lyons,	Rosenfeld,
Auker,	Gallagher,	Malloy,	Royer,
Baker,	Gates,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baugher,	Gillan,	McClanaghan,	Sarraf,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Gross,	McFall,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,

Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbyshaw,	McLanahan,	Shepard,
Breth,	Haberlen,	McLane,	Simons,
Bretherick,	Haines,	McMillen,	Skale,
Brown,	Hall,	McSurdy,	Snyder,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sollenberger,
Brunner, P. A.,	Hare,	Mihm,	Stambaugh,
Burns,	Harkins,	Modell,	Stank,
Burris,	Harmuth,	Monks,	Stine,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm	Muir,	Taylor,
Cochran,	Hering,	Munley,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Nagel,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nunemacher,	Trout,
Cook,	Hewitt,	O'Brien,	Turner,
Cooper,	Hirsch,	O'Connor,	Van Allsburg,
Cordier,	Holland,	O'Dare,	Verona,
Corrigan,	Huntley,	O'Mullen,	Vogt,
Croop,	Imbrie,	O'Neill,	Voldow,
Cullen,	James,	Owens,	Voorhees,
Dalrymple,	Jefferson,	Petrosky,	Wagner,
Dennison,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weiss,
Dolon,	Kenehan,	Polen,	Weingartner,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rank,	Williams,
Elder,	Komorofski,	Rausch,	Winner,
Elliott,	Krise,	Readinger,	Wolf,
Ely,	Lee, T. H.,	Reagan,	Wood, L. H.,
Falkenstein,	Leisey,	Reese, D. P.,	Wood, N.,
Finestone,	Leonard,	Reese, R. E.,	Woodring,
Finnerty,	Lesko,	Reynolds,	Woodside,
Fisher,	Levy,	Rhea,	Wright,
Fiss,	Leydic,	Riley,	Yeakel,
Fletcher,	Lichtenwalter,	Rooney,	Yester,
	Longo,	Rose, S.,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1301, (Senate Bill No 217) as follows:

An Act requiring the Department of Welfare to notify the clerk of court and the county controller of all discharges or releases from institutions under its supervision

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be the duty of the Department of Welfare whenever a person is discharged from any State institution under its supervision immediately to notify the clerk of court and the controller of the county from which such person was committed of the fact of his discharge or release

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Flynn	Longo,	Rose, W. E.,
Allmond,	Foor	Lovett,	Rosenfeld,
Auker,	French,	Lyons	Royer,
Baker,	Gallagher,	Malloy,	Rush,
Balthaser,	Gates,	Marks,	Sarge,
Baugher,	Gerard,	Maxwell,	Saraf,
Bentzel,	Gillan,	McClanaghan,	Scanlon,
Boles,	Gillette,	McClester,	Schwab,
Boney,	Goodwin,	McDermott,	Serrill,
Boorse,	Greenwood,	McFall,	Shaffer,
Bower	Gross	McIntosh,	Shaw,
Bradley,	Gryskewicz,	McKinney,	Shepard,
Breth,	Gyger,	McLanahan,	Simons,
Bretherick,	Habbyshaw,	McLane,	Skale,
Brown,	Haberlen,	McMillen,	Snyder,
Brunner, C. H	Haines,	McSurdy,	Sollenberger,
Brunner, P. A	Hall,	Melchiorre,	Stambaugh,
Burns,	Hamilton,	Mihm,	Stank,
Burris,	Hare,	Modell,	Stine,
Cadwalader	Harkins,	Monks,	Tarr,
Chervenak,	Harmuth,	Mooney,	Tate,
Chudoff,	Harris	Moran,	Taylor,
Cochran,	Heatherington	Muir,	Thompson, E. F.,
Cohen, M. M	Helm,	Munley,	Thompson, R. L.,
Cohen, R. E.	Hering,	Nagel,	Trout,
Cooper,	Herman,	Nunemacher	Turner,
Cordier,	Hersch,	O'Brien,	Van Allsburg,
Cook	Hewitt,	O'Connor,	Verona,
Corrigan	Hirsch,	O'Dare,	Vogt,
Croop,	Holland,	O'Mullen	Voldow,
Cullen,	Huntley	O'Neill,	Voorhees,
Dalrymple,	Imbrie,	Owens,	Wagner,
Dennison,	James,	Petrosky	Watkins,
Dix,	Jefferson	Pettit,	Weingartner,
Dolon,	Jones, P. N.	Polaski	Weiss,
Duffy,	Keenan	Polen,	Welsh, E. B.,
Early,	Kenehan,	Powers,	Welsh, M. J.,
Eckels,	Kline,	Prosen,	Williams,
Elder,	Knoble,	Rank,	Winner,
Elliott,	Kolankiewicz,	Rausch,	Wolf,
Ely,	Komorofski,	Readinger,	Wood, L. H.,
Falkenstein,	Krise,	Reagan,	Wood, N.,
Finestone,	Lee, T. H.,	Reese, D. P.,	Woodring,
Finnerty,	Leisey,	Reese, R. E.,	Woodside,
Fisher,	Leonard,	Reynolds,	Wright,
Fiss,	Lesko,	Rhea,	Yeakel,
Fleming,	Levy,	Riley,	Yester,
Fletcher,	Leydic,	Rooney,	Young,
	Lichtenwalter	Rose, S.,	Kilroy,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1213, entitled:

An Act to amend an act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining the times during which the benefits shall be payable and the amounts thereof and to whom payable

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes

employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" is hereby amended to read as follows

Section 1 That whenever any appointive officer or employe regularly employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district within the Commonwealth and who shall have been regularly employed thereby for a period of not less than one year prior thereto shall in time of war or [contemplated war] emergency declared by the President of the United States or by the Governor of this Commonwealth enlist enroll or be called or drafted [in] into the active military or naval service of the United States or any branch or unit thereof he shall not be deemed or held to have thereby resigned from or abandoned his said office or employment nor shall he be removed therefrom during the period of his said service during such war or emergency as hereinafter defined but the duties of his said office or employment shall if there is no other person authorized by law to perform the powers and duties of such officer or employe during said period be performed by a substitute who shall be appointed by the same authority who appointed such officer or employe if authority shall deem the employment of such substitute necessary Such substitute shall receive so much of the salary or wages attached to said office or employment as shall not be paid to the dependent or dependents of said officer or employe as hereinafter provided and such substitute may receive such further compensation from appropriations made for that purpose [or otherwise] as may be required when added to the amount received under the provisions of this act to constitute a reasonable compensation for his services in the opinion of the authority appointing him Provided however that in the case of any County municipality township or school district the number and compensation of such substitutes shall be fixed by the body authorized by law to legislate for such county municipality township or school district

Section 2 And said officer or employe so enlisting enrolling called or drafted and having a dependent or dependents as aforesaid may at the time of his enlistment enrollment call or draft or immediately thereafter file with the head or chief of the department bureau commission or office in which he is employed a statement in writing executed under oath setting forth the fact and date of his enlistment enrollment call or draft his intention to retain his said office or employment and to resume the duties thereof after the expiration of his active service in the military or naval service or any branch or unit thereof and the names and addresses of his wife children and dependent parent or parents if any such he have and requesting and directing that one-half of the salary or wages of his said office or employment not exceeding two thousand ($2,000) dollars per annum shall be paid during his active service in the military or naval service or any branch or unit thereof as follows [If he have a wife to his wife for her use and that of his children if he have children and no wife then to such person as he may designate for the use and benefit of his children If he have a dependent parent or parents then he shall direct such sum as he has theretofore been accustomed to contribute to their support to be paid to them and the sum not payable to his wife or children if any he have shall be proportionately decreased If he have no wife or children he may direct the entire one-half of his said salary or wages not exceeding two thousand ($2,000) dollars per annum to be paid to his dependent parent or parents if any such he have]

If he has a wife and no children or dependent parents to his wife for her use provided however that if he is living separate and apart from his wife at the time of his entry into service the payment to her shall not exceed the amount contributed by him to her voluntarily or by order of Court prior to his entry into service

If he has a wife and minor children and no dependent parents to his wife for her use and that of the said children

If he has no wife or dependent parents but has minor children to a person designated by him for the use and benefit of such children

If he has no wife or minor children but has a dependent parent or parents to such parent or parents for their use provided however that the payment to such parent or parents shall not exceed the amount contributed by him to them prior to his entry into service

If he has a dependent parent or parents and a wife or minor children then the benefits shall be allocated among them in proportion of his contribution to them prior to his entry into service provided however that the payment to any dependent parent or parents and to any wife living separate and apart from such officer or employe shall not exceed the amount contributed by him prior to his entry into service And provided further that the amount of benefits paid under this act shall in no case exceed an amount which added to the aggregate amount paid to such officer or employe by the United States as compensation commutation and other allowances totals more than the salary or wages paid to such officer or employe by the Commonwealth or by any County municipality township or school district within the Commonwealth at the time of his entry into such military or naval service all sums so directed to be paid shall be paid to the person designated in the same proportional instalments as nearly as may be as the salary or wages of such person were theretofore paid to him With such statement he shall also file powers of attorney authorizing the proper dependents to receive their proportion of said salary or wages as aforesaid

Section 3 The statement required to be filed by section two of this act shall be prima facie evidence of the dependency of any person named as a dependent in said statement but the head of [any] the department bureau commission or office [may in the case of doubt satisfy himself] shall investigate and certify his findings as to the fact of such dependency and if the person so [nominated] named as a dependent was not in fact dependent upon the officer or employe enlisting enrolling called or drafted in the active military or naval service or any branch or unit thereof at the time of his enlistment enrollment call or draft shall refuse to make any payment to such person on account of the salary or wages of such officer or employe Such head of a department bureau commission or office shall also satisfy himself before making payments to dependents under the provisions of this act that the officer or employe was alive during the period for which any payment is made No payment shall be made under the provisions of this act to any officer or employe enlisting enrolling called or drafted as aforesaid and so much of the salary or wages of such officer employe as is not paid under the provisions of this act to his dependents and his substitute shall [be recovered back into the fund] remain to the credit of the appropriation fund or item from which said salary or wages is paid

Section 4 As used in this act the term "war" shall mean the period between the opening and ending of hostilities and shall not include the period after the ending of hostilities notwithstanding the fact that no treaty of peace has been negotiated or concluded and the term "emergency" shall mean the period between a declaration that a state of emergency exists and a declaration that the state of emergency has been terminated

Section 5 The benefits of this act shall apply to any officer or employe entitled thereto until one month after the termination of the term of service or training in which

the said officer or employe shall be engaged at the conclusion of such hostilities or state of emergency but shall not apply to any term of service voluntarily entered into by the said officer or employe after the conclusion of such hostilities or emergency

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Foor,	Lovett,	Rosenfeld,
Allmond,	French,	Lyons,	Royer,
Auker,	Gallagher,	Malloy,	Rush,
Baker,	Gates,	Marks,	Sarge,
Balthaser,	Gerard,	Maxwell,	Sarraf,
Baugher,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Gillette,	McClester,	Schwab,
Boies,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McFall,	Shaffer,
Boorse,	Gross,	McIntosh,	Shaw,
Bower,	Gryskewicz,	McKinney,	Shepard,
Bradley,	Gyger,	McLanahan,	Simons,
Breth,	Habbyshaw,	McLane,	Skale,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Haines,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hall,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Burns,	Hare,	Modell,	Stine,
Burris,	Harkins,	Monks,	Tarr,
Cadwalader,	Harmuth,	Mooney,	Tate,
Chervenak,	Harris,	Moran,	Taylor,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel,	Trout,
Cohen, R. E.,	Herman,	Nunemacher,	Turner,
Cook,	Hersch,	O'Brien,	Van Allsburg,
Cooper,	Hewitt,	O'Connor,	Verona,
Cordier,	Hirsch,	C'Dare,	Vogt,
Corrigan,	Holland,	O'Mullen,	Voldow,
Croop,	Huntley,	O'Neill,	Voorhees,
Cullen,	Imbrie,	Owens,	Wagner,
Dalrymple,	James,	Petrosky,	Watkins,
Dennison,	Jefferson,	Pettit,	Weingartner
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. B.,
Duffy,	Kenehan,	Powers,	Welsh, M. J.,
Early,	Kline,	Prosen,	Williams,
Eckels,	Knoble,	Rank,	Winner,
Elder,	Kolankiewicz,	Rausch,	Wolf,
Elliott,	Komorofski,	Readinger,	Wood L. H.,
Ely,	Krise,	Reagan,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodring,
Finestone,	Leisey,	Reese, R. E.,	Woodside,
Finnerty,	Leonard,	Reynolds,	Wright,
Fisher,	Lesko,	Rhea,	Yeakel,
Fogs,	Levy,	Riley,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy,
Flynn,	Longo,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1295, as follows:

An Act to amend section four thousand four hundred two of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for additional members of certain civil service boards

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four thousand four hundred two of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 4402 Appointment of Examining Boards There shall be the following civil service boards in each city (a) A board for the examination of applicants for appointment to any position in the police department (b) a board for the examination of applicants for appointment to any salaried position in the fire department (except volunteer departments) or health officers other than registered physicians or as sanitary policemen or inspectors of the health department (c) a board for the examination of applicants for appointment to any position in the engineering or electrical departments or to the position of building inspectors

Each of said boards shall consist of three citizens who shall be elected by council for terms of four years or until their successors are elected and qualified One of the members of the boards provided for in clauses (a) and (b) of this section shall be an educator and one shall be a physician Any person may be appointed to one or more of said boards In addition to the three members hereinbefore provided for who shall have full power to vote on all questions coming before the board the board for examination of applicants for appointment of any position in the police department under clause (a) above shall have a fourth member who shall be a paid policeman of the city but who shall have no right to vote on any question coming before the board and in cities having a paid fire department only the board for the examination of applicants for appointment to any salaried position in the fire department (except volunteer departments) or health officers other than registered physicians or as sanitary policemen or inspectors of the health department under clause (b) above shall have a fourth member who shall be a paid fireman of the city but who shall have no right to vote on any question coming before the board Such additional members shall be elected by council for terms of four years or until their successors are elected and qualified.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. AUKER. Mr. Speaker, I would like to interrogate the sponsor of the bill, the gentleman from Erie, Mr. Polaski.

The SPEAKER. Will the gentleman from Erie permit himself to be interrogated?

Mr. POLASKI. I will, Mr. Speaker.

Mr. AUKER. Mr. Speaker, I would like to ask the sponsor of this bill what the purpose is in putting firemen and policemen on the Civil Service Boards of third class cities when they do not have a vote.

Mr. POLASKI. Mr. Speaker, the purpose of this bill is to give the policemen and firemen a chance to serve as advisors on these Civil Service Boards. That is the only purpose of the bill.

Mr. AUKER. Mr. Speaker, what good would they be on the board, even in an advisory capacity, if they do not have any vote?

Mr. POLASKI. Mr. Speaker, the police and firemen contend that they are better able to determine the fitness of men who are applying for positions, and therefore would like to have the opportunity to pass judgment on any applications.

Mr. AUKER. Will the sponsor of the bill answer me whether or not the Civil Service Boards do not now have the prerogative to consult the policemen and firemen before any appointments are made?

Mr. POLASKI. The law does not specify anything about that fact, Mr. Speaker.

Mr. AUKER. There isn't anything in the law to prevent it, is there, Mr. Speaker?

Mr. POLASKI. Mr. Speaker, no, there is not. I admit that.

Mr. AUKER. That is all, Mr. Speaker, I thank the gentleman from Erie. I would like to debate the bill. I can't see any purpose in the bill at all, inasmuch as there is no voting power in the representatives of the policemen and firemen who might be placed on the Civil Service Board in an advisory capacity. There is no juestion now that the Civil Service Board has the power and authority to consult the policemen and firemen, and we are not giving them anything today that they do not already have. I think it is superfluous legislation, and therefore bad. I ask the members to vote against the bill.

Mr. POLASKI. Mr. Speaker, the bill as originally written specified that a fourth member policeman be placed on the Policemen's Civil Service Board, and a fourth member fireman be placed on the Firemen's Civil Service Board. The original bill specified that these members would have voting power. When this bill came on the calendar various members objected to the fact that these fourth members would have voting power, because in case they voted with four members on the Board there might be a deadlock of two and two. Therefore, as a compromise measure we suggested an amendment to make these fourth members non-voting members, which means that there will never be a possibility of a deadlock.

I think the bill has certain merits. It gives the policeman and firemen a chance to say something in regard to the applicant as to his fitness and his aptness for the position applied for, and it does not necessarily give them the power to sway the board in its consideration of an applicant. I suggest that the House vote for the bill.

Mr. AUKER. Mr. Speaker, I would like to ask the gentleman whether or not the other municipal employes have any representation on these boards?

Mr. POLASKI. No, they have not, Mr. Speaker.

Mr. AUKER. Doesn't the gentleman think, Mr. Speaker, that it is being unfair to the other municipal employes in not giving them any representation on the board when the policemen and firemen have representation?

Mr. POLASKI. Mr. Speaker, we might introduce a bill to the effect that the engineers might also have an engineer on the Board, so that there would be representation on all three boards.

Mr. AUKER. Mr. Speaker, if we follow that out to its logical conclusion, every particular department in the city would possibly be entitled to a member on the Board in an advisory capacity.

Mr. POLASKI. There are only three boards at the present time. This will provide for firemen and policemen on two boards, leaving out the one board.

Mr. AUKER. Mr. Speaker, how are the other municipal employes going to be taken care of?

Mr. POLASKI. The other municipal employes, Mr. Speaker, do not have a Civil Service Board, outside of the engineers.

Mr. AUKER. Are there not bills pending here now that will give civil service tenure status to all municipal employes, Mr. Speaker?

Mr. POLASKI. I believe there are, Mr. Speaker.

Mr. AUKER. One such bill, Mr. Speaker, has already passed the Senate, isn't that correct?

Mr. POLASKI. I believe it is, Mr. Speaker.

Mr. AUKER. Mr. Speaker, what will be the status then if that bill becomes law and this bill becomes law?

Mr. POLASKI. I haven't proved that question, Mr. Speaker.

Mr. AUKER. Doesn't the gentleman think, Mr. Speaker, that it would be a good idea to hold this bill up until we see what happens to that bill?

Mr. POLASKI. I ask that the bill be voted on, Mr. Speaker.

Mr. AUKER. That is all, and I thank the sponsor.

Mr. Speaker, this legislation in my opinion is very superfluous,—Mr. Rose gave me that word yesterday and I think it is a good one. I believe it is going to throw the Civil Service Board and the regulation of such boards in third class cities more or less into confusion, so that they will not be able to regulate in nearly as good a manner as they are now capable of doing. Furthermore, if these other municipal employes come under the Civil Service Board under the act now pending in the House which has already passed the Senate, then we will have the odd situation of two classes of municipal employes being recognized by a Civil Service Board in the capacity of advisors and the other municipal employes will not be recognized. It will be unfair to all the other municipal employes.

I am not against representation on the Civil Service Board by either policemen or firemen or municipal employes, but I do believe that this bill should be held up until we see whether or not this other act is going to pass the House, and then have a bill passed which will give representation upon the board, perhaps, of two members elected from the municipal employes. Then we would have a well-balanced bill. I feel that they should have representation possibly on the board,—I am not against it, but I am against legislation being passed at this time which will only create a hodge podge and be superfluous.

In view of legislation now passed and in view of the fact that the sponsor will not agree to hold the bill over until third reading and final passage I ask the members of the House to vote against the bill with the hope that we can get another tenure bill passed.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—140

Achterman,	Gerard,	Malloy,	Reese, R. E.,
Allmond,	Gillette,	Marks,	Reynolds,
Baker,	Goodwin,	Maxwell,	Rooney,
Balthaser,	Greenwood,	McClanaghan,	Rose, S.,
Baugher,	Gryskewicz,	McDermott,	Rose, W. E.,
Bentzel,	Gyger,	McFall,	Rosenfeld,
Boles,	Habbyshaw,	McIntosh,	Sarraf,
Boney,	Haberlen,	McKinney,	Scanlon,
Boorse,	Haines,	McLanahan,	Schwab,
Bradley,	Hall,	McLane,	Shaffer,
Breth,		McMillen,	Shaw,

Brunner, P. A.,	Hamilton,	McSurdy,	Simons,
Burris,	Hare,	Melchiorre,	Tarr,
Chervenak,	Harkins,	Mihm,	Tate,
Chudoff,	Harmuth,	Modell,	Taylor,
Cochran,	Harris,	Monks,	Thompson, E. F.,
Cohen, M. M.,	Heatherington,	Mooney,	Thompson, R. L.,
Cohen, R. E.,	Helm,	Moran,	Trout,
Cook,	Hering,	Moul,	Turner,
Cooper,	Herman,	Muir,	VanAllsburg,
Cordier,	Hersch,	Munley	Verona,
Duffy,	Hirsch,	Nagel	Vincent,
Early,	Holland,	Nunemacher	Vogt,
Elder,	Huntley,	O'Brien,	Voldow,
Elliott,	Jefferson,	O'Connor,	Watkins,
Ely,	Jones, P. N.,	O'Dare,	Weiss,
Falkenstein,	Keenan,	O'Mullen,	Welsh, E. B.,
Finestone,	Kenehan,	O'Neill,	Welsh, M. J.,
Finnerty,	Kline,	Owens,	Williams,
Fisher,	Kolankiewicz,	Petrosky,	Wolf,
Fiss,	Leonard,	Pettit,	Woodring,
Fleming,	Lesko,	Polaski,	Wright,
French,	Levy,	Polen,	Yester,
Gallagher,	Leydic,	Powers,	Young,
Gates,	Lovett,	Prosen,	Kilroy,
	Lyons,		Speaker.

NAYS—10

Auker,	Imbrie,	McClester,	Voorhees,
Dix,	James,	Reagan,	Weingartner,
Hewitt,	Lee, E. A.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

Senate Bill No. 295:

An Act to amend sections seven and eight of the act approved the twelfth day of June one thousand eight hundred and seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" requiring the publication of advance sheets of such reports requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein and further regulating the basis upon which bids shall be submitted and provisions of the contract for publication of such reports and advance sheets

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 532, as follows:

An Act to amend section one thousand and forty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended limiting the number of days for the completion of borough audits

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand and forty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by section six of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1290) is hereby further amended to read as follows

Section 1047 Compensation of Auditors Each auditor shall receive five dollars per day for each day necessarily employed in the discharge of his duties to be paid by the borough A day shall consist of not less than five hours in the aggregate In completing their audit the auditors shall not be employed more than the following number of days In boroughs having a population of less than three thousand twenty days in boroughs having a population of three thousand and more but less than ten thousand thirty days and in boroughs having a population of ten thousand and more forty days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Foor,	Lovett,	Rosenfeld,
Allmond,	French,	Lyons,	Royer,
Auker,	Gallagher,	Malloy,	Rush,
Baker,	Gates,	Marks,	Sarge,
Balthaser,	Gerard,	Maxwell,	Sarraf,
Baugher,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Gillette,	McClester,	Schwab,
Boies,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McFall,	Shaffer,
Boorse,	Gross,	McIntosh,	Shaw,
Bower,	Gryskewicz,	McKinney,	Shepard,
Bradley,	Gyger,	McLanahan,	Simons,
Breth,	Habbyshaw,	McLane,	Skale,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Haines,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hall,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Burns,	Hare,	Modell,	Stine,
Burris,	Harkins,	Monks,	Tarr,
Cadwalader,	Harmuth,	Mooney,	Tate,
Chervenak,	Harris,	Moran,	Taylor,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel	Trout,
Cohen, R. E.,	Herman,	Nunemacher	Turner,
Cook,	Hersch,	O'Brien,	VanAllsburg,
Cooper,	Hewitt,	O'Connor,	Verona,
Cordier,	Hirsch,	O'Dare,	Vogt,
Corrigan,	Holland,	O'Mullen,	Voldow,
Croop,	Huntley,	O'Neill,	Voorhees,
Cullen,	Imbrie,	Owens,	Wagner,
Dalrymple,	James,	Petrosky,	Watkins,
Dennison,	Jefferson,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. B.,
Duffy,	Kenehan,	Powers,	Welsh, M. J.,
Early,	Kline,	Prosen,	Williams,
Eckels,	Knoble,	Rank,	Winner,
Elder,	Kolankiewicz,	Rausch,	Wolf,
Elliott,	Komorofski,	Readinger,	Wood, L. H.,
Ely,	Krise,	Reagan,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, D P.,	Woodring,
Finestone,	Leisey,	Reese, R E.,	Woodside,
Finnerty,	Leonard,	Reynolds,	Wright,
Fisher,	Lesko,	Rhea,	Yeakel,
Fiss,	Levy,	Riley,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy,
Flynn,	Longo,	Rose, W. E.,	Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 530, as follows:

An Act to amend section three hundred and five of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the reimbursement of counties by the Commonwealth for primary and election costs incurred in even-numbered years

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred and five of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 305 Expenses of County Boards and of Primaries and Elections to be paid by County Expenses of Special Elections Boards to be Provided with Offices (a) The county commissioners or other appropriating authorities of the county shall appropriate annually and from time to time to the county board of elections of such county the funds that shall be necessary for the maintenance and operation of the board and for the conduct of primaries and elections in such county including the payment of the compensation of the employes of the board custodians election officers and other assistants and employes herein provided for and the fees of witnesses as herein provided for the purchase or printing under contracts made by the board of all ballots and other primary and election supplies required by this act or which the board shall consider necessary to carry out the provisions of this act for the purchase under contracts made by the board and maintenance of voting machines when adopted as herein provided and of all other primary and election equipment required by this act or which the board shall consider necessary to carry out the provisions of this act for the publication of notices authorized by this act under contracts made by the board and for all other necessary expenses hereunder Provided however That bonds or other evidences of indebtedness payable not later than ten years from their dates of issuance may be issued by the county commissioners or other appropriating authorities of the county in accordance with the provisions of law relating to the increase of indebtedness of such county to meet all or any part of the cost of voting machines

1 The county shall be liable for the expenses of holding special elections for any city borough township school district or other municipality or incorporated district contained therein which is held on the day of any general municipal or primary election and on any special question which is required by law to be or which is at the discretion of the county board as hereinafter provided printed on the regular ballot after the list of the candidats or on the same voting machine as the list of candidates

2 Any city borough township school district or other municipality or incorporated district contained in any county holding a special election as authorized by law on the question of increase of indebtedness or any other question to be voted on by the electors of such subdivision which special election is held on the day of any general municipal or primary election and which is required by law to be conducted or at the discretion of the county board as hereinafter provided is conducted by special ballots for such question shall be liable to the county for the expenses necessarily incurred in the printing of such special ballots

3 If any other day than the day of any general municipal or primary election be fixed by the corporate authorities of any municipality school district or incorporated district for the holding of a special election on the question of increase of indebtedness or any other question as authorized by law such municipality school district or incorporated district shall be liable for and pay the entire expense of holding such election including the cost of printing ballots and supplies pay of election officers the rental of polling places and the cost of canvassing and computing the votes cast

(b) The county commissioners or other appropriating authorities of the county shall provide the county board with suitable and adequate offices at the county seat properly furnished for keeping its records holding its public sessions and otherwise performing its public duties and shall also provide such branch offices for the board in cities other than the county seat as may be necessary

(c) The Commonwealth shall reimburse each county for election expenses incurred at the general and primary election conducted in each even-numbered year as follows

1 The sum of seventy-five dollars ($75.00) for each borough and township not divided into wards and a like amount for each ward in each city borough and township divided into wards and

2 The sum of seventy-five dollars ($75.00) for each eight hundred registered electors or major fraction thereof after the first one thousand in each borough and township not divided into wards and a like amount for each like number registered electors in each ward of each city borough and township divided into wards and

3 The sum of ten cents for each registered elector in the county the number to be determined by the total number of electors on the district registers at date of the general election held in November of each even-numbered year

The county Board of Elections shall transmit to the Department of State not later than November thirtieth of each even-numbered year on a form prescribed and furnished by the Department of State (a) the names of the boroughs and townships not divided into wards and the names or numbers of each ward in each city borough and township divided into wards (b) the number of electors registered on the date of the general election in each borough and township not divided into wards and in each ward of each city borough and township divided into wards (c) the total number of registered electors in such county and (d) such other information as the Department of State shall require

In order to enable the County Board of Elections to furnish such information to the Department of State it shall be the duty of the Registration Commissions in cities of the first second and second A classes upon request to furnish to the County Board of Elections all information necessary to enable it to make the report

Upon the receipt of each report from the County Board of Elections the Department of State shall ascertain and fix the amount due to each county for the general and primary election held that year in accordance with the formula above prescribed and by requisition in the usual course provide for the payment of such amounts so found due from moneys appropriated to the Department of State for such purposes

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gerard,	McClanaghan,	Scanlon,
Baugher,	Gillan,	McClester,	Schwab,
Bentzel,	Gillette,	McDermott,	Serrill,
Boles,	Goodwin,	McFall,	Shaffer,
Boney,	Greenwood,	McIntosh,	Shaw,
Boorse,	Gross,	McKinney,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Gyger,	McLane,	Skale,
Breth,	Habbyshaw,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Haines,	Melchiorre,	Stambaugh,
Brunner, C. H.,	Hall,	Mihm,	Stank,
Brunner, P. A.,	Hamilton,	Modell,	Stine,
Burns,	Hare,	Monks,	Tarr,
Burris,	Harkins,	Mooney,	Tate,
Cadwalader,	Harmuth,	Moran,	Taylor,
Chervenak,	Harris,	Muir,	Thompson, E. F.
Chudoff,	Heatherington,	Munley	Thompson, R. L.,
Cochran,	Helm,	Nagel	Trout,
Cohen, M. M.,	Hering,	Nunemacher	Turner,
Cohen, R. E.,	Herman,	O'Brien,	VanAllsburg,
Cook,	Hersch,	O'Connor,	Verona,
Cooper,	Hewitt,	O'Dare,	Vogt,
Cordier,	Hirsch,	O'Mullen,	Voldow,
Corrigan,	Holland,	O'Neill,	Voorhees,
Croop,	Huntley,	Owens,	Wagner,
Cullen,	Imbrie,	Petrosky,	Watkins,
Dalrymple,	James,	Pettit,	Weingartner,
Dennison,	Jefferson,	Polaski,	Weiss,
Dix,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dolon,	Keenan,	Powers,	Welsh, M. J.,
Duffy,	Kenehan,	Prosen,	Williams,
Early,	Kline,	Rank,	Winner,
Eckels,	Knoble,	Rausch,	Wolf,
Elder,	Kolankiewicz,	Readinger,	Wood, L. H.,
Elliott,	Komorofski,	Reagan,	Wood, N.,
Ely,	Krise,	Reese, D. P.,	Woodring,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Woodside,
Finestone,	Leisey,	Reynolds,	Wright,
Finnerty,	Leonard,	Rhea,	Yeakel,
Fisher,	Lesko,	Riley,	Yester,
Fiss,	Levy,	Rooney,	Young,
Fleming,	Leydic,	Rose, S.,	Kilroy,
Fletcher,	Lichtenwalter,	Rose, W. E.,	Speaker.
Flynn	Longo,	Rosenfeld,	
	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1259, as follows:

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class imposing certain charges on counties and fixing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as the "Fourth Class County Retirement Law"

Section 2 Definitions The following words and phrases as used in this act shall be construed to have the following meanings

"Board" the county retirement board created in any county under the provisions of this act

"County employe" any person whether elected or appointed who is employed by the county the county institution district in the county prison o in any other institution maintained by the county from county moneys whose salary or compensation is paid in regular periodic installments but shall not include any person paid on a per diem basis In all cases of doubt the board shall determine whether a person is an employe within the meaning of this act

"Fund" the county employes' retirement fund created in any county under the provisions of this act

"Accumulated deductions" the total of the amounts deducted from the salary of a contributor and paid into the fund and standing to the credit of the members' annuity reserve account together with regular interest thereon

"Contributor" any person who has accumulated deductions in the fund standing to the credit of the members' annuity reserve account

"Beneficiary" any person in receipt of a retirement allowance under this act

"Prior service" all service as a county employe served before the establishment of the retirement system in said county

"Original employe" a county employe who was at anytime a county employe before the establishment of the retirement system in said county

"New member" a county employe who shall have become a member of the retirement system after the establishment of the retirement system in said county

"Superannuation age" as applied to a contributor means sixty years of age or upwards

"Average salary" the average annual salary received by a contributor for the five years of service immdiately oreceding retirement or in the event a member has not served five years the total salary received divided by the number of years served

"Regular interest" interest at the rate of three and one-half per centum compounded annually

"County annuity" payments for life or during disability derived from contributions made by the county and the interest earnings thereof

"Membsrs' annuity" payments for life or during disability derived from contributions made by the contributor and the interest earnings thereof

"Retirement allowance" the county annuity plus the members' annuity

Section 3 County Retirement System County Retirement Board The county commissioners are hereby authorized to establish a system for the retirement of county employes in each county of the fourth class which shall if established be administered by a county retirement board which shall consist of the county commissioners the county controller the treasurer the register-of-wills the clerk of the courts and the recorder of deeds The chairman of the board of county commissioners shall be chairman of the board Each member of the board may designate a deputy or clerk to act on said board in his stead Five members of the board shall constitute a quorum

Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board and they will not knowingly violate or permit to be violated any of the provisions of this act Such oath shall be subscribed by the member taking it and shall be filed among the records of the board The members of the board shall not receive any compensation for their services but shall be reimbursed for all expenses necessarily incurred in the performance of their duties

The retirement system created by this act shall be established in each county as of the date fixed by resolution of the county commissioners for such system to become effective

Section 4 Personnel and Expenses The board shall appoint and fix the compensation of an actuary The controller shall act as secretary of the board and shall receive such compensation for his services as may be fixed by the salary board The secretary shall keep a record of all proceedings of the board which shall be open to inspection by the public The expense of the administration of this act exclusive of the payment of retirement allowances shall be paid by the county by appropriations made by the commissioners on the basis of estimates submitted by the board

Section 5 Rules and Regulations Acturial Data The Board shall from time to time establish such rules and regulations for meetings of the board and for the administration of

the fund and the various accounts thereof as may be deemed necessary It shall keep such data as shall be necessary for acturial valuation purposes The actuary of the board shall periodically make an acturial investigation into the mortallity and service experience of the contributors to and beneficiacies of the fund and shall adopt for the retirement system one or more mortality tables and certify to the board annually the amount of appropriation to be made to build up and maintain adequate reserves for the payments of the county's share of the retirement allowances provided by this act

Section 6 County Employes' Retirement Fund Where a county retirement system has been established under the provisions of section three hereof there shall be created in each such county of the fourth class a county employes' retirement fund which shall consist of all moneys arising from appropriations made by the county and from contributions made by the members of the county employes' retirement system and all interest earned by the investments or moneys of the fund created by this act The moneys contributed by the county shall be credited to a county annuity reserve account and those contributed by the members shall be credited to a members' annuity reserve account The depository shall be selected by the treasurer of the board Upon the granting of a retirement allowance to any contributor whether as a superannuation retirement allowance an involuntary retirement allowance or a total disability retirement allowance as hereinafter provided the amount of such contributor's accumulated deductions in the members' annuity reserve account shall lose their status as accumulated contributions and shall be transferred to a retired members' reserve account and the acturial equivalent of the county annuity shall be similarly transferred from the county annuity reserve account to the retired members' reserve account The interest earnings shall be apportioned to the members' annuity and county annuity and retired members' reserve accounts The actuary shall determine the present value of the liability on account of all county annuities payable to original members and the percentage of such liability which shall be contributed by the county each year over a period of fifteen years from the time the system is established until the accumulated reserve equals the present value of said liability All such contributions shall be credited to the county annuity reserve account The actuary shall also determine the amount which shall be contributed by the county into the fund periodically for credit to the county annuity reserve account on account of service of all new and original members subsequent to the time the retirement system is established

Each member of the retirement system shall be required to contribute to the fund such per centum of his salary as shall be computed by the actuary to be sufficient with regular interest to procure for him on superannuation retirement one one-hundred-twentieth (1-120) of his average salary for each year of service after he becomes a member of the retirement system which contributions shall be paid into the fund through payroll deductions in such manner as the board may require All contributions by members shall be credited to the members' annuity reserve account

Section 7 Custom of and Payments from Fund All moneys and securities in the fund created by this act shall be placed in the custody of the county treasurer for safekeeping and all payments from said fund on account of retirement allowances shall be made only on requisition signed by the chairman and secretary of the board

Section 8 Management and Investment of Fund The members of the board shall be trustees of the fund created by this act and shall have exclusive management of said fund with full power to invest the moneys therein subject to the terms conditions limitations and restrictions imposed by law upon fiduciaries Subject to like terms conditions limitations and restrictions said trustees shall have power to hold purchase sell assign transfer or dispose of any of the securities and investments in said funds as well as the proceeds of said investments and of the moneys belonging to said fund

The board shall annually allow regular interest on the mean account for the preceding year to the credit of each of the accounts created in accordance with the provisions of this act the amount so allowed shall be credited to each contributor's account

Section 9 Membership Each elected officer may and each appointed county employe shall be required to become a member of the retirement system established under the provisions of this act as of the date the same is established of when such county employe first becomes an employe if after such retirement system is established Those becoming members when the retirement system is originally established shall be be known as original members and those enteringcounty employment thereafter as new members Provided however That if any person who becomes a county employe subsequent to the time the system was established shall at any time theretofore have been a county employe he shall receive credit for the service prior to the time the system was established and be known as an original member

Section 10 County Guarantee Annual Budgets The regular interest charges payable and the creation and maintenance of the necessary reserves for the payment of the county and members' annuities in accordance with this act are hereby made obligations of the county The board shall prepare and submit to the county commissioners on or before the first day of November of each year an itemized estimate of the amounts necessary to be appropriated by the county to complete the payment of the obligations of the county during the next fiscal year

Section 11 Service Allowance In computing the length of service of a contributor for retirement purposes full credit shall be given to each original member for each year of service rendered to the county prior to the time the system became effective As soon as practicable the board shall issue to each original member a certificate certifying the aggregate length of his service unless thereafter modified by the board upon application of the member The time during which a member is absent from service without pay shall not be counted in computing the service of a contributor unless allowed by the board

Section 12 Superannuation Retirement Allowance Any contributor who has reached superannuation retirement age may retire for superannuation by filing with the board a written statement duly signed by the contributor setting forth at what time e desires to be retired Said application shall retire said contributor at the time so specified

On retirement for superannuation a beneficiary shall receive a retirement allowance which shall consist of (a) a member's annuity which shall be the acturial equivalent of his accumulated deductions standing to his credit in the member's annuity reserve account and (b) a county annuity equal to one one-hundred-twentieth (1-120) of his average salary multiplied by each year of total service and in addition thereto in the case of an original member one one-hundred-twentieth (1-120) of his average salary multiplied by each year of prior service but the total county annuity shall never exceed fifty per centum of the average salary

Section 13 Opinions on Superannuation Retirement At the time of his superannuation retirement any beneficiary may elect to receive his retirement allowance payable throughout life or if such retirement allowance shall amount to less than ten dollars per month he may elect to receive the full amount of the accumulated deductions standing to his individual credit in the member's annuity reserve account or he may in any event elect to receive the actuarial equivalent of his member's and county annuity in a lesser retirement allowance payable throughout life with provisions that

Option One If he die before receiving in payments the present value of his member's annuity and county annuity as it was at the time of his retirement the balance shall be paid to his legal representatives or to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement

Option Two Upon his death his member's annuity and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the retirement board at the

time of his retirement

Option Three Upon his death one-half of his member's and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement

Section 14 Involuntary Retirement Allowances Should a contributor be discontinued from service not voluntarily after having completed ten years of total service but before reaching superannuation retirement age he shall be paid as he may elect as follows (a) The full amount of the accumulated deductions standing to his credit in the members' annuity reserve account or (b) a member's annuity of equivalent acturial value to his accumulated deductions standing to his credit in the members' annuity reserve account and in addition a county annuity having a value equal to the present value of a county annuity beginning at superannuation retirement age as provided in this act with respect to county annuities for superannuation retirement The same options shall be available to beneficiaries in case of involuntary retirement as provided herein in the case of superannuation retirement

Section 15 Total Disability Retirement Allowance If a contributor after five years of service as a county employe and before reaching superannuation retirement age is disabled while in service and is unable to continue as a county employe as shown by medical examination he shall be paid a retirement allowance consisting of a county annuity of twenty per centum of his average salary and a member's annuity which shall be the acturial equivalent of his accumulated deductions standing to his credit in the member's annuity reserve account

Section 16 Payment of Balances Where Disability Annuitant Dies Should a person receiving a disability retirement allowance die before receiving total member's annuity payments equal to the amount standing to his credit in the member's annuity reserve accounts at the time of retirement there shall be paid to his entate or beneficiary the difference between such credit and the total member's annuity payments received

Section 17 Monthly Payments of Retirement Allowances The retirement allowances granted under the provisions of this act shall be paid in equal monthly installments and shall not be increased decreased revoked or repealed except as otherwise provided in this act

Section 18 Refunds in Case of Withdrawal or Death Where a contributor's service has been terminated voluntarily or involuntarily and he has not become entitled to a retirement allowance under any of the provisions of this act or where a contributor has died prior to receiving a retirement allowance under any of the provisions of this act then the amount standing to the credit of the contributor in the members' annuity reserve account shall be paid to him or his estate or to the person named in any beneficiary certificate filed by the contributor with the board When a contributor or a beneficiary has died and there shall be due to the estate of such contributor or beneficiary a sum less than one hundred dollars and letters testamentary or of administration have not been taken out on the estate of such conrtibutor or beneficiary within six months of death the board may pay the amount due on the claim of the undertaker or to any person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 19 No Simultaneous Payments of Salary and Retirement Allowances Should a person receiving a superannuation retirement allowance or an involuntary retirement allowance or a total disability retirement allowance be re-employed by the county the retirement allowance of such person shall immediately cease Such person shall thereupon be reinstated as a contributor and there shall be restored to his credit as accumulated deductions the actuarial value of his member's annuity computed as of the date of his re-employment.

Section 20 Exemption from Taxation and Execution Etc The right to a member's annuity or a county annuity or to the return of contribution shall be exempt from any State or municipal tax and from levy sale garnishment attachment or any other process whatsoever and shall be unassignable

Section 21 Fraud Correction of Errors Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the retirement system herein established in any attempt to defraud such system shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars or suffer imprisonment not exceeding one year or both in the discretion of the court

Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or beneficiary receiving more or less than he would have been entitled to had the records been correct then on the discovery of such error the board shall correct such error and shall adjust the payments which shall be made to the contributor or annuitant in such manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman.	Foor.	Lovett.	Rosenfeld.
Allmond.	French.	Lyons.	Rover.
Auker.	Gallagher.	Malloy.	Rush.
Baker.	Gates.	Marks.	Sarge.
Balthaser.	Gerard.	Maxwell.	Sarraf.
Baugher.	Gillan.	McClanaghan.	Scanlon.
Bentzel.	Gillette.	McClester.	Schwab.
Boies.	Goodwin.	McDermott.	Serrill.
Boney.	Greenwood.	McFall.	Shaffer.
Boorse.	Gross.	McIntosh.	Shaw.
Bower	Gryskewicz.	McKinney.	Shepard.
Bradley.	Gyger.	McLanahan.	Simons.
Breth.	Habbyshaw	McLane.	Skale.
Bretherick.	Haberlen.	McMillen.	Snyder.
Brown.	Haines.	McSurdy.	Sollenberger.
Brunner, C H.,	Hall.	Melchiorre	Stambaugh.
Brunner, P A	Hamilton.	Mihm.	Stank.
Burns.	Hare	Modell.	Stine.
Burris.	Harkins	Monks.	Tarr.
Cadwalader.	Harmuth.	Mooney.	Tate
Chervenak.	Harris	Moran.	Taylor
Chudoff.	Heatherington.	Muir.	Thompson E F.,
Cochran.	Helm.	Munley.	Thompson R L.,
Cohen M M.	Hering.	Nagel.	Trout.
Cohen. R E.	Herman	Nunemacher	Turner
Cook.	Hersch.	O'Brien	Van Allsburg.
Cooper.	Hewitt	O'Connor.	Verona.
Cordier.	Hirsch	O'Dare	Voot
Corrigan.	Holland.	O'Mullen	Voldow
Croop.	Huntley.	O'Neill.	Voorhees.
Cullen.	Imbrie.	Owens.	Wagner.
Dalrymple.	James	Petrosky	Watkins
Dennison.	Jefferson	Pettit.	Weingartner
Dix.	Jones, P N.,	Poleski.	Weiss.
Dolon.	Keenan	Polen.	Welsh E B.,
Duffy.	Kenehan	Powers.	Welsh, M J.,
Early.	Kline	Prosen.	Williams.
Eckels.	Knoble	Rank	Winner.
Elder.	Kolankiewicz.	Rausch.	Wolf.
Elliott.	Komorofski.	Readinger	Wood L H.,
Ely.	Krise.	Reagan.	Wood. N.,
Falkenstein.	Lee. T H.,	Reese, D P.,	Woodring.
Finestone.	Leisey.	Reese. R E.,	Woodside.
Finnerty.	Leonard.	Reynolds.	Wright.
Fisher	Lesko.	Rhea	Yeakel.
Fiss.	Levy.	Riley.	Yester.
Fleming.	Leydic	Rooney.	Young.
Fletcher.	Lichtenwalter	Rose. S.,	Kilroy.
Flynn.	Longo.	Rose. W E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 834, as follows:

An Act requiring persons selling "merchandise" as herein defined to place weighing and measuring devices in full view of the purchasers imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the word "person" as used in this act shall mean any individual firm partnership unincorporated association corporation association or agent representative or employe thereof

The word "department" when used in this act shall mean the Department of Internal Affairs

The word "merchandise" as used in this act shall mean any goods wares commodities mixtures or other preparation or thing which may be lawfully kept or offered for sale by weight or measurement at a fixed place of business

The words "weighing and measuring devices" shall mean any instrument device or object used for selling or offering for sale merchandise as approved by the department under the act approved the fifth day of May one thousand nine hundred twenty-one (P. L. 389) entitled "An act to regulate and control the manufacture sale offering for sale giving away and use of weights and measures and of weighing and measuring devices in the Commonwealth of Pennsylvania providing for the approval and disapproval of such weights measures and devices by the Bureau of Standards and prescribing penalties"

Section 2 Every person selling or offering for sale any merchandise at a fixed place of business shall place weighing and measuring devices in a position that their indicators may be accurately read and the weighing or measuring operation observed by the purchaser the position of the weighing and measuring device to depend upon the size and character of the indicating elements of the device which shall be determined by the department and the several county and city inspectors of weights and measures

Section 3 It shall be the duty of the department and the inspectors of weights and measures of the several counties and cities to enforce the provisions of this act

Section 4 The secretary of the department shall have power to adopt and promulgate such rules and regulations not inconsistent with the provisions of this act as may be deemed necessary to carry into effect the intent and purpose of this act

Section 5 Any person violating any of the provisions of this act shall upon summary conviction before a magistrate alderman or justice of the peace be sentenced for the first offense to pay a fine of not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00) and costs of prosecution and in default thereof to undergo imprisonment of not less than ten days nor more than twenty-five days and for the second offense to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) and costs of prosecution and in default thereof to undergo imprisonment of not less than twenty days nor more than sixty days and for the third and all subsequent offenses to pay a fine of one hundred dollars ($100.00) and costs of prosecution and in default thereof to undergo imprisonment of not less than ninety days All such fines shall be paid over to the treasurer of the respective political subdivisions in which the offense was committed

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Foor,	Lovett,	Rosenfeld,
Allmond,	French,	Lyons,	Royer,
Auker,	Gallagher,	Malloy,	Rush,
Baker,	Gates,	Marks,	Sarge,
Balthaser,	Gerard,	Maxwell,	Sarraf,
Baugher,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Gillette,	McClester,	Schwab,
Boles,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McFall,	Shaffer,
Boorse,	Gross,	McIntosh,	Shaw,
Bower,	Gryskewicz,	McKinney,	Shepard,
Bradley,	Gyger,	McLanahan,	Simons,
Breth,	Habbyshaw,	McLane,	Skale,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Haines,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hall,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Burns,	Hare,	Modell,	Stine,
Burris,	Harkins,	Monks,	Tarr,
Cadwalader,	Harmuth,	Mooney,	Tate,
Chervenak,	Harris,	Moran,	Taylor,
Chudoff,	Heatherington,	Muir,	Thompson, E. F.,
Cochran,	Helm,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Nagel,	Trout,
Cohen, R. E.,	Herman,	Nunemacher,	Turner,
Cook,	Hersch,	O'Brien,	Van Allsburg,
Cooper,	Hewitt,	O'Connor,	Verona,
Cordier,	Hirsch,	O'Dare,	Vogt,
Corrigan,	Holland,	O'Mullen,	Voldow,
Croop,	Huntley,	O'Neill,	Voorhees,
Cullen,	Imbrie,	Owens,	Wagner,
Dalrymple,	James,	Petrosky,	Watkins,
Dennison,	Jefferson,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. B.,
Duffy,	Kenehan,	Powers,	Welsh, M. J.,
Early,	Kline,	Prosen,	Williams,
Eckels,	Knoble,	Rank,	Winner,
Elder,	Kolankiewicz,	Rausch,	Wolf,
Elliott,	Komorofski,	Readinger,	Wood, L. H.,
Ely,	Krise,	Reagan,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, David P.,	Woodring,
Finestone,	Leisey,	Reese, R. E.,	Woodside,
Finnerty,	Leonard,	Reynolds,	Wright,
Fisher,	Lesko,	Rhea,	Yeakel,
Fiss,	Levy,	Riley,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy,
Flynn,	Longo,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1254, entitled:

An Act regulating in cities of the first class the enforcement of any provisions in any ordinance relating to building codes in connection with the erection enlargement alteration repair moving removal demolition and inspection of buildings and other structures and the erection encroachment extension repair inspection and use of party walls as provided for in any ordinance and providing penalties

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. FINESTONE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been pre-

pared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 364

An Act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amplifying the provisions thereof as to persons entitled to such payments

HOUSE BILL No. 610

An Act to amend clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" changing the qualifications of historical societies to receive appropriations

HOUSE BILL No. 1021

An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

Whereupon,

The Speaker, in the presence of the House, signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 666

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 666, Printer's No. 208, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. GERARD. Mr. Speaker, I move that the communication together with the bill be laid on the table.

The motion was agreed.

HOUSE RESOLUTION No. 87

Mr. PETROSKY. Mr. Speaker, I desire to call up House Resolution No. 87, Printer's No. 442.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 24, 1941.

Whereas, It is the duty of the Department of Health and the Bureau of Vital Statistics, under the provisions of the acts approved the 7th day of June, 1915, (P. L. 900), and the 9th day of April, 1929, (P. L. 177), to supply certified copies of the birth, death, and marriage records maintained by that Department, upon the payment of the prescribed fee; and

Whereas, The effect of the present National Defense Program, together with the requirements of certain new legislation, has given rise to a greatly increased demand for certified copies of birth, death, and marriage records; and

Whereas, The Department of Health and the Bureau of Vital Statistics have apparently been unable to meet the increased demand for such certified copies, thereby depriving the Commonwealth of considerable revenues and greatly and unnecessarily inconveniencing the large number of persons to whom a certified copy of a birth or death record is an immediate necessity; now therefore be it

Resolved, By the House of Representatives of the General Assembly, that the Speaker of the House shall appoint a legislative committee consisting of five members whose duty it shall be to investigate the reasons for the failure or inability of the Department of Health and the Bureau of Vital Statistics to supply, promptly on request, certified copies of birth, death, and marriage records, for the purpose of ascertaining whether such conditions are due to lack of adequate funds, insufficient personnel or equipment, or to administrative inefficiency; and be it further

Resolved, That said committee report the results of its investigation to this House as speedily as possible, together with its recommendations as to the steps which should be taken to clear up this situation.

On the question,

Will the House adopt the resolution?

Mr. PETROSKY. Mr. Speaker, I rise at this time to ask the gentlemen on both sides of this House to support House Resolution 87. In the many instances that I have had an opportunity to contact the Bureau of Vital Statistics for certificates or certified copies of birth certificates I have found that due to a number of causes they were very hard to obtain. I am much concerned over this resolution and over an investigation that would possibly eliminate the bottle-neck that now exists in obtaining certified copies of births. My interest in this is due to the fact that in the western part of the state of Pennsylvania it is an absolute essential item to have a certified copy of birth certificates before a person can obtain employment in any industry engaged in national defense work.

I say to those Members who come from the centralized area of Philadelphia and Allegheny that they may not know of the hardships that are placed upon the shoulders of the members of this Legislature from the rural areas, but we do have a job on our hands when our constituency asks us to plead for them in obtaining certified copies of birth certificates from the Bureau. In my mind I believe there is a great inefficiency in the administration in that department, and I think it is a gross maladministration of the Bureau.

Inasmuch as the resolution is so essential to the National Defense Program that is now under way I wish to ask and appeal to all Members to support this resolution so that we may in some manner obtain a medium for getting the certified copies of birth certificates when they are really needed. In many instances I have had people come to me who have been kept out of employment for a period of not only one or two or six months,—

in instances I say to you that I have had people who have had applications with the Bureau of Vital Statistics for certified copies of records of birth for as long as a year and three months.

This condition should not exist in the Department of Health and the Bureau of Vital Statistics, and I certainly would appreciate receiving the findings of the investigating committee if this House chooses to select one and bring before the legislative body proper recommendations to eliminate the bottle-neck that now exists.

Mr. WOODSIDE. Mr. Speaker, I didn't care particularly to be recognized at this time, but I was going to say that after the resolution is adopted, if it is adopted, I think the Speaker on all these investigating committees should be careful not to appoint anybody who has made statements on the floor of the House which would indicate that he could not be an impartial judge.

The SPEAKER. The Chair will follow the suggestion of the gentleman from Dauphin.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

HOUSE RESOLUTION NO. 92

Mr. EDWIN F. THOMPSON. Mr. Speaker, I desire to call up House Resolution No. 92, Printer's No. 544,

The resolution was read by the Clerk as follows:

In the House of Representatives, May 6, 1941.

Whereas There has been in existence in the City of Philadelphia since 1934 an organization known as the Philadelphia Youth Movement and

Whereas That organization was formed for the purpose of establishing a more direct personal contact with youth in crowded slum areas where conditions are conducive to a life of crime and delinquency and against good wholesome moral and spiritual training and

Whereas Since its inception in 1934 against enormous odds the movement has grown from a group of ten to forty-two hundred members achieving in the meantime great success in securing positions providing recreational activities increasing educational opportunities and generally providing opportunities lacking to youth in such areas and

Whereas This movement similar in its operation to Father Flanagan's Boys Town has fostered the processes and ideals of Democratic Government by electing its own officers enacting its own laws and impressing youth with the necessity of becoming active and cooperative members of a wholesome society and

Whereas This movement was initiated by Samuel L Evans and has been under his direction and supervision since its inception and

Whereas The said Samuel L Evans has given of his time energy and finances to the success of this movement without regard to personal reward and

Whereas In the course of human progress such sacrifice by individuals for the benefit of society is often unheralded and unrewarded therefore be it

Resolved That the House of Representatives hereby acknowledges and commends the said Samuel L Evans for his personal sacrifices and inspiring efforts in contributing to the cultural moral spiritual and physical development of youth in his community by endorsing the activities of the Philadelphia Youth Movement which he conceived and supervises and by wishing it continued success and be it further

Resolved That the Chief Clerk of the House be directed to mail a copy of this resolution to the Philadelphia Youth Movement in order to apprise the members thereof of the esteem in which the membership of this House hold the organization and its founder

On the question,

Will the House adopt the resolution?

Mr. WOODSIDE. Mr. Speaker, this is a bad "d" resolution; not that the gentleman who is complimented is not doing a splendid piece of work according to the information that I have received, nor that we should refuse to compliment him for the work he is doing. The Members on this side of the House would like to vote for this resolution, if the word Democrat is spelled with a capital D we might have a little difficulty in doing it. If you will refer to the last line on the first page you will find the word "Democratic". Now, if that word were spelled with a small "d" I do not believe we would have any trouble in voting for it, but the gentleman put it in there with a big "D". I wonder whether the sponsors of this resolution are complimenting the gentleman in this resolution for carrying out the "big D" Democratic party principles and policies, or whether they are complimenting him for carrying out the "small d" democratic principles or policies. I believe the sponsors really mean a "small d" and if they do we will be willing to go along with it.

I hope the Clerk when he sends the resolution to the gentleman, does make it a small "d", so that we can wholeheartedly go along with it, which would be somewhat difficult if we had the "D" because we are a little bit worried about complimenting these fellows who are fostering big "D" Democratic ideas.

The SPEAKER. The Chair would like to ask the gentleman from Philadelphia, Mr. Cohen, if he is responsible for putting the big "D" in.

Mr. REUBEN E. COHEN. Mr. Speaker, I am partly responsible for putting the big "D" in the resolution, but Mr. Evans is responsible for putting the "small d" in a marvelous movement.

Mr. EDWIN F. THOMPSON. Mr. Speaker, I am sure the minority floor leader and the Members on the other side of the House will be with us in supporting this resolution since they know it is going to be a small "d".

On the question recurring,

Will the House adopt the resolution?

It was adopted.

CONGRATULATORY RESOLUTION

Messrs. ROONEY and KOLANKIEWICZ offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 14, 1941.

Whereas, Today marks the third anniversary on which the Honorable Joseph Hersch entered into the bonds of holy matrimony; said event being signalized on May 14, 1938; and

Whereas, The married life of this happy pair is a shining example to those Members of the House who have recently entered into such contracts, or who have pledged themselves to do so; therefore be it

Resolved, That the House of Representatives felicitates the Honorable Joseph Hersch and his wife, Mary Elizabeth, on this, their third wedding anniversary and wishes them many, many more filled to the brim with happiness throughout the ensuing years; and be it further

Resolved, That the Chief Clerk of the House of Representatives will mail a copy of this resolution to the said Joseph Hersch and his wife, Mary Elizabeth, on this their third wedding anniversary.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hersch.

Mr. HERSCH. Mr. Speaker, I want to thank you for that resolution, but I am going to condemn the men that put it up there today. I will possibly meet them some place else. I am very sorry that I did not know about it or I would have had my wife up here in the General Assembly. She is sick, our dog caught cold last night, and she is resting at home. I thank you.

PERMISSION TO ADDRESS HOUSE

Mr. SARGE asked and obtained unanimous consent to address the House.

Mr. Speaker, it is the duty of the General Assembly in these critical days to offer every cooperation to our National Defense Program. There is more than one way in which we can be of assistance. The establishment of the State Council of Defense, the elimination of subversive activities, arousing of the people into feeling of interest, cooperation and enthusiasm for the defense of our American form of government and freedom are illustrations of action taken by the Administration and the Legislature. Additional steps can be taken in such matters as health, industry and the extension of our road system to make the products purchased move over these roads quickly and aid in the movement of our soldiers, tanks and military equipment.

As a part of improving our transportation facilities, I recommend the taking over by the Commonwealth of a road which comes out at the eastern end of Ono, in Lebanon County, on to Route 22 and goes past Cavalry Hill where the Cavalry Brigade is located. The road is approximately 2.7 miles, of which 1.2 miles is township road. This bill which will carry out this recommendation, would permit the Commonwealth to take over the 1.2 miles of township road, and would relieve the movement of traffic in and out of Indiantown Gap Military Reservation.

It may appear as a small insignificant road; it may appear quite unimportant to the average person, but when we realize the thousands and thousands of machines that move in and out of the Gap onto the main highway, especially on Sundays, and the congestion which so often is found on the main road, and when we further consider the necessity of moving soldiers, tanks and military equipment along the highway to and from the Gap, in addition to thousands of visitors, it is apparent that this small road becomes of major importance because it would make another avenue of approach to the Indiantown Gap Reservation.

General Martin and Colonel Stackpole have emphasized the importance of this road and it is at their request that the same is being introduced.

I, therefore, urge that the request for taking over of this township road by the Commonwealth be given favorable consideration and that the General Assembly should not lose any time on the passage of this measure.

I have today introduced this bill.

RECONSIDERATION OF HOUSE BILL No. 709

Mr. CULLEN. Mr. Speaker, I move that the vote by which House Bill No. 709, Printer's number 456, entitled An Act to further amend section four hundred and twelve of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-1934) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by further defining the sales of malt or brewed beverages, was defeated on final passage on Tuesday, May 13, 1941, be reconsidered.

Mr. RUSH. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Cullen, vote on the final passage of this bill?

Mr. CULLEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Delaware, Mr. Rush, vote on the final passage of this bill?

Mr. RUSH. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER declared the "nays" appeared to have it,

Whereupon, a division was called for, eighty members having voted in the affirmative and thirty-six in the negative the question was determined in the affirmative and the motion was agreed to.

BILL POSTPONED

Mr. CULLEN. Mr. Speaker, I move that the bill be placed on the postponed calendar.

The motion was agreed to.

CONGRATULATORY RESOLUTION

Messrs. SAMUEL ROSE, SHEPARD AND CHUDOFF offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 14, 1941.

Whereas, The Honorable John Finnerty today celebrates another birthday, and

Whereas, The Honorable John Finnerty in his long legislative career has devoted himself to making Pennsylvania a better place to live in and incidentally a better place to be shaved in, and

Whereas, It is fitting and proper that the House signalize another year of this veteran legislator's terrestrial existence, therefore be it

Resolved, That the House of Representatives congratulates the Honorable John Finnerty on this another birthday in his brilliant career, and by this resolution wishes him continued success in his terrestrial and tonsorial activities.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Finnerty.

Mr. FINNERTY. Mr. Speaker, another birthday is here. I notice the gentleman did not put my age in the resolution. Of course, I am not going forward; I am going

backwards. I am glad for one thing in introducing this resolution; my friend, Mr. Woodside, over there has said he is going to create "Days." Now he may create a Finnerty Day. I thank the gentleman who introduced the resolution and I hope I will be able to be here on my next birthday to celebrate with everybody in this House. I thank you.

The SPEAKER. The Chair knows how old the gentleman is.

PERMISSION TO ADDRESS HOUSE

Mr. McMILLEN asked and obtained unanimous consent to address the House.

Mr. Speaker, I brought a group of high school students here just at the beginning of the Session today, and if I infringed on any of the rules of the House in taking them through,—I am not sure whether we had had the prayer or not or whether we had gone into session, but if I infringed in any way I wish to apologize to the Speaker.

The SPEAKER. The Chair thanks the gentleman from Indiana. We were not in Session when the gentleman's guests came through the House. The Chair appreciates the courtesy extended by the gentleman from Indiana.

Mr. McMILLEN. Mr. Speaker, I appreciate that the Chair has a difficult task and I do not wish to take advantage in any way.

Now, I have a short statement to make. You know the old saying that you shouldn't explain anything; you don't need to explain to your friends, and your enemies won't believe you, but I do have one thing that I would like to have threshed out here. A man handed me a piece of paper taken from the Philadelphia Ledger; I think it was an AP dispatch of yesterday stating that McMillen opposed the bill presented by Mr. Harkins, and had me listed as a Democrat. Well, gentlemen, I don't intend to explain or make apologies, nor say anything about what I did on the floor, but for goodness sake, I would ask that I be reported as a Republican, because I don't want to be thrown over to that group. I know, coming from a county that has never gone Democratic in its history, that they don't want me over there, and I know that my people back home are going to wonder what this is all about. I ask the boys up front to note that McMillen from Indiana, the county that never went Democratic, is still a Republican.

The SPEAKER. For the information of the gentleman from Indiana, there is always a first time.

Mr. WOODRING. Mr. Speaker, I would like to inquire from the gentleman from Indiana if he is bragging.

WILLIAMSON GRAMMAR SCHOOL WELCOMED

The SPEAKER. We have as guests today the fourth class district graduating class from the grammar school at Williamson, Franklin County. This class is on a short tour of "Seeing Pennsylvania First." They are the guests of Representative Gillan of St. Thomas, Pennsylvania.

COMMITTEE MEETINGS

Mines and Mining, Wednesday, May 14, immediately after the session in Room 522.

Ways and Means, Wednesday, May 14, immediately after today's session in Room 327.

Welfare, Wednesday, May 14, immediately after today's session in Room 246.

PUBLIC HEARING

There will be a Public Hearing before the Committee on Judiciary Special on House Bill No. 365, Printer's No. 495, on Wednesday, May 14, 1941 at 7:00 p. m., E. S. T., in the New House Caucus Room—Main Floor.

The Philadelphia Caucus scheduled for Saturday will be held Monday at 2:30 p. m., E. S. T. in the New House Caucus Room.

There will be a caucus meeting of the Republican members at the Harrisburg Republican Club, third floor, 26 North Second Street at 6:30 p. m., Daylight Saving Time, today, May 14.

ADJOURNMENT

Mr. POLASKI. Mr. Speaker, I move that this House do now adjourn until Thursday, May 15, 1941, at 10 a. m.

The motion was agreed to, and (at 2:36 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

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HOUSE OF REPRESENTATIVES

THURSDAY, May 15, 1941.

The House met at 10 a. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Whatsoever things are true, whatsoever things are honest, whatsoever things are of good report, if there be any virtue, and if there be any praise, help each one of us, O God, to think on these things. Help us to think well of others because they are Thy children, and because by so doing we show ourselves as the disciples of Thy Son who believed in us and, while we were yet sinners, died for us. Help us to restrain the unkind thought and the destroying word. May we ever be slow to condemn but quick to praise, seeing and seeking the good in others as we meet them daily on the highway of life. This we pray, in Thy name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. BALTHASER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. LLOYD H. WOOD. HOUSE BILL No. 1594.

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the compensation of persons employed in the public school system of this Commonwealth during absence in military service.

Referred to the Committee on Education.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 1595

An Act providing for the presentation of county flags to veterans' organizations in the counties of the Commonwealth by the county commissioners thereof.

Referred to the Committee on Counties.

By Mr. KNOBLE. HOUSE BILL No. 1596.

An Act to further amend section one thousand one hundred and five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," providing for the election of county superintendents of schools by secret ballot.

Referred to the Committee on Education.

By Mr. SARGE. HOUSE BILL No. 1597.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State Highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lebanon.

Referred to the Committee on Highways.

By Mr. SCHWAB. HOUSE BILL No. 1598.

An Act to amend section two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 806), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities," by allowing granting of new licenses in certain cases.

Referred to the Committee on Liquor Control.

By Mr. DiGENOVA. HOUSE BILL No. 1599.

An Act to further amend section two hundred fourteen of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and

certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by establishing a minimum salary for state employes.

Referred to the Committee on State Government.

By Mr. FALKENSTEIN. HOUSE BILL No. 1600.

An Act to further amend sections three, four and five of the act approved the twentieth day of May, one thousand nine hundred and fifteen (P. L. 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," by reducing the age at which pensions shall be paid; and changing the amounts of employes' monthly payments to the pension fund.

Referred to the Committee on Cities-First Class.

By Mr. KNOBLE. HOUSE BILL No. 1601.

An Act providing for levy and execution upon certain wages, debts, salary, earnings, income and profits; prescribing the lien of such execution; imposing certain duties upon those from whom such wages, debts, salary, earnings, income and profits may be due to judgment debtors; and conferring powers and imposing duties upon various courts and officers thereof.

Referred to the Committee on Judiciary General.

By Messrs. McFALL and VINCENT.
HOUSE BILL No. 1602.

An Act to amend sections one hundred three, three hundred seven, and article eight of the act, approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," by providing that milk delivered or made available or handled or received on consignment or otherwise shall be subject to the provisions of the act; changing and limiting the authority of the commission to fix prices for milk and milk products; eliminating the requirement for approval by the Governor of certain orders; authorizing the formation and operation of producers' marketing committees and milk dealers marketing committees, and continuing for a limited time price-fixing orders heretofore made by the commission.

Referred to the Committee on Dairy-Industries.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 169 (House Bill No. 1603)

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing for the appointment by the Governor of a registration commission for counties within which there is located a city of the second class, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a second or third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, changing requirements for the preparation and distribution of street lists, and permitting the destruction of certain records.

Referred to the Committee on Elections.

SENATE BILL No. 352. (House Bill No. 1604)

An Act providing for the creation maintenance and operation of a county employes retirement system in counties of the fourth and fifth classes imposing certain charges on counties and prescribing penalties.

Referred to the Committe on Counties.

SENATE BILL No. 32. (HOUSE BILL No. 1605).

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike heretofore constructed by said commission, to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio, or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike;

providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Referred to the Committee on Highways.

SENATE BILL No. 177. (HOUSE BILL No. 1606).

An Act regulating and limiting the rights of slayers in real and personal property and in the benefits from insurance policies, arising out of or as a result of the death of the person slain; protecting and saving the rights of purchasers and insurers dealing with slayers without notice of the slaying, and repealing certain legislation.

Referred to the Committee on Judiciary General.

SENATE BILL No. 446. (HOUSE BILL No. 1607.

An Act to amend section six of the act approved the sixteenth day of May one thousand nine hundred and thirty-five (P. L. 208), entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and department making an appropriation and providing penalties" authorizing the Department of Revenue to grant an additional extension of time for the filing of reports under the provisions of said act.

Referred to the Committee on State Government.

SENATE BILL No. 545. (HOUSE BILL No. 1608).

An Act relating to the summoning and service of jurors (except grand jurors) in the civil and criminal courts of the several counties of the Commonwealth except counties of the first class.

Referred to the Committee on Elections.

SENATE BILL No. 563. (HOUSE BILL No. 1609).

An Act to add section four hundred four and one-tenth to article four of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licenses and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" directing the board to issue liquor licenses to holders of retail dispenser's licenses upon payment of fee and furnishing of bond and providing that the issuance of liquor licenses in such cases shall not be prevented by any laws limiting the number of such licenses to be granted by the board.

Referred to the Committee on Liquor Control.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1205.

An Act to amend subsections (b) and (c) of section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1205

An Act to amend subsections (b) and (c) of section two of the act approved the twenty-first day of June one thousand nine hundred and thirty-one (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" to provide for the appointment of the members of the Board of Property Assessment Appeals and Review in second class counties by the county commissioners

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Paul A. Brunner for Mr. READINGER for today's session.

REPORTS FROM COMMITTEES

Mr. Williams, from the Committee on Mines and Mining, reported as committed, House Bill No. 492, entitled:

An Act licensing and regulating the business of mining anthracite coal; providing for the issuance and revocation of licenses by the Secretary of Mines; authorizing said Secretary to enter mines, to issue regulations governing the administration of this act, and to appoint mining engineers who are empowered to enter mines and inspect the same; requiring a corporate surety bond to accompany

every application for a license; authorizing appeals to the Court of Common Pleas of Dauphin County; and prescribing penalties.

Mr. MIHM, from the Committee on Ways and Means, re-reported as committed, House Bill No. 232, entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships and persons.

Mr. SCHWAB, from the Committee on Ways and Means, re-reported as committed, House Bill No. 235, entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six P. L. 13), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

MR. TURNER IN THE CHAIR.

APPROPRIATION BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 49, entitled:

An Act making an appropriation for the maintenance, repair, and improvement of the Port of Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 61, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 266, entitled:

An Act making an appropriation to the Glen Mills School, situated in Delaware County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 276, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 280, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 281, entitled:

An Act making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 284, entitled:

An Act making an appropriation, from the Motor License Fund, to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 301, entitled:

An Act making an appropriation to Sleighton Farm School for Girls, situated in Delaware County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 305, entitled:

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 310, entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 317, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 322, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 347, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 351, entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 371, entitled:

An Act making an appropriation to the Department of Forests and Waters, for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 546, entitled:

An Act making an appropriation to the Department of Agriculture to advance the potato interests in this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1003, entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1065, entitled:

An Act making an appropriation to the National Farm School, at Doylestown, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1068, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1106, entitled:

An Act making an appropriation to the Woman's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1321, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1330, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board, to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1332, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1334, entitled:

An Act making an appropriation to the Department of

Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1343, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1344, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1345, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1417, entitled:

An Act making an appropriation to The General State Authority to defray the costs and expenses of the said Authority in connection with the organization, administration, and operation thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1418, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1419, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1463, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1534, entitled:

An Act making an appropriation to the Joint State Government Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1590, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum, Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 291, entitled:

An Act making appropriations for aid to free public nonsectarian county libraries, and for the purchase and transportation of books.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 333, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 348, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 378, entitled:

An Act making an appropriation to the Chief Clerk of

the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 489, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 572, entitled:

A Supplement to the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 614, entitled.

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 954, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation on behalf of the Commonwealth of Pennsylvania, a tract of land near the present site of the Joseph T. Rothrock memorial for the purpose of erecting a new and suitable memorial to the memory of Joseph T. Rothrock thereon; providing for the selection of such a site and memorial by and with the consent of the Pennsylvania Historical Commission; providing for the control, management, supervision, improvement and preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1063, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1083, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1130, entitled:

An Act making an appropriation to the Department of Commerce, towards expenses of the National Encampment in Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1203, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1591, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 955, entitled:

An Act to amend section ninety-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 488), entitled "An act relating to fish, and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating use of nets in boundary lakes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 757, entitled:

An Act providing for and regulating the validation of certain borough ordinances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1230, entitled:

An Act to further amend section one and to amend sec-

tion three of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 730), entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties." by excluding certain juices and combinations of juices from the operation of the act; and requiring separate registration for each bottling or manufacturing plant.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 940, entitled:

An Act to amend section 1202 by adding thereto clause IX, of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519) entitled, "An act concerning boroughs, and revising, amending, and cosolidating the law relating to boroughs;" authorizing boroughs to appropriate moneys for the support of hospitals.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1399, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commission, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1485, entitled:

A Joint Resolution proposing an amendment to section four of article two of the Constitution of the Commonwealth of Pennsylvania, prescribing procedure to be followed at regular session of the General Assembly and the publication of legislative histories thereat.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1213, entitled:

An Act to amend section two hundred eighty-two of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," providing for payment of one-fourth of fines collected for violation of said act to the counties for maintenance of prisoners committed for such violations; and imposing duties on magistrates, aldermen, and justices of the peace.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1537 (Senate Bill No. 381), entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1359, (Senate Bill No. 447), entitled:

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 872, (Senate Bill No 66), entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," imposing additional duties on and providing for additional compensation of veterans' grave registrars.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1025, entitled:

An Act relating to attorneys-at-law; regulating the admission of persons to said office, by prescribing the conditions upon which, and the method by which law colleges and schools shall be entitled to receive certificates of approval as institutions of learning, properly qualified to prepare registered law students for admission to any final examination for the practice of law in this Commonwealth, and the effect thereof upon such law students and upon examining boards or commissions; authorizing

the collection of fees for services to be rendered hereunder; prohibiting certain acts or omissions; and imposing penalties; prescribing the procedure by which such approval may be enforced, suspended, revoked and reinstated; limiting the construction of this act; and repealing all acts and parts of acts inconsistent herewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1315, entitled:

An Act to amend the title and the act approved the seventh day of May, one thousand nine hundred thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," by adding new sections; making certain streets taken over as State highways, and adding thereto certain additional streets; providing for the taking, opening, relocation, widening, or change of grade of such state highways by the Commonwealth at the expense of the Commonwealth and the city, or either of them; designating the city as agent for the Commonwealth in such takinging opening relocation widening or change of grade and the determination of damages arising therefrom; authorizing agreements for the taking, opening, relocation, widening, change of grade, construction, reconstruction, repair, and maintenance of such State highways; appropriating money in the Motor License Fund for the purposes of the act as amended.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No 861, entitled:

An Act to further amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs; and revising, amending and changing the law relating thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1526, entitled:

An Act to amend section two hundred seven of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further prescribing method by which second class townships may be classified as first class townhips; and providing for the costs and holding of special elections for that purpose.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1193, entitled:

An Act to further amend section fifty of the act approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating the taking of eels.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1208, (Senate Bill No. 80), entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897-1937) entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further defining "contributions" to be paid by certain employers; changing the procedure and administrative details for the determination and payment of compensation; further regulating the appointment, promotion, dismissal, suspension and furlough of civil service employes; further defining the powers of, and procedure before, the board; making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board; and making the Administration Fund subject to certain charges.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreably to order,

The House proceeded to the first reading and consideration of House Bill No. 1210, (Senate Bill No. 24), entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof, and establishing penalties therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreably to order,

The House proceeded to the first reading and consideration of House Bill No. 938, (Senate Bill No. 270), entitled:

An Act to amend section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three), entitled "An act concerning townships of the second class; and amending, revising consolidating, and changing the law relating thereto," by authorizing such townships to regulate the use of certain parks and recreational grounds; providing penalties for violation of rules pre-

scribed therefor; and authorizing police officers to arrest violators thereof on view.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. BROWN. Mr. Speaker, is it permissible under the Rules of the House to ask the House to act on the question of the constitutionality of a bill that has just passed first reading on today's calendar?

The SPEAKER pro tempore. Under Rule 4 of the House it is permissible.

CONSTITUTIONAL POINT OF ORDER

Mr. BROWN. Mr. Speaker, I rise to a constitutional point of order.

The SPEAKER pro tempore. The gentleman will state his constitutional point of order.

Mr. BROWN. Mr. Speaker, on page 9 of today's calendar House Bill 1025, Printer's No. 608, which has just passed first reading, I raise the point of order that the bill is unconstitutional.

I raise this point of order, Mr. Speaker, because I do not believe we should clutter up the calendar at this time, since we will have a very heavy calendar next week. I believe if the bill is returned to the Committee it will clutter up the calendar of the Committee and we can in a very short space of time dispose of this bill at this time by voting on this Constitutional point of order.

The SPEAKER pro tempore. The Clerk will read the title of the bill for the information of the House.

The Clerk read the title of House Bill No. 1025, Printer's No. 608, as follows:

An Act relating to attorneys-at-law; regulating the admission of persons to said office, by prescribing the conditions upon which, and the method by which law colleges and schools shall be entitled to receive certificates of approval as institutions of learning, properly qualified to prepare registered law students for admission to any final examination for the practice of law in this Commonwealth, and the effect thereof upon such law students and upon examing boards or commissions; authorizing the collection of fees for services to be rendered hereunder; prohibiting certain acts or omissions; and imposing penalties; prescribing the procedure by which such approval may be enforced, suspended, revoked and reinstated; limiting the construction of this act; and repealing all acts and parts of acts inconsistent herewith.

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. Brown, has raised the constitutional point of order with reference to this bill.

The Chair under Rule 4 is required to submit questions affecting the constitutionality of a bill to the House for decision which the Chair now does.

On the question,

Will the House sustain the constitutional point of order?

Mr. BROWN. Mr. Speaker, I am not going to debate this bill in full but just briefly. The title of the bill repeals all acts and parts of acts inconsistent herewith. The body of the bill sets up certain standards for law colleges and certain standards for law students, and requires that those law students who meet certain standards be permitted to take final examination and upon passing the same they would have to be admitted to practice as attorneys.

This bill and the procedure under it would be inconsistent with our present rules as laid down by the Supreme Court of this State and administered by the State Board of Law Examiners and the Law Examiners of the various counties. Therefore, because this act provides for the striking down of all acts, laws and rules that are inconsistent with the bill, it is my opinion that this bill is unconstitutional.

Without going into detail as to the full import of the bill I should like to read a leading case in Pennsylvania which is directly in point, and which I believe will convince this House that this bill should be declared unconstitutional.

I quote from the leading case of Joseph P. Splane, reported in Pennsylvania State Reports 123, page 527. I quote from the decision by Chief Justice Paxon, who handed down the decision of the court:

> "If there is anything in the constitution that is clear beyond controversy, it is that the legislature does not possess judicial powers. They are lodged exclusively in the judiciary as a co-ordinate department of the government. The executive and legislative departments can no more encroach upon the judicial department, than the latter can encroach upon them. Each department in our beautiful system of government has its own appropriate sphere, and so long as it confines itself to its own orbit the machinery of government moves without friction.
>
> "We have too much respect for the legislature to suppose it would ever intentionally step over the line which divides the different departments, but slight encroachments may sometimes occur through inadvertence. In such cases it is the province of the judiciary to correct them. It is our duty to see that the checks and balances provided by the constitution are preserved. We are clearly of opinion that the act of 1887, though probably not so intended, is an encroachment upon the judiciary department of the government."

The court declared the act of 1887, which was an amendment of the act of 1885 unconstitutional. The act of 1887 provided in substance the same things provided in House Bill 1025, setting up certain standards and requiring that a person who wants to become a member of the bar should by a writ of mandamus compel his admission. That is the same thing House Bill 1025 does and I, therefore, ask the House to declare the bill unconstitutional.

I do that, Mr. Speaker, because I do not feel that we ought to clutter up the calendar or return this bill to the committee. I think we should act on the bill at this time and declare it unconstitutional so that the bill will be off the calendar and we can expedite the business of the House.

Mr. BRETHERICK. Mr. Speaker, as a member of the sub-committee that agreed to have this bill reported out I want to join with Mr. Brown in asking this House to declare the bill unconstitutional.

Mr. REUBEN E. COHEN. Mr. Speaker, I will have to admit that I m not quite prepared this morning to discuss the constitutionality of this proposed bill. I might say also that I was wholly unaware of the existence of the act of 1887 or the opinion of the court which declared it unconstitutional, and therefore, I have had no opportunity to read the particular decision, because as some Mem-

bers of the House have often said we lawyers can also disagree.

However, I want to make it rather clear that the purpose of the bill was not to assault the citadels of justice of Pennsylvania. The Legislature many years ago set up the courts of Pennsylvania and gave the judiciary many of the powers which it now enjoys. Even as late as 1937 we gave the judiciary almost unlimited power in determining the rules of procedure which many of our lawyer friends in the House today can tell you more about. However, in this particular bill what we are trying to do is not to leave the recognition of law schools, the determination of attendance at schools, who shall or who shall not study law, or who shall or who shall not become a lawyer, but we are attempting to place that on a basis where there shall be some place for citizens to bring their complaints and as the question has been stated, protect them from the possible caprice of the courts themselves. This is not being said with any intention of being derogatory to the courts, but my thought in introducing the bill was to have some medium and some way for just one citizen who may feel that he has been aggrieved by the set up as it exists today, to be able to go into court and have his day. That is the entire purpose of the bill.

In do not know that the act of 1887 is on all fours with this bill. The Supreme Court in its infinite wisdom might be able to find sufficient distinction between the conditions as they exist today and as they existed at that time to be able to declare the bill unconstitutional. There it is possible that while that act was unconstitutional at that time this bill is constitutional.

I want that statement to be on the record so that my position is clear. As I said in the beginning I was unprepared to discuss the question of constitutionality, and I want the Members to give us the benefit of their common sense in trying to put common sense into the law.

On the question recurring,

Will the House sustain the Constitutional point of order?

The question was determined in the affirmative and the Constitutional point of order was sustained.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Delaware, Mr. Turner, for presiding.

PARLIAMENTARY INQUIRY

Mr. LOVETT. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Westmoreland will state his question of parliamentary inquiry.

Mr. LOVETT. Mr. Speaker, I would like to know if it is constitutional to act upon a bill that is not on file.

The SPEAKER. For the information of the gentleman the constitution requires the printing of bills. The bill has been printed for the information of the Members.

Mr. LOVETT. Mr. Speaker, is it not necessary that the bill be on file when we take action of any kind on it?

The SPEAKER. If it was the desire of the Members that the bill should be on file that question should have been raised before the question of constitutionality was raised. The question comes too late.

Mr. LOVETT. Mr. Speaker, I just want to make clear that I feel the action of this House a few minutes ago was unconstitutional.

The SPEAKER. The Chair does not agree with the gentleman. Neither the Constitution nor the Rules of the House require bills to be on file.

Mr. BROWN. Mr. Speaker, may I answer the gentleman very briefly and call his attention to the Constitution of Pennsylvania, Article 3, Section 2, which reads as follows:

> "No bill shall be considered unless referred to Committee and returned therefrom and printed for the use of the Members."

This bill was printed for the use of the Members, it has been returned from Committee and was properly introduced. I think the gentleman's question of constitutionality is wholly out of order.

PARLIAMENTARY INQUIRY

Mr. REUBEN E. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry

The SPEAKER. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. REUBEN E. COHEN. Mr. Speaker, do not the Rules of this House provide that this House shall not act on a bill unless it is on file on each member's desk.

The SPEAKER. The Rules of the House do not so provide. It is simply a matter of custom.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 814, entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments; establishing regular pay days; imposing duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil and criminal penalties for the violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

The first section was read.

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. PETROSKY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to

BILLS ON SECOND READING

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 849, entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1356), entitled, "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointments of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs; and providing penalties," further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use and keeping of weighmaster's certificates; conferring powers and imposing duties upon the State, city, and county inspectors of weights and measures and the Department of Internal Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending

the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

The first section was read.

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 8, by striking out the words "is hereby" and inserting in lieu thereof: "sections one and six of which were amended by the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 865), are hereby further."

Amend Sec. 1, (Sec. 1), page 2, by inserting after line 21, the following: "The term "licensed weighmaster" when used in this act shall include a person licensed to weigh solid fuel by this Commonwealth or by a bordering state issuing such licenses, and recognizing licenses and weight certificates issued by such licensees in this Commonwealth."

Amend Sec. 1 (Sec. 3), page 4, line 7, by striking out the word "quadruplicate" and inserting in lieu thereof: "triplicate".

Amend Sec. 1 (Sec. 4), page 7, line 5, by striking out the light-face bracket before the word "he".

Amend Sec. 1 (Sec. 4), page 7, line 6, by inserting a light-face bracket before the word "under" and after the word "weighmaster".

Amend Sec. 1 (Sec. 4), page 7, line 9, by striking out the light-face bracket after the word "hours".

Amend Sec. 1 (Sec. 4), page 7, lines 9 to 18, by striking out the words "the operator" in line 9, and all of lines 10 to 18, both inclusive.

Amend Sec. 1 (Sec. 6), page 8, line 16, by inserting after the light-face bracket the following: "except as otherwise provided in this act".

Amend Sec. 1 (Sec. 6), page 9, line 5, by striking out the following "[secretary of] the [said]" and inserting in lieu thereof: "[secretary of the said]".

Amend Sec. 1 (Sec. 6), page 9, line 15, by striking out the following: "of] the" and inserting in lieu thereof the following: "of the]".

Amend Sec. 1 (Sec. 6), page 9, lines 27 and 28, by striking out the following: "[the] [Secretary of]" and inserting in lieu thereof: "[the Secretary of]".

Amend Sec. 1 (Sec. 6), page 11, by inserting between lines 10 and 11, the following: "Whenever any bordering state requiring licenses and weight certificates for solid fuel recognizes licenses and accepts weight certificates issued by licensees of this Commonwealth, such licenses and weight certificates of such state shall be recognized and accepted in this Commonwealth".

Amend Sec. 1 (Sec. 8.2), page 13, lines 21 and 25 by striking out the brackets before the word "Section" in line 21, and after the word "act" in line 25.

Amend Sec. 1 (Sec. 10), page 14, lines 14 to 21, both inclusive, by striking out all of said lines.

The amendments were agreed to.

The section was agreed to as amended.

The second to the tenth sections inclusive were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by inserting after the word "To" the following: "further".

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1415, entitled:

An Act validating certain acts of county commissioners county treasurers tax collectors and other officials in giving to delinquent taxpayers the advantages of various acts of Assembly abating penalties and interest on county city borough town township school district poor district and institution district taxes contrary to the requirements of said acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1510, entitled

An Act to further amend section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369) entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county" by increasing the compensation of the chief county detective

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1035, entitled:

An Act to further amend clause ten of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining "new members"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1043, entitled:

An Act to add section six hundred ninety-three and one-tenth to article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" imposing penalties for the throwing of refuse garbage or trash alongside highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and con-

sideration of House Bill No. 1110, (Senate Bill No. 232), entitled:

An Act to validate and quiet the title to lands and buildings heretofore sold by boards of school directors at public auction without full compliance with provisions of law authorizing such sales

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1588, entitled:

An Act to amend and reenact section five hundred and twenty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the methods of collecting such revenue and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class; and prescribing the method of fixing the levy of school taxes in such districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1444, (Senate Bill No. 315), entitled:

An Act to further amend section one of the act approved the fourth day of April one thousand nine hundred and twenty-five (P. L. 127) entitled "An act relating to adoption" by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 900, entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 744, entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's accumulated deductions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1406, (Senate Bill No. 588), entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, either by requiring before execution shall issue against real property, either a release of such persons from personal liability or the fixing of the fair market value of the property to be sold, and the entering of certain credits against such judgments based upon such fair market value, and prescribing the method of fixing the fair market value of such property.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1139, entitled:

An Act to amend section one hundred twenty of the act approved the fourteenth day of April one thousand eight hundred thirty-four (P. L. 333) entitled "An act relative to the organization of the Courts of Justice" prescribing procedure permitting the service of jurors as petit jurors or general jurors or both except in the counties of the second class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 892, entitled:

An Act authorizing a commission to study recreational facilities available in first class cities; imposing powers and duties on said commission; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 726, entitled:

An Act authorizing and directing the Department of Highways to erect, construct and maintain a free bridge over the Susquehanna River in or near the Borough of Plymouth, Luzerne County, and to provide the necessary approaches and connections with state highways, providing for the acceptance of Federal aid, empowering counties to pay certain damages; and making an appropriation.

And said bill have been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

The SPEAKER. House Bill No. 124, Printer's No. 635, House Bill No. 1355, Printer's No. 609, and House Bill No. 943, Printer's No. 610, are not on file and will be passed over.

There being no objection House Bill No. 1166, Printer's No. 461 was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1070, Printer's No. 284, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 870, Printer's No. 510, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 567, Printer's No. 508 was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1454, Printer's No. 516, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1455, Printer's No. 515, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1188, Printer's No. 511, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 139, as follows:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the aldermen [magistrates] and justices of the peace in this Commonwealth shall have concurrent jurisdiction with the courts of common pleas of all actions arising from contract either express or implied and of all actions of trespass [and of trover and conversion] wherein the sum demanded does not exceed three hundred dollars except in cases of real contract where the title to lands or tenements may come in question [or action upon promise of marriage]

The jurisdiction herein conferred in actions of trespass shall include all actions arising from claims for damages recoverable at the common law in actions of trespass trover and conversion or trespass on the case except slander and libel and distinctions heretofore existing are hereby abolished and such claims shall hereafter be sued for and recovered in one form of action to be called an action in trespass

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken as follows, viz:

YEAS—121

Achterman,	Gallagher,	Malloy,	Rose, W. E.,
Allmond,	Gates,	Marks,	Rosenfeld,
Balthaser,	Gerard,	Maxwell,	Royer,
Baugher,	Goodwin,	McDermott,	Rush,
Boles,	Greenwood,	McFall,	Scanlon,
Boney,	Gryskewicz,	McKinney,	Schwab,
Boorse,	Habbyshaw,	McLanahan,	Serrill,
Bower,	Haines,	McSurdy,	Shaffer,
Bradley,	Hamilton,	Melchiorre,	Shaw,
Bretherick,	Harris,	Mihm,	Sorg,
Brown,	Heatherington,	Modell,	Stambaugh,
Brunner, P. A.,	Helm,	Muir,	Tarr,
Burns,	Hersch,	Nagel,	Tate,
Cohen, M. M.,	Hewitt,	Nunemacher,	Taylor,
Cohen, R. E.,	Holland,	O'Brien,	Thompson, E. F.,
Cook,	Huntley,	O'Dare,	Turner,
Dunnison,	James,	O'Neill,	Van Allsburg,
Dix,	Jefferson,	Petrosky,	Vogt,
Dolon,	Jones, P. N.,	Pettit,	Welsh, E. B.,
Duffy,	Keenan,	Polaski,	Welsh, M. J.,
Early,	Kenehan,	Polen,	Williams,
Elder,	Kline,	Powers,	Winner,
Elliott,	Kolankiewicz,	Rank,	Wolf,
Ely,	Komorofski,	Reagan,	Wood, N.,
Finnerty,	Leisey,	Reese, D. P.,	Woodring,
Fisher,	Lesko,	Reese, R. E.,	Woodside,
Fiss,	Levy,	Reynolds,	Wright,
Fleming,	Leydic,	Rhea,	Yeakel,
Foor,	Longo,	Riley,	Yester,
French,	Lovett,	Rooney,	Young,
			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 525, as follows:

An Act amending revising consolidating and changing the law relating to the borrowing of money by certain political subdivisions the authorization issuance and sale of general obligation bonds as herein defined of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes and to the funding of debt and the refunding of bonds regulating the keeping and use of sinking funds imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions imposing penalties and repealing existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Preliminary Provisions

Section 101 SHORT TITLE This act shall be known and may be cited as the "Municipal Borrowing Law"

Section 102 Definitions The following words and phrases whenever used in this act shall have the following meanings unless the context clearly indicates otherwise

(a) "Municipality" a county city borough incorporated town township school district and a county institution district The word does not include a city of the first class a county of the first class or a city institution district

(b) "Corporate authorities" the body in each municipality authorized by law to levy taxes or fix the tax rate of the municipality

(c) "Bond" any instrument imposing an obligation for the repayment of money borrowed except notes and all renewels and extensions thereof issued in anticipation of current revenues

(d) "General obligation" any obligation for the pay-

ment of which a municipality may be required to levy a tax

(e) "Current revenues" taxes for the current year delinquent taxes licenses fines and other revenues and receipts which in the judgment of the corporate authorities are collectible within the current fiscal year

(f) "Debt" all general obligations of the municipality to pay money either in the present or future except obligations payable from current revenues lease agreements not directly or indirectly involving the acquisition of capital assets and contracts for service A debt evidenced by general obligation bonds shall be deemed to have been incurred by a municipality at the time when the ordinance authorizing such bonds shall become effective

(g) "Ordinance" an "ordinance" in the case of municipalities having the power to adopt ordinances and a "resolution" in the case of all other municipalities Notwithstanding any law to the contrary where an "ordinance" is required or authorized to be adopted by the provisions of this act the same shall become effective in the case of cities and boroughs when the same has been passed finally by the council and has been approved by the mayor or burgess or has been passed over his veto and in the case of all other municipalities such an "ordinance" shall become effective when the same has been adopted or passed finally by the body having power to adopt ordinances or resolutions on behalf of the municipality Where an ordinance is authorized or required to be adopted by the provisions of this act the ordinance or proposed ordinance or summary thereof shall be published in a newspaper or newspapers of general circulation not exceeding two published in the municipality and if no such newspaper shall be published therein then such notice shall be given in a newspaper of general circulation circulating generally in said municipality Such ordinance or proposed ordinance or a summary shall be published once before or after the ordinance becomes effective as above provided No other publication or notice of any such ordinance shall be required under the provisions of any other law

(h) "Assessed valuation" the assessed valuation of all property taxable by the municipality as last determined by the Board of Revision

(i) "Department" the Department of Internal Affairs of the Commonwealth of Pennsylvania

Section 103 Exclusive Method of Borrowing Money on Bonds Hereafter a municipality may borrow money on bonds only as provided in this act and not otherwise

Section 104 Purpose of Act It is the intent of this act to regulate the manner of borrowing money by the issue of bonds by municipalities and to impose limits and conditions on such borrowing in certain cases Nothing in this act shall be construed to confer on any municipality any power or authority to borrow money for any purpose for which such municipality is not otherwise authorized by law to borrow money nor shall anything in this act be construed to deprive any municipality of any power or authority to borrow money for any purpose for which such municipality is or may hereafter be authorized to borrow money This act shall be deemed to provide an exclusive and uniform system on the subjects covered by this act

Article II

General Obligation Bonds

Section 201 Limitation on Municipal Debt Whenever the net debt of any municipality shall be equal to ten per centum in the case of municipalities authorized by the provisions of section fifteen article nine of the Constitution to incur debt to said amount and seven per centum in the case of all other municipalities (except school districts of the first class which shall be limited to two per centum) of the assessed valuation it shall be unlawful to increase the same by borrowing money (except in the case of issuing evidences of debt in anticipation of current revenues) and any such increase shall be void and any general obligation bonds issued to evidence such increase of debt shall be of no binding force upon such municipality Each of the officers thereof wilfully authorizing such increase or executing any general obligation bond therefor shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars or undergo imprisonment not exceeding one year or both

Section 202 Determination of Existing Net Debt The net debt of a municipality shall be the net debt determined as follows

From the gross liabilities of the municipality which shall be the total amount of the following items (1) the principal of all bonds authorized or outstanding for whatever purpose issued (2) the amount of any overdue interest and state tax assumed on account of any general obligation bonds and (3) all other debts of the municipality there may be deducted the following items

(a) The amount of any cash and bonds of the municipality held in any sinking fund for the payment of the principal of any outstanding debt

(b) The par value of all legal investments other than bonds of the municipality held in any sinking fund unless such par value shall be in excess of the actual value in which case the actual value shall be used It is the legislative intent of this clause that since legal investments in any sinking fund may be converted into cash and such cash used as a deduction that such investments having been legally authorized should be deductible in like manner as cash and bonds of the municipality held in any sinking fund

(c) The amount of undisputed municipal liens other than tax liens actually filed against property (other than such as are pledged for the redemption of assessment bonds deductible under clause (f)) in such proportion as such liens are certain to be collected

(d) The amount of the preliminary estimates of benefits costs and expenses which may be assessed against the owners of property and for which liens may be legally filed in any case where a public improvement has been or is about to be made by any municipality and general obligation bonds have been or are to be issued for the payment of the same in whole or in part Such estimates of assessable benefits costs and expenses shall be signed and verified by the engineer or other proper officer of the municipality in case the municipality has no engineer and shall state that they are in his opinion fair amounts of benefits costs and expenses which may be lawfully assessed in such proceedings

(e) The amount of surplus cash not specifically appropriated to any purpose other than the payment of any item of debt

(f) The amount of assessment bonds outstanding heretofore issued for the construction of any project where the cost of such project has been assessed on property specially benefited which bonds purport to impose no municipality liability to the extent that such bonds are supported by cash in the sinking fund held for such assessment bonds and by undisputed valid liens against the property benefited in such proportion as such liens are certain to be collected but this clause shall not apply to assessment bonds where the courts have held the same to be general obligations of the municipality

(g) The amount of all delinquent taxes on real estate in such proportion as such taxes are certain to be collected except such amount thereof as may have been appropriated as current revenues in the current year's budget

(h) The amount of current revenues which are applicable within the current fiscal year to the payment of the principal of any debt

(i) The amount of any utility bonds issued for the construction or acquisition of waterworks subways underground railways or the appurtenances thereof where it shall be determined in the manner provided in article six of this act that the net revenue derived from said property for a period of five years either before or after acquisition thereof or where constructed by the municipality after the completion thereof shall have been sufficient to pay interest and sinking fund charges upon said obligations or if the said obligations shall be secured solely by liens upon the respective properties and shall impose no municipal liability but the amount of such utility bonds so deductible shall be the total amount of such bonds outstanding less the amount of cash and investments held in any sinking fund

applicable to the payment of such utility bonds as are general obligations

(j) The amount of any bonds legally issued under this act or any other act of Assembly which impose no municipal liability other than such bonds as may have been defined as deductible under the provisions of other clauses of this section

(k) All other solvent debts due the municipality directly payment of which it can enforce as one of its quick assets for the liquidation of any of its debt

Section 203 Increase of Debt by Issuance of General Obligation Bonds by Corporate Authorities and With the Assent of Electors (a) Any municipality may incur debt or increase its debt by the issue of general obligation bonds by vote of the corporate authorities thereof without the assent of the electors to an amount in the aggregate not exceeding two per centum of the assessed valuation

(b) The debt of any municipality except a school district of the first class may be authorized to be increased by the corporate authorities thereof by the issue of general obligation bonds with the assent of a majority of the electors thereof voting on the question submitted at a public election to be held in the municipality to an amount not exceeding seven per centum of the assessed valuation

(c) The debt of any municipality authorized by the provisions of section fifteen article nine of the Constitution to incur debt not exceeding ten per centum may be authorized to be increased by the corporate authorities thereof by the issue of general obligation bonds with the assent of three-fifths of the electors thereof voting on the question submitted at a public election to be held in the municipality to an amount not exceeding ten per centum of the assessed valuation

Section 204 Determination of Amount of Debt Authorized and Issued by Corporate Authorities Without Assent of Electors The amount of the debt authorized or issued and outstanding by the corporate authorities of a municipality without the assent of the electors shall be determined by deducting from the net debt ascertained as provided in this article the amount of the debt authorized or issued and outstanding with the assent of the electors

In determining the amount of debt authorized or issued and outstanding with the assent of the electors for the purposes of this section there shall be deducted from the aggregate of such debt cash and investments in the sinking fund pledged for the payment of such debt and any other deductions under the provisions of section 202 of this article specifically applicable to the payment thereof

Section 205 Desire Ordinance Elections to Authorize an Increase or Indebtedness (a) Whenever the corporate authorities of any municipality by their ordinance shall have signified a desire to make an increase of debt where the assent of the electors is required and shall have called an election for the purpose of obtaining such assent they shall give notice of an election to be held at the places of holding elections in said municipality on a day to be by them fixed for the purpose of obtaining the assent of the electors thereof to such increase of debt Such notice shall be given in a newspaper or newspapers of general circulation not exceeding two published in said municipality and in the legal journal if any designated by the rules of court for the publication of legal notices and advertisements and if no such newspaper is published therein the notice shall be given in at least one newspaper of general circulation circulating generally in the municipality Such election notice shall be published three times at intervals of not less than three days where daily newspapers of general circulation are available for such publication and in the case of weekly newspapers of general circulation and legal journals shall be published only twice once a week for two successive weeks The first publication of such notice shall be not less than fourteen nor more than twenty-one days before the day of the election Such notice may be published at any time after the ordinance shall have become effective

b) The election notice shall contain and state

(1) The date upon which the election is to be held

(2) The amount of the assessed valuation of the municipality

(3) The sum of the gross liabilities the sum of the allowable deductions which are claimed and the amount of the net debt of the municipality

(4) The amount of the proposed increase of debt and

(5) The purpose or purposes for which the debt is to be increased

(c) The corporate authorities of the municipality shall in all cases fix the time of holding such election on the day of a municipal general or primary election unless more than ninety days or less than thirty days elapse between the effective date of the desire ordinance and the day of holding the said municipal general or primary election

If any day other than the day of any municipal general or primary election is fixed for such election the expense of holding the same shall be paid by the municipality for the benefit of which it is held

(d) The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall at least twenty-five days before said election is to be held cause to be certified to the county board of elections a copy of the ordinance expressing the desire to increase the debt of the municipality and calling for an election for such purpose and the form of the question to be submitted to the electors

(e) Whenever an election is held to increase the debt of a municipality for any particular purpose or purposes and the increase is defeated another election for the same purpose or purposes may not be held until fifty-one weeks have elapsed since the prior election

(f) Elections to authorize the increase of debt shall be held at the place time and under the same regulations as provided by law for the holding of municipal elections In receiving and counting and in making returns of the votes cast the inspectors judges and clerks of said election shall be governed by the Pennsylvania Election Code and all the penalties provided in said Code for the violation thereof shall apply to the voters inspectors judges and clerks voting at and in attendance upon the elections held under the provisions of this act

(g) The election officers and clerks shall make return on forms provided by the county board of elections of the votes cast on such question to the county board of elections which shall compute the same and transmit a certified return thereof to the council in the case of cities and boroughs and to the corporate authorities in the case of other municipalities which body shall enter the same upon the minutes of the municipality If it appears that a majority or three-fifths of the electors as the case may require voting on such question have voted in favor of the increase of debt the county board of elections shall also file a certified copy of such return together with the copy of the ordinance certified to the county board of elections by the municipality with the clerk of the court of quarter sessions and the said clerk shall make a record of the same There shall also be filed with said clerk a copy of the notice of election and proof of the advertisement thereof

(h) Whenever the Board of School Directors of any independent school district by vote shall have signed a desire to make an increase of debt and there is no polling place within said independent school district where elections are held the election necessary to be held for the purpose of securing the assent of the electors of such independent school district to such increase of debt shall be held at the regular polling place within the municipality of which the said independent school district is a part most convenient to the voters thereof to be selected by the board of school directors of the independent school district notice of which place shall be set forth in the advertisements and notices required by this section At said election the ballots shall be furnished to and voted by only such voters as are residents of the said independent school district Whenever the board of school directors of any school district which is not coextensive with a municipality shall have signified by vote a desire to make such increase of debt the county board of elections of the county or counties within which such district is situated shall furnish the election officials with a list of the qualified voters in such districts and only the qualified voters of the school district shall be permitted to vote at such election

Section 206 Ordinance to Increase Debt by Borrowing Money Interest Rate (a) The corporate authorities of a

municipality where they are authorized to increase the debt may by their ordinance the vote thereon to be duly recorded upon the minutes of such municipality authorize and direct the issuance of general obligation bonds of the municipality in sums not less than one hundred dollars each bearing interest at a rate not exceeding six per centum in addition to any taxes the payment of which may be assumed by such municipality payable at such times as may be stated therein and the principal to be payable at a period or periods not exceeding thirty years from the date of said bonds

(b) An ordinance to authorize the issuance of general obligation bonds shall not take effect unless it has received the affirmative vote of a majority of all the members constituting the body adopting the ordinance

(c) An ordinance authorizing the issuance of general obligation bonds shall make the tax levy required by this act and shall state in substance

(1) The purpose or purposes for which the general obligation bonds are to be issued

(2) The maximum amount of general obligation bonds to be issued

(3) The rate or rates of interest or the maximum rate or rates of interest the general obligation bonds shall bear and in the latter case the actual rate of interest shall thereafter be fixed by resolution of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities

(4) The date of maturity of each bond and if said bonds are to be callable prior to maturity the date the terms and conditions of such call feature

(5) The estimated period of usefulness of the property or improvement for which the general obligation bonds are to be issued except in the case of general obligation bonds issued for funding or refunding purposes as may be authorized under Article five of this act

(6) The nature and source of revenues if any other than taxes or the proceeds of assessments against property specially benefited specially pledged to the payment of principal and interest on such general obligation bonds

(7) That the bonds are general obligations of the municipality and shall pledge the full faith and credit thereof

(8) That the existing net debt and the debt to be incurred do not in the aggregate exceed the limitations of the Constitution and of this act

(9) The officer or officers who shall prepare verify and file the statement required by section 209 of this act

Section 207 Tax Levy An annual tax commencing the first fiscal year after such debt shall have been incurred or increased sufficient for the payment of the interest thereon together with any taxes covenanted to be paid thereon and the principal of such debt within the period for which such general obligation bonds may be issued shall be forthwith assessed by the corporate authorities in the ordinance authorizing the issue of such bonds The moneys arising from such tax except such moneys as shall be required to repay to the general fund any sums advanced for the service of the debt prior to the collection of the first annual tax required by this section and except as otherwise provided in section four hundred and two shall be placed in a sinking fund which shall be kept apart from all other moneys of the municipality and shall be applied only to the payment of interest and taxes on and the principal of such general obligation bonds or be invested in the manner provided by article four of this act

The annual tax shall be expressed as an amount of money to be raised by taxation in each succeeding year for principal interest and taxes on such bonds to the end that in each succeeding year the rate of taxation on each dollar of valuation may be adjusted so as to produce the amount specified in such tax levy The corporate authorities shall include such tax levy within its annual tax levy

Section 208 Maturity of Bonds All general obligation bonds of a municipality issued for property or improvements shall mature within a period not to exceed the estimated usefulness of such property or improvement for which such bonds are issued The estimated period of usefulness shall be stated in the ordinance authorizing the issue of such bonds and when so stated shall be conclusive But such determination shall never extend the period of maturity beyond thirty years

Section 209 Statement to be Prepared and Filed with Clerk of the Court of Quarter Sessions Before delivering any general obligation bonds it shall be the duty of the officer or officers authorized by the ordinance issuing such bonds to prepare a statement showing (a) the amount of the existing gross liability or the gross liability the various allowable deductions which are claimed and net debt of such municipality ascertained as provided in this article (b) the amount of the assessed valuation (c) the amount of bonds to be issued and (d) the form number and date of maturity of the bonds and the officer or officers preparing the same shall make and append thereto his or their oath of the truth of the facts therein stated and shall file the same in the office of the clerk of the court of quarter sessions of the county

Certified copies of the record of such statement under the seal of said court shall be competent evidence in all of the courts of this Commonwealth

Section 210 Serial Bonds Required Except as otherwise provided in this section all general obligation bonds issued under the authority of this article shall mature in annual installments The first installment of principal shall mature not later than two years after the date of the bonds Installments of principal shall mature annually thereafter The sum of the principal interest and State tax payable in any year after the first installment of principal falls due shall not exceed the sum of the principal interest and State tax payable in any prior year on account of such issue by more than the sum of One Thousand Dollars ($1,000)

General obligation bonds may mature in other than annual installments in the event that

(a) The last installment of principal shall mature more than twenty-five years and not more than thirty years from the date of the bonds and the aggregate principal amount of the bonds is less than One Hundred Twenty Thousand Dollars ($120,000) Provided that not less than ten (10) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds twenty-five (25) per centum by the end of the tenth year forty (40) per centum by the end of the fifteenth year sixty (60) per centum by the end of the twentieth year and eighty (80) per centum by the end of the twenty-fifth year

(b) The last installment of principal shall mature more than twenty years and not more than twenty-five years from the date of the bonds and the aggregate principal amount of the bonds is less than One Hundred Thousand Dollars ($100,000) Provided that not less than ten (10) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds twenty-five (25) per centum by the end of the tenth year forty-five (45) per centum by the end of the fifteenth year and seventy (70) per centum by the end of the twentieth year

(c) The last installment of principal shall mature more than fifteen years and not more than twenty years from the date of the bonds and the aggregate principal amount of the bonds is less than Eighty Thousand Dollars ($80,000) Provided that not less than fifteen (15) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds forty (40) per centum by the end of the tenth year and seventy (70) per centum by the end of the fifteenth year

(d) The last installment of principal shall mature more than ten years and not more than fifteen years from the date of the bonds and the aggregate principal amount of the bonds is less than Sixty Thousand Dollars ($60,000) Provided that not less than twenty-five (25) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds and sixty (60) per centum by the end of the tenth year

(e) The last installment of principal shall mature more than five years and not more than ten years from the date of the bonds and the aggregate principal amount of the bonds is less than Forty Thousand Dollars ($40,000) Provided that not less than forty (40) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds

(f) The last installment of principal shall mature not more than five years from the date of the bonds and the aggregate principal amount of the bonds is less than Twenty Thousand Dollars ($20,000)

The purpose of this section is to require serial bonds and to encourage annual maturities without impairing the marketability of the bonds and nothing herein contained shall limit the power of municipalities to authorize bonds maturing at periods earlier than are required hereby

Section 211 Redemption of General Obligation Bonds Prior to Maturity Any general obligation bonds issued pursuant to this article may be made callable in whole or in part at par or at par and a premium or premiums upon such interest date or dates as may be specified in the ordinance When general obligation bonds have been made callable they shall state on their face the date on which or subsequent to which such call may be made and the method of giving notice thereof and the terms upon which such bonds may be called Such notice shall specify if less than all the bonds are to be called for redemption the numbers of the bonds to be called and the place where such bonds shall be presented by the holders thereof for redemption Interest shall cease to run on all bonds specified in said notice after the date fixed in said notice as the callable date

Whenever the municipality shall call for redemption less than the whole amount of any issue of general obligation bonds remaining outstanding the bonds to be called shall be those last maturing of such issue

The municipality may from any funds not otherwise pledged at any time redeem and cancel any general obligation bonds tendered for redemption at not more than par and accrued interest

Section 212 Regulations for Sale of General Obligation Bonds (a) When any municipality shall desire to borrow money and issue general obligation bonds therefor the municipality shall sell such bonds to the highest responsible bidder or bidders after public notice by advertisement in at least one and not more than two newspapers of general circulation published in the county in which such municipality shall be situated and in the legal journal if any designated by the rules of court for the publication of legal notices and advertisements Such notice shall be published three times at intervals of not less than three days where daily newspapers of general circulation are available for such publication and in the case of weekly newspapers and legal journals shall be published only twice once a week for two successive weeks The first advertisement shall be published not less than fifteen days before the day fixed for the opening of bids

(b) General obligation bonds may be advertised for sale in accordance with this section and may be conditionally sold before or after the ordinance authorizing the issue of such bonds has been adopted by the corporate authorities thereof but if advertised for sale prior to the adoption of such ordinance such advertisement shall first be authorized by a proper resolution of the council or corporate authorities as the case may be

(c) The notice shall contain (1) a general description of the general obligation bonds to be sold (2) the manner place and time of the sale or the time limit for the receipt of proposals (3) the name of the officer to whom bids or proposals shall be delivered (4) a statement that bidders must accompany their bids or proposals with a certified check cashiers check or treasurer's check drawn to the order of the municipality or its treasurer or a sum of money equal to not less than two per centum of the face amount of the general obligation bonds offered for sale to secure the municipality against any loss resulting from the failure of the bidder to comply with the terms of his bid or proposal and (5) a statement that the general obligation bonds will be sold and delivered to the purchaser only if and after the proceedings authorizing the issuance of such bonds have been approved by the department as required by article three of this act where such approval is required

(d) Every bid or proposal shall be in writing and shall be placed in a sealed envelope sufficiently labelled to indicate that it is a bid or proposal for general obligation bonds by the bidder before being delivered to the officer designated to receive the same

(e) At the time and place fixed in the notice the bids or proposals shall be publicly opened in the presence of such officer or officers of the municipality as may have been designated for such purposes

(f) The highest responsible bidder shall be the one who having complied with the conditions of sale offers to take the whole amount of general obligation bonds offered for sale at the least interest cost to the municipality which shall be determined by deducting from the total amount of interest to be paid on account of such bonds during the life thereof the amount of the premium offered if any over and above the face amount of the bonds offered for sale In the case of callable bonds the life of the bonds shall be figured to the respective maturity dates rather than to the call date or dates In the event that two or more bidders offer to take an identical return the one proposing the lowest rate of interest shall be deemed the highest responsible bidder and if two or more bidders having offered to take an identical return also propose the same rate of interest the bonds may be awarded and sold to either or with the consent of the bidders to them jointly

(g) The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall have the right to reject all bids or proposals and advertise the sale anew by the publication of a notice in manner and form as provided in this section

(h) No bids for general obligation bonds at less than par value and accrued interest shall be accepted

(i) The deposit required of each bidder shall be returned to each unsuccessful bidder immediately upon the award of the general obligation bonds or the rejection of all bids In the case of the successful bidder the deposit shall be held by the treasurer and be applied on the purchase price when the bonds are actually delivered and paid for

(j) No municipality and no officer thereof shall enter into any agreement in connection with the issuance or sale of bonds purporting to bind the municipality to deposit or leave on deposit in any bank bank and trust company or trust company any sum of money and all such agreements shall be null and void and of no effect

(k) Where general obligation bonds shall be advertised for sale and no legal bid has been received then it shall be lawful for such municipality to sell the same or any part thereof at private sale for not less than par and accrued interest at any time within six months from the date of sale in accordance with the terms originally advertised and at a rate of interest not exceeding the maximum rate originally advertised

Section 213 Application of Bond Proceeds The proceeds of the sale of general obligation bonds shall be used for the purpose or purposes specified in the ordinance authorizing said bonds except where a change of purpose has been authorized under the provisions of section 216 of this article If for any reason any part of the proceeds is not applied to or is not necessary for such purpose or purposes such unexpended part of the proceeds shall be paid into the sinking fund for such issue of bonds unless otherwise applied under the provisions of section 216 of this article

The cost of preparing issuing and marketing general obligation bonds shall be deemed to be one of the purposes for which the bonds are issued

Each municipality shall keep such accounts as will readily show the proceeds of each issue of bonds hereafter marketed and the application of the proceeds thereof

Section 214 Assessment Bonds to be General Obligations All bonds hereafter issued by any municipality for the payment of the principal and interest of which assessments of benefits against property are pledged shall be general obligation bonds and shall pledge the full faith and credit of the municipality Such general obligation bonds shall be supported by a tax levy as required by this article but the amount of assessments received and deposited in the sinking fund may be applied against the amount of the annual tax levied for any succeeding year or years

No assessment bonds shall hereafter be issued which rest alone on special assessments of benefits and purport to impose no municipal liability

Section 215 Annual Statement of Indebtedness The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall at the end of each fiscal year cause to be prepared and published in at least one and not more than two newspapers of said municipality or of the county if so many are printed therein a statement showing in detail (a) the gross liability and net debt of the municipality ascertained as provided in this act (b) the amount of the assessed valuation (c) the assets of the municipality with the character and value thereof (d) the date of last maturity of the respective forms of funded debt thereof (e) the assets in each sinking fund and a neglect or failure so to do shall be a misdemeanor punishable by fine not exceeding one thousand dollars

Section 216 Moneys Borrowed or Authorized to be Borrowed for Impracticable Etc Purposes (a) Whenever any municipality has heretofore increased or authorized the increase of its debt with or without the assent of the electors of such municipality or shall hereafter so increase or authorize the increase of its debt and the purpose or purposes of such increase or authorized increase have proved or shall prove to be impracticable impossible or inadvisable the corporate authorities of the municipality may by their ordinance where such debt was increased without electoral assent or after electoral assent has been secured as hereinafter provided so declare and may provide for the use of the money so borrowed or authorized to be borrowed or any part thereof for any other purpose for which such debt could have originally been lawfully incurred

(b) The corporate authorities of any municipality may by their ordinance without the assent of the electors rescind or cancel in whole or in part the authority to borrow money the borrowing of which shall prove to be impracticable impossible or inadvisable

(c) Whenever the original increase of debt shall have been made or authorized with the assent of the electors of such municipality and the corporate authorities may desire to use the money so borrowed or authorized to be borrowed or any part thereof for any other lawful municipal purpose they shall by ordinance express their desire so to do and shall provide for an election to be held in like manner as in this article provided for elections to secure the assent of the electors to the increase of debt except that the notice of the election shall state (1) the date on which such election is to be held (2) the amount of money theretofore borrowed or authorized to be borrowed for the purpose in question (3) the purpose for which such debt was originally authorized (4) the new purpose for which the municipality desires to make use of said money and (5) the reason why said money may not be used for the purpose or purposes for which it was borrowed or authorized to be borrowed or why it may be advisable not to use it for such purpose A copy of the ordinance requqired by this section shall be filed with the county board of elections at least twenty-five days before the election

(d) The question to be submitted to the electors shall be substantially in the following form

"Shall the sum of dollars heretofore borrowed or authorized to be borrowed by the (municipality) for the purpose of be used by for the purpose of ?"

(e) The election shall be conducted and return thereof made by the election officers and by the county board of elections in the same manner as in this act provided for the increase of indebtedness The county board of elections shall with its certified return to the clerk of the court of quarter sessions transmit the ordinance of the municipality filed with it and the clerk shall make a record of the same The municipality shall also file with the clerk of the court of quarter sessions a copy of the election notice together with proof of publication thereof

(f) If at such election a majority or three-fifths of the electors voting thereon as was required for the original electoral assent shall vote in favor of using said money so borrowed or authorized to be borrowed or any part thereof for the new purpose as stated in the said notice the said money may be used for such new purpose as if it had originally been authorized or borrowed therefor

(g) Whenever it shall have been determined to refrain from borrowing such money by action of the corporate authorities alone the original authority to borrow the same shall thereupon be deemed to have been rescinded and of no effect No such cancellation shall be effective until the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall first have filed a certificate of such cancellation with the clerk of the court of quarter sessions of the county and with the Department of Internal Affairs in cases where the original proceedings were approved by that department which officers shall record or file the same with the proceedings had relating to the increase of indebtedness

Section 217 Acceptance Of Article By Municipalities Specially Incorporated Any municipality incorporated or acting under any local or special act of Assembly may surrender the provisions of its local or special act or acts in so far as the same limit define abridge control or prescribe the borrowing capacity of said municipality and also surrender the provisions of said local or special act or acts so far as the same prescribe or limit the method and procedure of creating debt or issuing general obligation bonds and may accept the provisions of this act by presenting a petition to the court of quarter sessions of the county within which the said municipality may be located setting forth the desire of such municipality to accept the provisions of said article

Such petition shall be made by the council in the case of cities and boroughs and by the corporate authorities in the case of other municipalities Upon presentation of the petition the court shall fix a day for hearing of which such notice shall be given as may be directed by the court At such hearing any inhabitant or taxpayer of the municipality may remonstrate against the granting of the petition and the court may grant or refuse the petition as to it appears proper If the court grants the petition the decree shall be recorded in the office for the recording of deeds of the county and thereafter the municipality shall be subject to all the provisions of this act and the local and special act of Assembly shall be annulled so far as they are inconsistent with this article and in all and every respect in so far as they may have restricted limited defined abridged controlled or prescribed the borrowing capacity of said municipality and in so far as they may have prescribed the method and procedure of creating debt or issuing bonds

Article III

Approval Of Department Of Internal Affairs Of Proceedings To Incur General Obligation Debt

Section 301 Certification Of Proceedings For The Issuance Of General Obligation Bonds Fee The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities (except a school district of the first class or a city of the second class or second class A) which shall have proceedings for the authorization in issue and sale of general obligation bonds shall before any such bonds are actually delivered to the purchaser cause to be certified under the signature of their clerk or secretary to the department a complete and accurate copy of the proceedings had for such incurring or increasing of debt together with certified copy of the financial statement required to be filed in the office of the clerk of the court of quarter sessions

When such proceedings are certified to the department the municipality shall pay to the department a fee of ten dollars plus an additional fee of one-half of one mill on each dollar of the aggregate par value of the bonds to be issued and sold by the municipality All fees received hereunder shall be paid by the department into the State Treasury through the Department of Revenue

Section 302 Examination Of Proceedings By Department It shall be the duty of the department upon the receipt of any such proceedings and facts to carefully examine the same to ascertain whether the proposed debt is within the limitations imposed by the Constitution and whether such proceedings are in conformity with existing laws If such proceedings are found to be in accordance with the Constitution and law the department shall within twenty days after the receipt thereof approve the same and certify its approval to the municipality

Section 303 Certificate Of Disapproval Correction Of Proceedings If upon examination the department shall find that such proposed debt is not within the limitations imposed by the Constitution or that the proceedings are not in accordance with law it shall disapprove the same and shall within twenty days after the receipt thereof certify its disapproval to the municipality Thereafter it shall be unlawful for such municipality to issue any general obligation bonds upon such proceedings unless the proceedings are subject to correction which correction has been approved by the department

Section 304 Records of Department The department shall keep a record of all approvals and disapprovals made and the same shall be a public record and copies thereof certified under the hand and seal of the Secretary of Internal Affairs shall be admitted in evidence in all courts and elsewhere

Section 305 Sale of Bonds Controlled It shall be unlawful for the corporate authorities of any municipality (except a school district of the first class or a city of the second class or second class A) to deliver to the purchaser any general obligation bonds unless the foregoing provisions of this article have been complied with All general obligation bonds delivered contrary to the provisions of this article shall be invalid and shall impose no liability on the municipality

Section 306 Appeals by Interested Parties And Taxpayers Where proceedings for the incurring or increasing of debt had by any municipality have been approved by the department any party interested or any taxpayer of the municipality may within thirty days after such approval and not thereafter appeal therefrom by petition to the Court of Common Pleas of Dauphin County which petition shall specifically allege the error or errors complained of in the proceedings in the manner required of bills in equity

Jurisdiction is hereby conferred upon the court of Common Pleas of Dauphin County to hear and determine such appeals

Section 307 Notice of Appeal Record to be Transmitted Service of Notice Notice of any such appeals shall be given by the petitioner to the municipality instituting such debt proceedings and to the department The department shall immediately upon the receipt of such notice transmit its entire record of such proceedings to the prothonotary of the court to which the appeal is taken and such record shall become the record in the court proceedings and may be offered in evidence The notice to the department may be sent by registered mail addressed to the department at Harrisburg Pennsylvania Proof of the service of such notice shall be filed with the prothonotary of Dauphin County

Section 308 Filing Answer The municipality the department any person interested and any taxpayer may file an answer to such petition within twenty days after service of notice of the appeal on the municipality or the department

Section 309 Hearings Pleading After the expiration of the time for filing answer the court shall fix a day for hearing of which such notice to all parties to the proceedings shall be given as the court may direct At the hearing the court may hear evidence but the proceedings shall be limited to the questions raised by the petition and answer and no demurrer or other pleading shall be required to bring the matter to issue

Section 310 Order Further Proceedings by Municipality Subject to Approval of Department After hearing the court shall have power to affirm or to order stricken from the proceedings in possession of the municipality the approval of the department or if in the opinion of the court the proceedings had by the municipality are subject to correction or amendment it may refer the matter back to the municipality

Any further proceedings by the municipality pursuant to an order of the court shall be subject to approval by the Department of Internal Affairs

Section 311 Appeal to Supreme or Superior Court From the final decision of the Court of Common Pleas of Dauphin County an appeal may be taken within thirty days and not thereafter to the Superior or Supreme Court as in other cases

Section 312 Finality of Proceedings Validity of Evidence of Indebtedness When any proceeding for the incurring or increasing of debt has been approved by the department and no appeal has been taken or when the approval of the department after appeal has been affirmed finally by the court the validity of such proceedings and the right of the municipality to issue general obligation bonds lawfully pursuant to such proceedings shall not thereafter be inquired into judicially in equity or by civil or criminal proceedings or otherwise either directly or collaterally except where a constitutional question is involved

Any general obligation bonds issued by such municipality pursuant to such proceedings and lawfully sold or disposed of shall be valid obligations of the municipality and the effect of such approval shall be to ratify validate and confirm such proceedings absolutely except as to constitutional questions notwithstanding any defect or error whatever in such proceedings

Section 313 Appeals by Municipalities Any municipality may in like manner with like proceedings and with like rights as hereinbefore provided appeal from the action of the department in refusing to approve any proceedings by a municipality to incur or increase its debt and the court may after hearing affirm the action of the department or direct it to approve such proceedings as to it may appear proper From the decision of the Court of Common Pleas an appeal may be taken to the Superior or Supreme Court within thirty days after such decision and not thereafter

Article IV

Sinking Fund

Section 401 Creation of Sinking Funds Every municipality having any outstanding general obligation bonds and any municipality hereafter issuing any such bonds shall maintain its existing sinking funds or if no such funds are being maintained shall forthwith establish and thereafter maintain so long as any bonds remain outstanding and unpaid a separate sinking fund for each issue of bonds

Section 402 Payment of Moneys into Sinking Fund It shall be the duty of the treasurer of each municipality to deposit into each sinking fund during each fiscal year not less than the portion of taxes collected and moneys received during such year for such sinking fund and to credit to each sinking fund the earnings and other income appertaining thereto But nothing in this section or this act shall be deemed to limit the power of the corporate authorities (a) to appropriate moneys from the general fund for the payment of principal interest or taxes on any bonds through a sinking fund or otherwise or (b) to direct the treasurer or other fiscal officers to pay into a sinking fund the amount required for interest principal taxes or any of them out of any moneys in their hands not irrevocably pledged to any other purpose When the full requirement for debt service on account of any issue of bonds for any year and all prior years has been paid into the sinking fund or otherwise discharged the annual tax of such year levied for and in conjunction with the issue of bonds shall no longer be dedicated to the payment of interest principal and taxes on account of such bonds and need not be deposited in the sinking fund for said bonds anything in this act to the contrary notwithstanding

Section 403 Use of Money in Sinking Fund Investment The money or other assets in the sinking fund shall be applied to the payment of any taxes covenanted to be paid on the general obligation bonds for the payment of which such fund was created to the payment of interest on such bonds and to the payment of the principal of such bonds at their maturity Any moneys in the sinking fund not needed for the time being for any of the above purposes may be invested in obligations issued by the United States of America and general obligation bonds of the Commonwealth of Pennsylvania or any political subdivision thereof The moneys and other assets held in the sinking fund shall not be used for any other purpose except for such other investment purposes as may be specifically authorized by law

Any investments held in the sinking fund may be sold at any time by the body board or commission having

the management and control of such sinking fund

Nothing contained in this section shall be construed to require the sale of any obligation bonds or notes legally held in a sinking fund at the time this act takes effect

Section 404 Management of Sinking Fund The management and control of the sinking fund of each municipality shall be vested in the council in the case of cities and boroughs and in the corporate authorities in the case of other municipalities except where by any other law there has been created any board or commission for the management and control of the sinking fund in which case such board or commission shall have the management and control of the sinking fund

Section 405 Inspection of Municipal Sinking Funds Orders to Comply (a) The department shall from time to time inspect and investigate the sinking funds of the municipalities as herein defined (except of school districts of the first class or of cities of the second class and second class A) which have any outstanding debt and all records books and papers relating thereto It may require the treasurer or other officer of any municipality to furnish copies of annual financial and other statements showing the condition of such sinking funds and the amount of outstanding debt together with the rate of interest and dates of maturity

(b) Such inspection and investigation and such statements shall be for the purpose of determining whether such sinking funds are being kept in accordance with this act and whether in the opinion of the department they will be sufficient to meet maturities of the debt for the payment of which they were created

(c) If the department shall ascertain that any municipality has failed or neglected to establish any sinking fund to meet taxes interest and principal payments as the same become due or has failed to provide sufficient funds for any sinking fund to meet such payments the department shall make an order requiring the municipality or any officer thereof to take such steps as in the opinion of the department will cause such sinking funds thereafter to comply with this article or to be sufficient

(d) Any officer or the members of any body of any municipality who shall refuse or neglect to obey any order of the department made under the authority of this section or who shall refuse to furnish information required by said department or refuse agents of said department the right of access to any records books and papers relating to the sinking fund of the municipality shall be guilty of a misdemeanor and upon conviction thereof shall be each sentenced to pay a fine not exceeding five hundred dollars

(e) In addition to the imposition of the penalty hereinbefore provided or in lieu thereof the department may in its discretion apply to the court of common pleas of the county in which the municipality is situate for a writ of mandamus to issue to such officer or body of the municipality to compel compliance with such order of the department or any modification thereof as to the court appears just and proper

Article V

Funding and Refunding Bonds

Section 501 General Provisions Any municipality may fund or refund any debts of the municipality either funded or unfunded in the manner and subject to the conditions provided in this article and may issue therefor its general obligation serial bonds to be known as funding or refunding bonds as the case may be

Except as herein otherwise provided such general obligation bonds shall be authorized issued and sold only in accordance with the provisions of article two of this act

The limitations on the debts of municipalities provided by article two of this act and the Constitution of this Commonwealth shall not prevent the funding or refunding of any debt which was valid at the time the debt was incurred even though the net debt of the municipality at the time of the funding or refunding exceeds such constitutional limitation

Funding and refunding bonds may be authorized issued and sold without the assent of the electors General obligation bonds issued to fund or refund bonds issued or debt incurred with the assent of electors shall evidence debt incurred with the assent of electors

Section 502 Funding Bonds Conditions (a) Whenever any municipality has any unfunded debt contracted for current operating expenses which is due and owing and the financial condition of the municipality is such that in the opinion of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities it cannot meet such debt within the fiscal year without an unreasonable curtailment of municipal serves or the levy of an excessive tax they may by petition apply to the court of quarter sessions of the county in which the municipality is situate setting forth the facts After hearing on such notice to the municipality and taxpayer as the court may prescribe the court shall make such order granting authority to fund such unfunded debt contracted for current operating expenses in whole or in part if it believes the proposed funding will accomplish the relief intended or refusing to permit the municipality to fund the same as it deems just and equitable The action of the court shall be final

Whenever the consent of the court to the funding of any unfunded debt contracted for current operating expenses has been secured the corporate authorities of the municipality may authorize issue and sell general obligation funding bonds bearing interest at a rate not exceeding six per centum in addition to any taxes payment of which may be assumed by the municipality the maturity of any such bonds not to extend beyond ten years from the date thereof and not exceeding in the aggregate the amount allowed by the court

(b) The funding of floating indebtedness incurred in the acquisition of property or the making of improvements as distinguished from that incurred for current operating expenses shall not require the approval of the court of quarter sessions but general obligation bonds issued to fund the same shall bear interest at a rate not exceeding six per centum in addition to any taxes payment of which may be assumed by the municipality and shall mature not later than the estimated period of usefulness of the property acquired or the improvement made which period of usefulness shall be stated in the ordinance authorizing the issuance thereof as required under the provisions of Section 206 of this Act

(c) If the total of the unfunded debt which is to be funded under the provisions of this section when added to the existing net debt of the municipality as determined by the provisions of Section 202 of this Act shall exceed two per centum of the assessed valuation of taxable property in the municipality but shall not exceed seven per centum of such assessed valuation then such municipality may first submit to the electors thereof in the manner prescribed by Section 205 of this Act the ratification validation and confirmation of such unfunded debt and if said electors shall assent to such ratification validation and confirmation of such unfunded debt the corporate authorities may proceed to fund the same in the manner prescribed by this section In such cases no approval of the Court of Quarter Sessions shall be required The total of the debt which has been ratified validated and confirmed shall thereafter be excluded in computing the amount of the debt of the municipality incurred without the consent of the electors

Section 503 Refunding Bonds Conditions Where any municipality has issued general obligation bonds either originally or for refunding purposes to secure any debt of such municipality which may have matured but remains unpaid and uncancelled or are about to mature and become payable and there is at the time or will in the opinion of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities be a default in the payment of principal thereon within one year the municipality for the purpose of paying off such bonds may authorize issue and sell refunding serial general obligation bonds bearing interest at a rate not exceeding six per centum per annum in addition to any taxes the payment of which may be assumed by the municipality the maturity of any of such bonds not to exceed twenty years after the date thereof and not exceeding in the aggregate the amount of the bonds or

other evidences of indebtedness so to be paid All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall first be so applied and the balance of such issue only shall be redeemed by the issue of new bonds

Section 504 (a) Refunding of Callable Bonds Conditions Any municipality which has outstanding general obligation bonds which may be called prior to the maturity thereof at the option of such municipality or any municipality which may hereafter issue such bonds may authorize and issue its refunding bonds to redeem and pay off such outstanding callable bonds in an amount not exceeding in the aggregate the amount of bonds so to be redeemed and paid off Such refunding bonds shall bear interest at a rate less than the rate specified in the bonds to be redeemed and the maturity of such refunding bonds shall not exceed the maturity of the bonds to be redeemed All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall be first so applied and the balance of such bonds only shall be refunded by the issue of new bonds

(b) Refunding of Bonds Which the Holders Are Willing to Surrender Conditions Any municipality which has outstanding general obligation bonds which the holders are willing to surrender or any municipality which may hereafter issue bonds which the holders are willing to surrender may at any time with the consent of the holders thereof authorize and issue refunding bonds to redeem and pay off such outstanding bonds in an amount not exceeding in the aggregate the amount of bonds so to be redeemed and paid off Such refunding bonds shall bear interest at a rate not exceeding six per centum per annum in addition to any taxes payment of which may be assumed by the municipality and shall mature not later than twenty years from the date thereof All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall be first so applied and the balance of such bonds only shall be refunded by the issue of new bonds

Section 505 Sale or Exchange of Funding and Refunding Bonds Except in the case of refunding general obligation bonds issued to redeem bonds which the holders are willing to surrender any municipality shall first offer funding or refunding general obligation bonds for sale in accordance with the provisions of Section 214 of this act and if no bids are received for the same any such municipality shall be authorized to exchange such bonds with the debtors in the case of bonds issued to fund floating indebtedness and with the holders of the outstanding bonds in the case of bonds issued to redeem and pay off such outstanding bonds when such debt is to be funded or when such outstanding bonds are to be redeemed and paid off as the case may be The maximum rate of interest of the bonds to be exchanged shall not be in excess of the maximum rate of interest borne by the bonds previously offered for sale In the case of refunding bonds issued to redeem bonds which the holders are willing to surrender the municipality shall have the option to offer said bonds for sale or to exchange said bonds with the holders of the outstanding bonds without previously having offered the same for sale

For services in procuring the exchange or surrender of bonds or other evidences of debt a municipality may expend not to exceed one per centum of the debt so funded or refunded in addition to its actual expenses in the preparation and issue of such funding or refunding bonds

Section 506 Cancellation of Bonds All general obligation bonds and other evidences of debt funded or refunded pursuant to this article shall be marked cancelled by the treasurer or other proper authority of the municipality

Article VI

Utility and Revenue Bonds

(a) Utility Bonds

Section 601 Power to Issue and Sell Utility Bonds Any municipality which has by law power to provide for the construction or acquisition of waterworks subways underground railways or street railways or the appurtenances thereof may authorize issue and sell (a) general obligation utility bonds which shall not be considered to be a debt of the municipality within the meaning of sections eight and fifteen of article nine of the Constitution of Pennsylvania if as hereinafter provided it is determined that the net revenues derived from said property for a period of five years either before or after the acquisition thereof or where the same is constructed by the municipality after the completion thereof shall have been sufficient to pay interest and sinking fund charges during said period upon said bonds or (b) non-debt utility bonds if the said bonds are secured solely by liens upon the respective property and shall impose no municipal liability

Section 602 General Obligation Utility Bonds Not to be Considered Debt Under Certain Circumstances (a) Where a municipality shall acquire or construct any property provided for in Section 601 of this act and money is to be borrowed by the issue of bonds to pay for such acquisition or construction and such bonds are not to be secured by liens on the property acquired or constructed such bonds shall be authorized issued and sold only as general obligation bonds and only in the manner provided by and in accordance with the provisions of article two of this act except that if the net revenues derived from said property during the five years immediately preceding the acquisition of such property would have been sufficient to pay interest and sinking fund charges on the general obligation bonds to be issued the assent of the electors need not be required

(b) General obligation bonds so issued shall not be considered a debt within the meaning of sections eight and fifteen of article nine of the Constitution at any time when the net debt of the municipality shall be required to be determined for any purpose if the net revenue derived from said property for the period of the last five completed fiscal years of the utility property immediately preceding the date of such determination of net debt (whether before or after the acquisition of such property or after the completion of the construction thereof) shall have been or would have been sufficient to pay interest and sinking fund charges upon said general obligation bonds so issued or about to be issued

(c) The determination that such general obligation bonds shall not at the time be considered a debt of the municipality within the meaning of sections eight and fifteen of article nine of the Constitution shall be made by resolution of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities on the affidavit of the engineer or other proper officer of the municipality showing

(1) The date the general obligation bonds were issued or are to be issued

(2) The principal amount of the general obligation bonds issued or to be issued the dates of the maturity thereof and if such bonds are outstanding the principal amount thereof outstanding

(3) The amount of the interest and sinking fund charges for each year during the life of such bonds

(4) The gross revenue from said property during each of said five years from which shall be deducted for each year the total cost of operation and maintenance and state taxes assumed on such bonds in order to determine the net revenues for the said five year period

(5) That the net revenues derived from said property during said five year period were sufficient to pay interest and sinking fund charges on such general obligation bonds

(d) Where the issue of general obligation bonds is involved at the time the said debt is determined a certified copy of the affidavit of the engineer or other proper officer and a certified copy of the resolution of the council or corporate authorities shall accompany the record of proceedings transmitted to the department for approval and certified copies thereof shall also be filed in the office of the clerk of the court of Quarter Sessions with the financial statement required by article two of this act

(e) Any such general obligation utility bonds heretofore issued by any municipality may be determined not to be a debt within the meaning of sections eight and fifteen of article nine of the Constitution in accordance with the procedure provided by this section

(f) The determination that general obligation utility bonds shall not be considered a debt of the municipality

within the meaning of sections eight and fifteen of article nine of the Constitution shall not be construed as effecting the contractural relations existing between the municipality and the holder of any such utility bonds

Section 603 Utility Bonds Imposing no Municipal Liability (a) In the case of the acquisition or construction of any property provided for in section six hundred and one of this act where the bonds issued to pay for such acquisition or construction are to be secured by lien on the property acquired or constructed and are to impose no municipal liability the bonds may be authorized issued and sold by the corporate authorities only in the manner provided by and in accordance with the provisions of article two of this act in respect to general obligation bonds except that the consent of the electors shall not be required and that no tax need be levied for the payment of the principal and interest of and taxes on such bonds and that no provisions relating to debt statements and provisions that the bonds are general obligation bonds pledging the full faith and credit of the municipality need be complied with in the ordinance or otherwise

(b) Such non-debt utility bonds shall not be considered debts within the meaning of sections eight and fifteen of article nine or any other section of the Constitution and shall impose no municipal liability

(c) The ordinance of the corporate authorities authorizing the issue of such bonds shall in addition to the requirements of article two of this act and not above excepted state that the bonds are not general obligation bonds and shall rest alone for their payment and the payment of interest and taxes covenanted to be paid thereon upon the property subject to the lien and the revenues derived from said property which revenues shall be pledged for such purpose and shall state the method of application of such revenues to such purpose

(d) Where non-debt utility bonds are to be secured by lien on the property acquired or constructed as provided in section fifteen article nine of the Constitution the municipality may enter into any deed of trust indenture or other agreement with any bank or trust company or other person having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenue or receipts from such property Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the municipality may authorize including but without limitation provisions as to (1) construction improvement operation maintenance and repair of the property and the duties of the municipality with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the ordinance authorizing the issuance of the same

Section 604 Interest and Sinking Fund Charges on Certain Utility Bonds Tax Levy Where any municipality shall issue any general obligation utility bonds to provide for the construction of any property enumerated in section six hundred and one of this act the municipality may also issue bonds to provide for the interest and sinking fund charges accruing thereon until said properties have been completed and in operation for a period of one year No such municipality shall be required to levy a tax to pay said interest and sinking fund charges as required by section ten of article nine of the Constitution until after said property so constructed shall have been operated by the municipality during said period of one year

(b) Non-Debt Revenue Bonds

Section 620 Authority to Issue Revenue Bonds Any municipality authorized by law to construct acquire extend or alter any public works undertakings or facilities and to borrow money therefor by the issue and sale of bonds secured solely by the pledge of the whole or part of the revenue from any rent toll or charge for the use or services of such works undertakings and facilities may by ordinance of the corporate authorities thereof authorize issue and sell non-debt revenue bonds in the manner provided by division (b) of this article

Such non-debt revenue bonds shall not pledge the credit nor create any debt nor be a lien against any real property of the municipality nor be a charge against the general revenues of the municipality but shall be a lien upon and be payable solely from the rentals tolls or charges imposed for the use or services of such public work undertaking or facility

Section 621 Bond Ordinance Whenever a municipality has eneacted an ordinance imposing a rental toll or charge upon properties or persons to be served by or to have the use of such public works undertaking or facility when the same is completed it shall have power to adopt an ordinance authorizing the issue of such bonds

Such ordinance shall state

(a) The purpose for which the non-debt revenue bonds are to be issued

(b) The maximum amount of bonds to be issued

(c) The rate or rates of interest or the maximum rate or rates of interest the bonds shall bear

(d) The maximum period within which the bonds shall mature

(e) The amount of annual rentals tolls or charges which are pledged for the payment of interest and sinking fund charges on the non-debt revenue bonds to be issued and state taxes covenanted to be paid thereon and shall pledge such annual revenues for the payment of the principal and interest of such bonds and taxes covenanted to be paid thereon

(f) That the bonds are not general obligations of the municipality and that no property or revenues of the municipality shall be pledged to the payment thereof or the interest and state taxes covenanted to be paid thereon except the rents tolls or charges for the use or services of the public work undertaking or facility to be constructed acquired altered or extended from the proceeds of the non-debt revenue bonds to be issued and that no tax shall in any event be levied for the payment of the interest or principal of or state taxes on such bonds

(g) That the bonds shall constitute a lien against the rents tolls or charges for the use or services of the work undertaking or facility to be constructed acquired altered or extended which are specifically pledged under the ordinance

(h) The method of applying the revenues from rents tolls or charges for the use of such work undertaking or facility to the payment of the principal interest and taxes on such bonds

Section 622 Bonds To Cover Interest Taxes And Sinking Fund During Construction The corporate authorities of the municipality shall have power to authorize the issue and sale of sufficient additional non-debt revenue bonds as may be necessary to provide for the interest taxes and sinking fund charges accruing thereon until the public work undertaking and facility has been completed and has been in operation for not exceeding one year in order to provide sufficient revenue until such time as rentals tolls and charges may be collected from the owners of properties or persons being served

Section 623 Certain Procedure Required (a) All non-debt revenue bonds authorized issued and sold under the authority of subdivision (b) of this article shall be serial bonds as provided in article two of this act for general obligation bonds with maturities not exceeding the estimated period of usefulness of the property or improvement for which such bonds shall be issued which period shall be stated in the ordinance authorizing such bonds and when so stated shall be conclusive and shall bear interest at a rate not exceeding six per centum per annum in addition to any taxes payment of which may be assumed by the municipality

(c) General Provisions Applicable to Non-debt Public Utility and Non-debt Revenue Bonds

Section 630 Qualities Of Utility And Revenue Bonds All utility general obligation and utility non-debt bonds and non-debt revenue bonds issued by any municipality under the authority of this article shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments laws of the Commonwealth of Pennsylvania

Section 631 Periodic Issue Of Bonds The corporate au-

thorities of any municipality shall have power to authorize the issue and sale of such bonds from time to time as the work of construction alteration or extension proceeds

Section 632 Investment Of Sinking Fund Moneys In Utility And Non-debt Revenue Bonds It shall be lawful for any municipality issuing utility general obligation bonds utility non-debt bonds or non-debt revenue bonds under the provisions of this article to invest the sinking fund moneys of the municipality in such bonds

Section 633 Default In Payment Of Principal And Interest Rights Of Bondholders In addition to the rights and remedies granted to bondholders by the ordinance providing for the issue of utility general obligation bonds utility non-debt bonds or non-debt revenue bonds in the event the municipality shall default in the payment of principal of our interest on any such bonds after the same shall have become due whether at maturity or upon call for redemption and said default shall continue for a period of thirty days or in the event the municipality shall fail or refuse to comply with the provisions of this article or shall default in any agreement made with the bondholders then the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument filed in the office of the recorder of deeds of the county where the municipality is situate and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee may and upon written request of the holders of twenty-five per centum in principal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the municipality to collect revenues rates tolls rentals and charges adequate to carry out any agreement as to or pledge of the revenues or receipts from the property work undertaking or facility and to require the municipality to carry out any other agreements with or for the benefit of the bondholders and to perform its duties

(b) Bring suit upon the bonds but any execution upon a judgment recovered thereon shall be restricted to the revenues or receipts from the property work undertaking or facility

(c) By action or suit in equity require the municipality to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of bondholders

(e) By notice in writing to the municipality declare all bonds due and payable and if defaults shall be made good then with the consent of the holders of twenty-five per centum of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceeding by the trustee on behalf of the bondholders

In any suit action or preceeding by the trustee the fees counsel fees and expenses of the trustee shall be a charge on the revenue or receipts derived from such property works undertakings and facilities the revenues or receipts from which are or may be applicable to the payment of the bonds so in default

Any such trustee shall in addition to the foregoing have and posess all of the powers necessary or appropriate for the exercise of any of the functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

Article VII

General Provisions

Section 701 Conversion And Reissuance Of Bonds Whenever any municipality shall have any outstanding bonds which the holder desires to convert from coupon bonds into fully registered bonds or from fully registered bonds into coupon bonds or if any bonds shall be lost or completely destroyed or defaced or partially destroyed or defaced the municipality may in its discretion by resolution of the council in case of cities and boroughs and of the corporate authorities in case of all other municipalities authorize the conversion and reissuance of said bonds under the signatures of the officials in office at the time of the adoption of such resolution and under the following conditions

(a) In the case of the conversion of coupon bonds into fully registered bonds the same may be authorized to be done by the removal and cancellation of the coupons attached thereto and the execution by a duly authorized officer of the municipality of a certificate written or printed on the back of the bonds which shall include (1) Date of registration (2) name of registered owner (3) such other information as the corporate authorities deem necessary

(b) In case of the conversion of fully registered bonds into coupon bonds the same may be authorized to be done either (1) by attaching to said bonds new coupons for unmatured interest in the same form and tenor as those originally authorized and the execution by a duly authorized officer of the municipality of a certificate of such conversion written printed or stamped on the back of the bond or (2) by the preparation execution and substitution of new bonds and coupons

(c) In the case of bonds defaced or partially destroyed the resolution (1) may authorize the officers of the municipality in office at the time of the adoption of such resolution to re-execute such bonds and impress the seal of the municipality thereon or (2) may authorize the preparation execution and substitution of new bonds and in the case of coupon bonds of coupons

(d) In the case of bonds lost or completely destroyed the resolution may authorize the preparation execution and substitution of new bonds and in the case of coupon bonds of coupons Before the adoption of such resolution the owner of said bonds shall furnish to the council in case of cities and boroughs and to the corporate authorities in case of all other municipalities (1) proof of ownership (2) proof of loss or destruction (3) bond with corporate surety satisfactory to the said council or corporate authorities to indemnify the municipality against all loss cost damage or expense which may thereafter be suffered by said municipality by reason of a claim of any person or persons based on the original bond or bonds supposed to have been lost or destroyed

(e) In all cases where new bonds or coupons are to be executed and substituted for old bonds the new bonds and new coupons shall be in the form and tenor of the old bonds and coupons and the cost of conversion or reconversion and of the preparation execution and substitution of such bonds and coupons shall be borne by the persons requesting such reconversion or reissuance of said bonds and coupons and shall be paid to the municipality prior to the delivery of the new bonds or coupons

(f) The resolution authorizing such conversion reconversion or reissuance shall set forth the date maturities interest rate denominatio numbers of the old and new bonds the name of the holder or holders thereof and that the cost of preparing and issuing the new bonds shall be borne and paid by the persons requesting the conversion reconversion or reissuing and a certified copy thereof shall be filed in the office of the Clerk of the Court of Quarter Sessions at the same number and term as the proceedings for the original bonds

Section 702 Bank As Registrar Or Transfer Agent In all cases where any municipality shall make provision for complete registration of any bond issue and the conversion and reconversion of said bonds it may appoint a bank or trust company as registrar or transfer agent of the municipality and provide for the registration and transfer of bonds of the municipality by such registrar or transfer agent

Section 703 Temporary Obligation In all cases where any municipality has authorized and sold an issue of bonds and the purchaser or purchasers thereof desire to receive delivery of the whole or any part thereof and

the municipality is unable to make such delivery due to delay in the preparation and execution of definitive bonds such municipality may prepare and upon receipt of the purchase price deliver temporary obligations for the whole or any part of said issue of bonds to the purchaser or purchasers

Such temporary bonds shall be in such denomination or denominations as may be agreed upon and shall be similar to the form and tenor of definitive bonds of the same issue but with such omissions modifications or additions as may be desirable or appropriate Such temporary bonds shall be exchangeable for other temporary bonds and for definitive bonds when ready of the same issue and series of like aggregate principal amounts whether of the same or different denominations and when surrendered for exchange shall be accompanied by all unmatured coupons if any appertaining thereto and if registered shall be accompanied by written instruments of transfer in form approved by the corporate authorities of such municipality duly executed by the registered owner in person or by his attorney duly authorized in writing All temporary bonds surrendered in exchange for other temporary bonds or for definite bonds shall be cancelled

Temporary bonds issued in accordance with the provisions of this section shall be executed in the same manner as the ordinance provides for the execution of the definitive bonds

Article VIII

Effective Date Repeals

Section 801 Effective Date This act shall become effective on the first day of January one thousand nine hundred and forty-two

Section 802 Saving Clause Nothing contained in this act shall be construed to affect the validity of any bonds heretofore issued or sold nor shall anything in this act operate to prevent the issue and sale of any bonds authorized or to be authorized pursuant to any proceeding commenced prior to the effective date of this act and the authorization issuance and sale of such bonds may be proceeded with and concluded under the laws in existence when such proceedings was commenced notwithstanding the repeal by this act of such laws or may be proceeded with and concluded under the provisions of this act at the option of the municipality This act shall not be construed to repeal any of the provisions of the act approved the sixteenth day of May one thousand nine hundred and thirty-nine P. L. 139) entitled "An act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for the violation thereof"

Section 803 Repeals The following acts and parts of acts are hereby repealed to the extent herein set forth

The act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" absolutely

The act approved the twelfth day of April one thousand eight hundred and seventy-five (P. L. 46) entitled "A supplement to an act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof approved the twentieth day of April Anno Domini eighteen hundred and seventy-four amending the sixth section thereof" absolutely

The act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities or school districts in this Commonwealth which have issued bonds or other interest bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" except in so far as the same relates to cities of the first class

The act approved the ninth day of June one thousand eight hundred and ninety-one (P. L. 252) entitled "An act to amend an act entitled 'An act to regulate the manner of increasing the indebtednes of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four amendin section three of said act relating to increase of indebtedness" absolutely

The act approved the eighteenth day of April one thousand eight hundred and ninety-five (P. L. 36) entitled "An act amending section four of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restriction that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest wher the bonds become due" absolutely

The act approved the thirteenth day of April one thousand eight hundred and ninety-seven (P. L. 17) entitled "An act to amend section two of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restriction that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due and the form of statement to be filed" absolutely

The act approved the eleventh day of May one thousand eight hundred and ninety-seven (P. L. 53) entitled "An act to further amend the fourth section of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four as amended by an act approved the eighteenth day of April Anno Domini one thousand eight hundred and ninety-five amending that part of the same which restricts the increase of indebtedness to an amount not exceeding two per centum and providing for an increase of indebtedness to an amount not exceeding seven per centum of the last asessed valuation" absolutely

The act approved the first day of March one thousand eight hundred and ninety-nine (P. L. 6) entitled "An act to amend section one and to repeal section two of an act (approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10)) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" except in so far as the same relates to cities of the first class

The act approved the first day of May one thousand nine hundred and nine (P. L. 317) entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four amending section three of said act relating to increase of indebtedness' being an act to amend an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four entitled 'An act to regulate

manner increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the ninth day of June Anno Domini one thousand eight hundred and ninety-one amending section three of said act relating to increase of indebtedness to further amend section three of said act relating to increase of indebtedness" absolutely

Section 502 absolutely and sections 506 507 and 508 except in so far as said sections empower school districts to incur debt of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith"

The act approved the twenty-eighth day of May one thousand nine hundred and thirteen (P. L. 377) entitled "An act fixing the time within which an election may be held to increase municipal indebtedness for the same purposes and on the same subject as were defeated by a majority vote at a previous election" except in so far as the same relates to cities of the first class

The act approved the twenty-eighth day of April one thousand nine hundred and fifteen (P. L. 195) entitled "An act to amend section two of an act entitled 'An act to amend section two of an act entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restrictions that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due and the form of statement to be filed' approved the thirteenth day of April Anno Domini one thousand eight hundred and ninety-seven by extending the powers to incur and increase indebtedness to townships of the second class" absolutely

The act approved the fifth day of June one thousand nine hundred and fifteen (P. L. 846) entitled "An act relating to the indebtedness of municipalities and providing for carrying into operation section fifteen of article nine of the Constitution of Pennsylvania so far as it relates to municipalities" absolutely

The act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 568) entitled "An act authorizing boroughs with the assent of the electors duly obtained at an election to use moneys borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose" and the amendments thereto absolutely

The act approved the sixth day of July one thousand nine hundred and seventeen (P. L. 747) entitled "An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice" except in so far as the same relates to cities of the first class

The act approved the twenty-sixth day of March one thousand nine hundred and nineteen (P. L. 24) entitled "An act authorizing cities of the third class with the assent of the electors duly obtained at an election to use moneys borrowed or authorized to be borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose absolutely

The act approved the twelfth day of June one thousand nine hundred and nineteen (P. L 456) entitled "An act authorizing boroughs and towns incorporated or acting under any local or special act or acts of Assembly to surrender the provisions of such special acts in so far as the said local or special acts restrict limit define abridge control or prescribe the borrowing or bonding capacity of said boroughs or towns and in so far as the said special acts prescribe or limit the method and procedure of creating indebtedness or issuing bonds or certificates of indebtedness therein and thereby and providing for the acceptance by said boroughs and towns of the provisions of the general act of Assembly approved the twentieth day of April one thousand eight hundred and seventy-four entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' prescribing the method and procedure by which the surrender of said provisions may be effected to be by petition to the court of quarter sessions of the judicial district in which said borough or town is located and approval by said court" absolutely

The act approved the twelfth day of April one thousand nine hundred and twenty-three (P. L. 59) entitled "A supplement to an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' providing a procedure to incur or to increase indebtedness where the existing indebtedness is less than two per centum but the amount to be incurred exceeds two per centum of the assessed value of the taxable property and providing that this act shall apply to pending proceedings" absolutely

The act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 1042) entitled "An act to further amend section three of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' by designating the place for the holding of elections for the purpose of increasing indebtedness of independent school districts" absolutely

The act approved the seventh day of April one thousand nine hundred and twenty-five (P. L. 171) entitled "An act to further amend section three of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' as amended by providing that the vote shall be counted by the court of quarter sessions" absolutely

The act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" absolutely

The act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 205) entitled "A supplement to an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof'" absolutely

Sections 1776 1777 1782 1783 2141 2142 2147 2148 2181 and 2182 of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" absolutely

The act approved the eleventh day of April one thousand nine hundred and twenty-nine (P. L. 516) entitled "A supplement to the act approved the thirty-first day

of March one thousand nine hundred and twenty-seven (P. L. 91) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties' by providing for and regulating appeals from approvals and disapprovals by the Department of Internal Affairs of proceedings to incur or increase indebtedness and declaring the effect of the approvals by the department" and the amendments thereto absolutely

The act approved the eleventh day of April one thousand nine hundred and twenty-nine (P. L. 518) entitled "An act to amend the act approved the sixth day of July one thousand nine hundred and seventeen (P. L. 747) entitled 'An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice' providing for private sales where no bids are received" except in so far as the same relates to cities of the first class

The act approved the eleventh day of April one thousand nine hundred and twenty-nine (P. L. 520) entitled "An act relating to deductible asets in the calculation of the percentage of the assessed valuation of taxable property representing indebtedness in proceedings to incur and increase indebtedness by counties cities boroughs towns townships municipal districts and divisions" except in so far as the same relates to cities of the first class

Section 396 of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" absolutely

The act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1661) entitled "An act to amend section three as amended of the act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' requiring county commissioners to furnish lists of voters where certain school directors hold elections on indebtedness" absolutely

The act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1778) entitled "An act to amend section two of the act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' as amended providing when bonds shall be due" absolutely

The act approved the thirteenth day of May one thousand nine hundred and thirty-one (P. L. 195) entitled "An act authorizing school districts with the assent of the electors duly obtained at an election to use moneys borrowed or authorized to be borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose" absolutely

Sections 2446 and 2447 2702 2703 2704 2705 2706 2707 2708 3251 3253 and 3311 absolutely and section 3310 in so far as the same limits the maturity of bonds of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto

Section 1707 of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" absolutely

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-three (P. L. 97) entitled "An act to amend section three of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refuding bonds and providing penalties' by authorizing the Department of Internal Affairs to charge and collect fees for examining and approving proceedings relating to municipal indebtedness" absolutely

Sections 904 1546 and 1547 of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the laws relating thereto" absolutely

The act approved the fourth day of May one thousand nine hundred and thirty-three (P. L. 273) entitled "An act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached' as amended by extending the provisions of the said act to cities of the first and second classes and providing that the refunding bond issued under the provisions thereof may bear interest at a rate of six per centum per annum and providing further that said bonds shall be payable at any time not exceeding twenty years after the date thereof" except in so far as the same relates to cities of the first class

The act approved the twenty-seventh day of December one thousand nine hundred and thirty-three (1933-34 P. L. 123) entitled "An act authorizing counties poor districts boroughs towns townships and school districts having moneys borrowed for one purpose to use the same for other purposes which will aid recovery from existing economic depression and requiring in certain such cases the assent of the electors" absolutely

The act approved the fifth day of January one thousand nine hundred and thirty four (1933-34 P. L. 218) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therefor" except in so far as the same relates to cities of the first class

The act approved the ninth day of May one thousand nine hundred and thirty-five (P. L. 155) entitled "An act granting power to counties cities boroughs towns townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest" except in so far as the same relates to cities of the first class

The act approved the twenty-first day of June one thousand nine hundred and thirty-five (P. L. 401) entitled "An act to amend section nine of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties'

limiting existing indebtedness as covered by the section to bonded indebtedness" absolutely

The act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 712) entitled "An act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled "An act granting power to counties (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached' as amended extending the provisions of said act to townships of the first class" except in so far as the same relates to cities of the first class

The act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1287) entitled "An act to further amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bond therefor with or without interest coupons attached' extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes" absolutely

The act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1623) entitled "An act empowering municipalities to refund improvement bonds based solely on assessments for grading street and sewer improvements and imposing no municipal liability by a new issue of bonds" except in so far as the same relates to cities of the first class

All other acts of Assembly and parts of acts inconsistent with this act or any part thereof are hereby repealed in so far as they are in conflict or inconsistent herewith

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Gates,	Maxwell,	Royer,
Allmond,	Gerard,	McDermott,	Rush,
Balthaser,	Goodwin,	McFall,	Scanlon,
Baugher,	Greenwood,	McKinney,	Schwab,
Boles,	Gryskewicz,	McLanahan,	Serrill,
Boney,	Habbyhaw,	McLane,	Shaffer,
Boorse,	Haines,	McSurdy,	Shaw,
Bower,	Hamilton,	Melchiorre,	Sorg,
Bradley,	Harris,	Mihm,	Stambaugh,
Bretherick,	Heatherington,	Modell,	Tarr,
Brown,	Helm,	Muir,	Tate,
Brunner, P. A.,	Hersch,	Nagel,	Taylor,
Burns,	Hewitt,	Nunemacher,	Thompson, E. F.,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Dare,	Van Allsburg,
Cook,	James,	O'Neill,	Vogt,
Dennison,	Jefferson,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
Duffy,	Kenehan,	Polen,	Winner,
Early,	Kline,	Powers,	Wolf,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Reagan,	Woodring,
Ely,	Leisey,	Reese, David P.,	Woodside,
Finnerty,	Lesko,	Reese, R. E.,	Wright,
Fisher,	Levy,	Reynolds,	Yeakel,
Fiss,	Leydic,	Rhea,	Yester,
Fleming,	Longo,	Riley,	Young,
Foor,	Lovett,	Rooney,	Kilroy,
French,	Malloy,	Rose, W. E.,	Speaker.
Gallagher,	Marks,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1543, as follows:

An Act providing a method for supplying perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect making such records competent legal evidence prescribing fees and imposing certain duties upon the orphans' court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any person having been born in the Commonwealth of Pennsylvania prior to January first one thousand nine hundred and six whose record of birth is not contained in the records of the orphans' court of the county in which he was born or whose record of birth is incomplete or incorrect may have a record of his birth filed and recorded or corrected in the office of the clerk of the orphans' court of the county in which he was born by presenting a petition to said orphans' court alleging the fact that no record of his birth exists or that said record is incomplete or incorrect and setting forth so much of the following information as is available and a statement that the information not supplied cannot be obtained and the reasons therefor

(a) Place and date of birth including state county city borough town township or village If in a hospital or other institution the name of the same shall be given as well as the residence of the parents and the post office address of the parents

(b) Full name

(c) Sex

(d) Whether a twin or other plural birth

(e) Whether the birth was legitimate or illegitimate

(f) Full name of father when legitimate

(g) Color or race of father

(h) Birthplace of father and age at birth of applicant if known

(i) Occupation of father if known

(j) Residence of parents if living and known

(k) Occupation

(l) Maiden name of mother

(m) Color or race of mother

(n) Birth place of mother and age at birth of applicant if known

(o) Occupation of mother if known

(p) Number of children of this mother if known and number of children of this mother now living if known

(q) (1) A certificate written in the English language signed by the doctor or midwife in attendance at the birth of such person or

(2) A certificate written in the English language signed by such person accompanied by a baptismal record kept by a bona fide ecclesiastical body and certified by a priest minister or other officer of said body or if it is impossible to obtain such records then an affidavit to that effect and

(3) A certificate written in the English language signed by such person and by a parent or near relative of such person who has lived with the person or family and has knowledge of the facts contained in such affidavit or

(4) A certificate written in the English language signed by such person and by two other persons who have had adequate means of knowledge of the facts contained in such affidavit or of the family tradition thereon Provided That such last mentioned persons need not be related by blood or marriage if they have been connected with the family so long and so intimately as to have acquired knowledge of the facts

Every certificate filed under this section shall be supported by an affidavit or affirmation on behalf of each person signing the certificate attesting the correctness of

the information given therein which affidavit or affidavits shall be a part of the record of birth and a copy of such affidavit or affidavits shall accompany each certified copy of any record of such birth issued by the clerk of the orphans' court

Section 2 Upon presentation of said petition by the clerk of the orphans' court or after hearing had the said court if satisfied of the truth and accuracy of the facts alleged therein shall order the record of the birth of the petitioner to be filed and recorded and indexed in the office of the clerk of the orphans' court in said county upon the payment of a filing fee of two dollars and fifty cents ($2.50) which payment shall entitle the petitioner to a certified copy of said record

Section 3 There shall be provided at the expense of the county a special docket book or register wherein such records of birth shall be duly entered

Section 4 A record of birth so established or a duly certified copy of the same shall be prima facie evidence of all matters therein contained and shall be admissible in all judicial proceedings

Section 5 A certified copy of any such birth record shall be furnished to any applicant upon payment to the clerk of said court of the sum of fifty cents ($.50)

Section 6 In addition to any other penalties provided by existing law any person who shall make any affidavit statement record or certification under the provisions of this act knowing the same to be false shall upon summary conviction therefor be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00) and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not more than ninety (90) days

Section 7 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 8 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. PETROSKY. Mr Speaker, as one of the co-sponsors of this bill I feel it is only proper to rise at this time and compliment the gentlemen of the sub-committee of the standing committee on State Government. Those gentlemen who put in many hours of work upon a measure which was drawn up for the benefit of those who were born in this Commonwealth prior to 1906. They should be complimented because of the necessity of this type of legislation. This legislation will enable those born previous to 1906 to receive a certified copy of birth upon presentation of satisfactory evidence to the Clerk of the Orphan's Court for determination by the judge of the Orphan's Court in each respective county. It will also benefit those who must have sufficient evidence to obtain old age pension and other gratuities which are given to them through federal or state grants.

I say to you, Mr. Speaker, that the many hours that were put upon this bill by the gentlemen who were on the sub-committee are appreciated and they should be complimented for placing in my opinion, I would say, the finest legislation that has been placed before this House during this session.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Gallagher,	Marks,	Rosenfeld,
Allmond,	Gates,	Maxwell,	Royer,
Balthaser,	Gerard,	McDermott,	Rush,
Baugher,	Goodwin,	McFall,	Scanlon,
Boies,	Greenwood,	McKinney,	Schwab,
Boney,	Gryskewicz,	McLanahan,	Serrill,
Boorse,	Habbyshaw,	McLane,	Shaffer,
Bower,	Haines,	McSurdy,	Shaw,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Harris,	Mihm,	Stambaugh,
Brown,	Heatherington,	Modell,	Tarr,
Brunner, P. A.	Helm,	Muir,	Tate,
Burns,	Hersch,	Nagel	Taylor,
Cohen, M. M.,	Hewitt,	Nunemacher	Thompson, E. F.,
Cohen, R. E.,	Holland,	O'Brien,	Turner,
Cook,	Huntley,	O'Dare,	VanAllsburg,
Dennison,	James,	O'Neill,	Vogt,
Dix,	Jefferson,	Petrosky,	Welsh, E. B.,
Dolon,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Duffy,	Keenan,	Polaski,	Williams,
Early,	Kenehan,	Polen,	Winner,
Elder,	Kline,	Powers,	Wolf,
Elliott,	Kolankiewicz,	Rank,	Wood, N.,
Ely,	Komorofski,	Reagan,	Woodring,
Finnerty,	Leisey,	Reese, D. P.,	Woodside,
Fisher,	Lesko,	Reese, R. E.,	Wright,
Fiss,	Levy,	Reynolds,	Yeakel,
Fleming,	Leydic,	Rhea,	Yester,
Foor,	Longo,	Riley,	Young,
French,	Lovett,	Rooney,	Kilroy,
	Malloy,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 543, Printer's No. 533, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1524, Printer's No. 534, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1459, Printer's No. 529, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 253, as follows:

An Act providing for the appointment powers and control of members of volunteer fire companies as special fire police and conferring powers on them at fires attended by their fire companies in any city borough town and township

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any volunteer fire company in any city borough town or township may nominate any of its members as special fire police All special fire police so nominated shall before they enter upon their duties as such be confirmed by the mayor of the city the burgess of the borough or town or the chairman of the board of commissioners or supervisors of the township as the case may be When so confirmed and sworn they shall have full power to regulate traffic and keep crowds under control at or in the vicinity of any fire on which their companies are in attendance and to exercise such other police powers as are necessary in order to facilitate and prevent interference with the work of firemen in extinguishing fires

Section 2 Whenever any volunteer fire company is in attendance on a fire in any city borough town or township other than the one in which such fire company is

organized any member of such fire company who shall have been sworn in as a special fire police shall have the same power and authority in such other city borough town or township as he would have in that by which he was appointed

Section 3 All special fire police when on duty shall be subject to the control of the chief of police if any of the city borough town or township in which they are serving

Section 4 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Gallagher,	Malloy,	Rose, W. E.,
Allmond,	Gates,	Marks,	Rosenfeld,
Balthaser,	Gerard,	Maxwell,	Royer,
Baugher,	Goodwin,	McDermott,	Rush,
Boles,	Greenwood,	McFall,	Scanlon,
Boney,	Gryskewicz,	McKinney,	Schwab,
Boorse,	Habbyshaw,	McLanahan,	Serrill,
Bower,	Haines,	McLane,	Shaffer,
Bradley,	Hamilton,	McSurdy,	Shaw,
Bretherick,	Harris,	Melchiorre,	Sorg,
Brown,	Heatherington,	Mihm,	Stambaugh,
Brunner, P. A.,	Helm,	Modell,	Tarr,
Burns,	Hersch,	Muir,	Tate,
Cohen, M. M.,	Hewitt,	Nagel,	Taylor,
Cohen, R. E.,	Holland,	Nunemacher,	Thompson, E. F.,
Cook,	Huntley,	O'Brien,	Turner,
Dennison,	James,	O'Dare,	Van Allsburg,
Dix,	Jefferson,	O'Neill	Vogt,
Dolon,	Jones, P. N.,	Petrosky,	Welsh, E. B.,
Duffy,	Keenan,	Pettit,	Welsh, M. J.,
Early,	Kenehan,	Polaski,	Williams,
Elder,	Kline,	Polen,	Winner,
Elliott,	Kolankiewicz,	Powers,	Wolf,
Ely,	Komorofski,	Rank,	Wood, N.,
Finnerty,	Leisey,	Reagan,	Woodring,
Fisher,	Lesko,	Reese, D. P.,	Woodside,
Fiss,	Levy,	Reese, R. E.,	Wright,
Fleming,	Leydic,	Reynolds,	Yeakel,
Foor,	Longo,	Rhea,	Yester,
French,	Lovett,	Riley,	Young,
		Rooney,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 522, as follows:

An Act making an appropriation to the Pennsylvania State College to advance the tobacco interest of this Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-five thousand dollars ($25,000) is hereby specifically appropriated to the Pennsylvania State College for the purpose of advancing the interests of tobacco growers in this Commonwealth by experimental work with a view of improving existing types of tobacco and shade grown wrappers and other nicotine bearing plants of overcoming diseases destructive to tobacco and other nicotine plants of perfecting processes of curing fermentation sweating and packing of tobacco and of securing and using correct types of fertilizers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Gates,	Maxwell,	Rosenfeld,
Allmond,	Gerard,	McDermott,	Royer,
Balthaser,	Goodwin,	McFall,	Rush,
Baugher,	Greenwood,	McKinney,	Scanlon,
Boles,	Gryskewicz,	McLanahan,	Schwab,
Boney,	Habbyshaw,	McLane,	Serrill,
Boorse,	Haines,	McSurdy,	Shaffer,
Bower,	Hamilton,	Melchiorre,	Shaw,
Bradley,	Harris,	Mihm,	Sorg,
Bretherick,	Heatherington,	Modell,	Stambaugh,
Brown,	Helm,	Muir,	Tarr,
Brunner, P. A.,	Hersch,	Nagel	Tate,
Burns,	Hewitt,	Nunemacher	Taylor,
Cohen, M. M.,	Holland,	O'Brien,	Thompson, E. F.,
Cohen, R. E.,	Huntley,	O'Dare,	Turner,
Cook,	James,	O'Neill,	VanAllsburg,
Dennison,	Jefferson,	Petrosky,	Vogt,
Dix	Jones, P. N.,	Pettit,	Welsh E. B.,
Dolon,	Keenan,	Polaski,	Welsh, M. J.,
Duffy,	Kenehan,	Polen,	Williams,
Early,	Kline,	Powers,	Winner,
Elder,	Kolankiewicz,	Rank,	Wolf,
Elliott,	Komorofski,	Reagan,	Wood, N.,
Ely,	Leisey,	Reese, D. P.,	Woodring,
Finnerty,	Lesko,	Reese, R. E.,	Woodside,
Fisher,	Levy,	Reynolds,	Wright,
Fiss,	Leydic,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Foor,	Lovett,	Rooney,	Young,
French,	Malloy,	Rose, W. E.,	Kilroy, Speaker.
Gallagher,	Marks,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 826 as follows:

An Act to amend section one thousand four hundred one of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating the establishment and maintenance of sidewalks

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand four hundred one of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1401 Power of Supervisors to Establish Width and Location of Sidewalks Consents in Certain Cases The supervisors of any township [upon the request of any landowner whose land fronts upon a public highway within such township] may construct and maintain sidewalks along any public highway in the township and may establish the width grade and location for a sidewalk along one or both sides of said highway [along the lands of such owner] The width of the walk on each side of said highway shall not be less than six feet for roads fifty feet in width or less and for roads over fifty feet in width shall be ten feet in width [When said sidewalks are so

established such landowner shall pay for and keep the same in repair]

In case the street or highway is a State Highway or a county road the written consent of the Department of Highways or the county commissioners as the case may be shall first be obtained

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Gallagher,	Malloy,	Rose, W. E.,
Allmond,	Gates,	Marks,	Rosenfeld,
Balthaser,	Gerard,	Maxwell,	Royer,
Baugher,	Goodwin,	McDermott,	Rush,
Boles,	Greenwood,	McFall,	Scanlon,
Boney,	Gryskewicz,	McKinney,	Schwab,
Boorse,	Habbyshaw,	McLanahan,	Serrill,
Bower,	Haines,	McLane,	Shaffer,
Bradley,	Hamilton,	McSurdy,	Shaw,
Bretherick,	Harris,	Melchiorre,	Sorg,
Brown,	Heatherington,	Mihm,	Stambaugh,
Brunner, P. A.,	Helm,	Modell,	Tarr,
Burns,	Hersch,	Muir,	Tate,
Cohen, M. M.,	Hewitt,	Nagel	Taylor,
Cohen, R. E.,	Holland,	Nunemacher	Thompson, E. F.,
Cook,	Huntley,	O'Brien,	Turner,
Dennison,	James,	O'Dare,	VanAllsburg,
Dix,	Jefferson,	O'Neill,	Vogt,
Dolon,	Jones, P. N.,	Petrosky,	Welsh, E. B.,
Duffy,	Keenan,	Pettit,	Welsh, M. J.,
Early,	Kenehan,	Polaski,	Williams,
Elder,	Kline,	Polen,	Winner,
Elliott,	Kolankiewicz,	Powers,	Wolf,
Ely,	Komorofski,	Rank,	Wood, N.,
Finnerty,	Leisey,	Reagan,	Woodring,
Fisher,	Lesko,	Reese, D. P.,	Woodside,
Fiss,	Levy,	Reese, R. E.,	Wright,
Fleming,	Leydic,	Reynolds,	Yeakel,
Foor,	Longo,	Rhea,	Yester,
French,	Lovett,	Riley,	Young,
		Rooney,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 125, as follows:

An Act authorizing and directing the Legislative Reference Bureau to compile edit and publish a compilation of laws relating to local taxation and making an appropriati n

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Legislative Reference Bureau is hereby authorized and its duty shall be to compile edit and publish a pamphlet ontaining a compilation of the laws of Pennsylvania relating to local taxation

Section 2 The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the Legislative Reference Bureau to pay the compensation of assistants and all costs and expenses incurred by the bureau in carrying out the provisions of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Gates,	Marks,	Rose, W. E.,
Allmond,	Gerard,	Maxwell,	Rosenfeld,
Balthaser,	Goodwin,	McDermott,	Royer,
Baugher,	Greenwood,	McFall,	Rush,
Boles,	Gryskewicz,	McKinney,	Scanlon,
Boney,	Habbyshaw,	McLanahan,	Schwab,
Boorse,	Haines,	McLane,	Serrill,
Bower,	Hamilton,	McSurdy,	Shaffer,
Bradley,	Harris,	Melchiorre,	Shaw,
Bretherick,	Heatherington,	Mihm,	Sorg,
Brown,	Helm	Modell,	Stambaugh,
Brunner, P. A.,	Hersch,	Muir,	Tarr,
Burns,	Hewitt,	Nagel,	Tate,
Cohen, M. M.,	Holland,	Nunemacher,	Taylor,
Cohen, R. E.,	Huntley,	O'Brien,	Thompson, E. F.,
Cook,	James,	O'Dare,	Turner,
Dennison,	Jefferson,	O'Neill,	VanAllsburg,
Dix,	Jones, P. N.,	Petrosky,	Vogt,
Dolon,	Keenan,	Pettit,	Welsh, E. B.,
Duffy,	Kenehan,	Polaski,	Welsh, M. J.,
Early,	Kline,	Polen,	Williams,
Elder,	Kolankiewicz,	Powers,	Winner,
Elliott,	Komorofski,	Rank,	Wolf,
Ely,	Leisey,	Reagan,	Wood, N.,
Finnerty,	Lesko,	Reese, D. P.,	Woodring,
Fiss,	Levy,	Reese, R. E.,	Woodside,
Fleming,	Leydic,	Reynolds,	Wright,
Foor,	Longo,	Rhea,	Yeakel,
French,	Lovett,	Riley,	Yester,
Gallagher,	Malloy,	Rooney,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 11, Printer's No. 633, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 53, Printer's No. 632, was passed over at the request of the SPEAKER.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 253

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments made and insisted upon the House of Representatives to Senate Bill No. 253, entitled:

An Act relating to members of the bureau of fire in cities of the second class providing subject to the approval of the electors for a three-platoon system for such members with certain exceptions providing for an election on such question and regulating hours of service hours of rest and annual vacations

And has appointed Messrs. WALKER, TAYLOR and FREY a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to the said bill.

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that Senate

Bill No. 253, together with the message from the Senate be laid on the table.

The motion was agreed to.

SENATE MESSAGE

SENATE INSISTS ON NON-CONCURRENCE IN HOUSE AMENDMENTS

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurrence in by the House of Representatives, to House Bill No. 481, entitled

An Act to amend sections eighteen and nineteen of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products, conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties," requiring the filing of local ordinances, rules and regulations with the Dairy Advisory Council; requiring local ordinances, rules and regulations in certain cases to be consistent requiring inspectors employed by municipalities to be approved inspectors eliminating the power of the Advisory Health Board to make rules and regulations, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon and providing for appeals to the Court of Common Pleas

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 481

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 481, Messrs WOODRING, MOUL and SNYDER.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 376.

An Act to amend paragraph (a) of section eight hundred sixty-five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale of lubricating oil which has been used and re-refined unless such oil is clearly so labeled.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "amend" the words "paragraph (a) of"; also in line 6 of title by striking out after the word "sale" the words of lubricating oil which has been used and re-refined unless such oil is clearly so labeled" and inserting in lieu thereof the words 'exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser and the disguising and camouflaging of equipment used for marketing liquid fuels lubricating oils and similar products".

Amend Section 1, page 1, line 1, by striking out after the figure "1" the words "Paragraph (a) of section" and inserting in lieu thereof the word "Section"; also on page 2, line 8, by striking out after the word "sale" the words "and whoever stores, sells exposes for sale or offers for sale in any manner so as to deceive or tend to deceive the purchaser any lubricating oil lubricants mixtures of lubricants adulterated oils or falsely labeled oils which had been once used for lubrication purposes and subsequently reclaimed re-refined or reconditioned without clearly indicating or setting forth such fact on the container pump or distributing device used" and inserting in lieu thereof the following: "or whoever stores sells exposes for sale or offers for sale in any manner any reclaimed or re-refined oils lubricating oils lubricants mixtures of lubricants or adulterated oils without labeling such oil or lubricant as "reclaimed motor oil" or "lubricating oil reclaimed or "re-refined lubricant or motor oil"; also in line 17, by inserting after the word "section" the following:

"(b) Whoever stores keeps exposes for sale offers for sale or sells from any tank or container or from any pump or other distributing device or equipment any other liquid fuels lubricating oils or other similar products than those indicated by the name trade name symbol sign or other distinguishing mark or device of the manufacturer or distributor appearing upon the tank container pump or other distributing equipment from which the same are sold offered for sale or distributed shall be subject to the penalties provided by clause (f) of this section

(c) Whoever disguises or camouflages his own equipment by simulating thereon the design color or combination of colors of the trade name symbol sign or other distinguishing mark or device under which recognized brands of liquid fuels lubricating oils and similar products are generally marketed shall be subject to the penalties provided by clause (f) of this section

(d) Whoever exposes for sale offers for sale or sells under any name in general use any liquid fuels lubricating oils or other like products except those manufactured or distributed by the manufacturer or distributor marketing liquid fuels lubricating oils or other like products under such trade name or substitutes mixes or adulterates the liquid fuels lubricating oils or other similar products sold offered for sale or distributed under such trade name shall be subject to the penalties provided by clause (f) of this section

(e) Whoever aids or assists any other person in the violation of the provisions of this section by depositing or delivering into any tank receptacle or other container any other liquid fuels lubricating oils or like products than those intended to be stored therein and distributed therefrom as indicated by the name of the manufacturer or distributor or the trade name of the product displayed on the container itself or on the pump or other distributing device used in connection therewith shall be subject to the penalties provided by clause (f) of this section

(f) Whoever violates any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) for the first offense and or not more than two thousand dollars ($2,000) for each subsequent offense or in the case of the second or subsequent conviction shall undergo imprisonment of not more than one (1) year or both."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the

House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. HAMILTON, from the Committee on Townships, reported as amended, House Bill No. 828, entitled:

An Act to further amend section eight hundred two of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," further regulating the making of contracts and purchases by the townships.

Mr. GRYSKEWICZ, from the Committee on Mines and Mining, reported as amended, House Bill No. 788, entitled:

An Act to promote the general public health and welfare by regulating the business of "strip mining" or mining coal by removing the overlying soil or strata therefrom; authorizing the Department of Mines to issue permits for "strip mining" operations; requiring those proposing to engage in strip mining operations to file a bond with the Department of Mines to secure the leveling and replacement of the surface soil; imposing certain additional duties upon the Department of Mines and the various mine inspectors; and providing penalties.

INTERROGATION

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, in this morning's issue of the Philadelphia Inquirer appears the following quotation from the gentleman from Monroe, Mr. Achterman:

"We have completed our studies of taxes and appropriations," the Democratic leader said. "I want to impress that it was a difficult task due to the fact that the budget as presented by the Governor was inaccurate."

I would like to ask the gentleman from Monroe whether he is properly quoted?

Mr. ACHTERMAN. I am, Mr. Speaker.

Mr. TURNER. I would like to ask the gentleman from Monroe in what respect was the budget inaccurate.

Mr. ACHTERMAN. As to revenues, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman from Monroe tell us what studies the Appropriations Committee has made as to the revenues?

Mr. ACHTERMAN. The studies, Mr. Speaker, consisted of a constant and regular check of the receipts of the various taxes during the biennium, keeping in touch daily; a comparison of the last eleven months of this fiscal year with the comparable period in the preceding fiscal year; a study of the income of Pennsylvania in relation either to increased or decreased income, with the resultant correlation of taxes collected to income; a projection of the income of the United States in relation to the State of Pennsylvania to determine if the income of Pennsylvania was more or less constant as compared with the income of the United States; ascertaining of what we feel is a constant percentage of return; an effort to compute the income of Pennsylvania over the coming two years of the biennium, with the resultant study of the anticipated revenues from taxes now on the books with those contemplated.

Mr. TURNER. Will the gentleman tell us whether from those studies he believes the estimates are too high or too low?

Mr. ACHTERMAN. Without hesitancy, Mr. Speaker, they are too low.

Mr. TURNER. Will the gentleman tell us, Mr. Speaker, in the taxes what estimates are too low?

Mr. ACHTERMAN. In practically every field, Mr. Speaker.

Mr. TURNER. Well, "practically every field" is not an answer. Will the gentleman tell us what taxes?

Mr. ACHTERMAN. I am not prepared, Mr. Speaker, I do not have the information at my desk. As a matter of fact, my office is now working, getting that typed up, and as I stated in the same release that the gentleman quoted from, it will be available later in the week.

Mr. TURNER. The article that I have before me, Mr. Speaker, does not have that quotation.

Mr. ACHTERMAN. Then I am sorry, Mr. Speaker; apparently they do not quote me in full.

Mr. TURNER. Will the gentleman tell us, Mr. Speaker, the total amount that his estimates show of an increase?

Mr. ACHTERMAN. Mr. Speaker, those figures are not completed and are not available at the moment.

Mr. TURNER. Mr. Speaker, will the Appropriations Committee prepare a tabulation with a statement of its reasons and prepare that for the Members of the House, so that they may have it available next week?

Mr. ACHTERMAN. It will be available next week to the Members of the House, Mr. Speaker.

Mr. TURNER. Mr. Speaker, can the gentleman give us the approximate totals?

Mr. ACHTERMAN. Mr. Speaker, I would say somewhere between twenty-five and twenty-eight million dollars.

Mr. TURNER. That is all, Mr. Speaker.

ADJOURNMENT

Mr. McDERMOTT. Mr. Speaker, I move that this House adjourn until Monday, May 19, 1941, at 8 p. m.

The motion was agreed to, and (at 11:23 a. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

MONDAY, May 19, 1941

The Senate met at 3:30 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

With the spirit of the day but yesterday celebrated, our Father, in which our nation repledged her faith in the American way of life, we would pray that that spirit may continue to captivate our imagination each day and in all sincerity and pride we my ever say: "I am an Amercan."

To review before the public consciousness the fundamentals of our government, the sacrifices and patriotic devotion exemplified by its founders, the struggle for the preservation of our integrity, the goodly heritage which is ours and the benefactions which accrue to a representative government, should cause our gratitude to be unparalleled unto Thee the Giver of all good gifts.

We commend unto Thy Fatherly care and keeping Senator Jaspan as he passes through these moments of sorrow at the passing of his brother unto his eternal reward.

May our concentration upon things eternal produce a consecration of self to be outstanding in our continued conquest of life's great struggle, that as Americans we may be workmen for Thee who are unashamed.

Do Thou quicken our minds and consecrate our hearts in preparation for the faithful discharge of our duties here this day. We pray in the Redeemer's Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SCARLETT and Mr. COLEMAN, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr DiSILVESTRO asked and obtained leave of absence for the Senator from Philadelphia, Mr. JASPAN, on account of the death of his brother.

Mr. CAVALCANTE asked and obtained leave of absence for the Senator from Washington. Mr. REED.

EXTENDING SYMPATHY TO SENATOR JASPAN ON THE DEATH OF HIS BROTHER

Mr. DiSILVESTRO offered the following resolution which was twice read, considered, agreed to:

In the Senate, May 19, 1941.

Herbert S. Jaspan, known affectionately to thousands of devotees of tennis as "Herb," and brother of the Honorable H. Jerome Jaspan, died Saturday, May 17, 1941, at his home in Philadelphia.

"Herb," at fifty-two was one of the most respected and admired sports writers in the City of Philadelphia. His entire adult life was devoted to sports and sports reporting and during the thirty years he acted as a reporter he served on the Philadelphia Inquirer, North American, Evening Bulletin, Associated Press, New York Sun, New York Tribune and since 1925 with the Philadelphia Evening Ledger.

During these thirty years all who knew him, and this embraced all outstanding tennis players in the United States and all tennis enthusiasts in the eastern United States, grew to love and admire Herb for his innate sense of fair play, his love of the net game, and his hatred of everything unsportsmanslike and unfair.

The newspaper profession, especially in Philadelphia, has lost a member who throughout his distinguished career maintained the highest traditions of the profession.

Herb was an outstanding national as well as international authority on tennis. He covered all national and international matches, his rating of players was final and authoritative and he was always consulted by the United States Tennis Association relative to the merit of players, the site of tournaments and in all other important matters relative to the net game.

The Senate of Pennsylvania mourns the passing of this distinguished citizens of the Commonwealth and hereby directs the Secretary of the Senate to mail copies of this resolution to the widow and children of the deceased, as well as to all other members of his family conveying thereby the heartfelt sympathy of the Senate to them in their great bereavement.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, when this resolution was presented, were we on the regular order of resolutions?

The PRESIDENT. The resolution just presented was by unanimous consent. It was simply because of the nature of the resolution that it was taken out of its regular order.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced pre-

sented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL NO. 159

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1941.

To the Honorable, the Senate of the Commonwealth of of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 159, Printer's No. 12, entitled, "An Act making an appropriation to the Department of Military Affairs for the purpose of erecting constructing and equipping an auditorium at Indiantown Gap Military Reservation."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL NO. 528

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1941.

To the Honorable, the Senate of the Commonwealth of of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 528, Printer's No. 132, entitled, "An Act making a deficiency appropriation to aid certain school districts."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL NO. 326

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 326, Printer's No. 187, entitled, "An Act to authorize school districts and vocational school districts to solicit sealed bids for the purchase of material supplies and equipment from Federal funds appropriated or to be appropriated to vocational education for national defense to be used for training or retraining workers and prospective workers for industries essential to national defense waiving all statutory requirements as to advertising for said bids."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL NO. 286

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 15, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 286, Printer's No. 183, entitled, "An Act to amend the fourth paragraph of article seven of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20), 'An Act for the government of cities of the second class' prescribing the manner in which money shall be drawn from the city treasury."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL NO. 295

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 295, Printer's No. 143, entitled, "An Act to amend sections seven and eight of the act approved that twelfth day of June one thousand eight hundred and seventy-eight (P. L. 201) entitled 'An Act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter' requiring the publication of advance sheets of such reports requiring printing and publication in this Commonwealth by a responsible person having a plant and facilities and place of business therein and further regulating the basis upon which bids shall be submitted and provisions of the contract for publication of such reports and advance sheets."

ARTHUR H. JAMES.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. EALY. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 19, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Hilda M. O'Neill, Pittsburgh, 6230 Penn Avenue.
Mrs. Genevieve S. Sorucebank, Pittsburgh, 1501 Berger Building.

DELAWARE COUNTY

Mrs. Ethel M. Zinn, Upper Darby Twp., 69th Street Theatre Arcade, Upper Darby.

ERIE COUNTY

Mrs. Edna G. Blanchard, Corry.
Miss M. E. Zilch, Erie.

LACKAWANNA COUNTY

Miss Martha E. Levine, Scranton.

LANCASTER COUNTY

Miss Fern A. Leaman, Lancaster.

LUZERNE COUNTY

James P. Lamont, Hazleton.

MONTGOMERY COUNTY

William Joseph Collins, Norristown.
Edward E. Mullin, Lansdale.

PHILADELPHIA COUNTY

Gordon Hawkins, Phila., 1619 Walnut Street.
Walter Schwartz, Phila., 1201 Chestnut Street.
C. Percy White, Phila., 2020 Ridge Avenue.
Miss Yvonne Y. Winegard, Phila., 238 South 5th Street.

WAYNE COUNTY

Carl E. Greiner, Honesdale.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg. May 19, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

WESTMORELAND COUNTY

Russell A. Artman, New Kensington, May 25, 1941.

MERCER COUNTY

Miss Mary Steckler, Grove City, May 27, 1941.

PHILADELPHIA COUNTY

Harry Lieber, Phila., 302 Catharine Street, May 27, 1941.

WESTMORELAND COUNTY

Hayden R. Luther, New Kensington, May 27, 1941.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. EDMONDS and Mr. EALY,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS JUSTICE OF PEACE IN MONTGOMERY COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George W. Huber, Spring Mount, Montgomery County, for appointment as Justice of the Peace in and for the Township of Lower Frederick, Montgomery County, until the first Monday in January, 1942, vice Arthur A. Bolton, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF PEACE IN JEFFERSON COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate W. C. Tibby, Pantall Hotel, Punxsutawney, Jefferson County, for appointment as Justice of the Peace in and for the Borough of Punxsutawney, Jefferson County, until the first Monday in January, 1942, vice Raymond C. Hotchkiss, resigned.

ARTHUR H. JAMES.

REAPPOINTMENT AS MEMBER OF THE PENNSYLVANIA GAME COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert Lamberton, Franklin, Venango County, for reappointment as a member of the Pennsylvania Game Commission, until the third Tuesday of January, 1949, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

REAPPOINTMENT AS MEMBER OF THE PENNSYLVANIA GAME COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate O. Ben Gipple, 1248 Derry Street, Harrisburg, Dauphin County, for reappointment as a member of the Pennsylvania Game Commission, until the third Tuesday of January, 1949, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

REPORT FROM STATE PLANNING BOARD

The PRESIDENT. The Chair lays before the Senate a communication forwarding copies of report of the Pennsylvania State Planning Board, of the Department of Commerce. Copies of the report have been distributed to the Senators. The communication and notice of receipt of the report will be noted in the Journal.

COMMUNICATION EXPRESSING GRATITUDE ON BEHALF OF 28TH DIVISION AND 104TH CAVALRY

The PRESIDENT. The Chair lay before the Senate communication from Edward Martin, Major General, Commanding, at Indiantown Gap, addressed to the Members of the General Assembly, which the Clerk will read and which will be spread upon the Journal.

"HEADQUARTERS 28TH DIVISION
INDIANTOWN GAP MILITARY RESERVATION

Pennsylvania, May 19, 1941.

"Members of the General Assembly,
"Commonwealth of Pennsylvania,
"Harrisburg, Pennsylvania.

"My dear Sirs:

"May I express the gratitude of all of the officers and men of the 28th Division and of the 104th Cavalry now in training at Indiantown Gap Military Reservation for your action in making appropriation of $125,000, for the construction of an auditorium at the Reservation.

"There has been evident through these early months of the training year of the troops now at the Reservation a great need for such a building. Its construction will permit the assembly of an entire brigade in one place in any kind of weather for instructional or recreational purposes. It will as well permit the assembly for similar purposes of all officers or of all non-commissioned officers on duty at the Reservation. When this building is completed it will be an ornament to the Reservation, a facility of great service to the troops, and a credit to the Commonwealth

Most sincerely,

(Signed) EDWARD MARTIN,
Major General, Commanding"

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 139, (Senate Bill No. 890), entitled:

An Act to amend section one of the act which became effective on the seventh day of July, one thousand eight hundred and seventy-nine (P. L. 194), entitled "Aldermen and Justice of the Peace Jurisdiction Law," further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to Aldermen.

Which was committed to the Committee on County Government.

House Bill No. 253, (Senate Bill No. 891), entitled:

An Act giving volunteer firemen appointed as special police officers certain police powers at fires attended by their fire companies in any city, borough, town and township.

Which was committed to the Committee on Municipal Government.

House Bill No. 522, (Senate Bill No. 892), entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

Which was committed to the Committee on Appropriations.

House Bill No. 525, (Senate Bill No. 893), entitled:

An Act amending, revising, consolidating and changing the law relative to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds, as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties; and repealing existing laws.

Which was committed to the Committee on Municipal Government.

House Bill No. 530, (Senate Bill No. 894), entitled:

An Act to amend section three hundred and five of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," by providing for the reimbursement of counties by the Commonwealth for primary and election costs incurred in even-numbered years.

Which was committed to the Committee on Elections.

House Bill No. 532, (Senate Bill No. 895), entitled:

An Act to amend section one thousand and forty-seven of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," as amended; limiting the number of days for the completion of borough audits.

Which was committed to the Committee on Municipal Government.

House Bill No. 826, (Senate Bill No. 896), entitled:

An Act to amend section one thousand four hundred one of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103), entitled "The Second Class Township Law" further regulating the establishment and maintenance of sidewalks.

Which was committed to the Committee on Highways.

House Bill No. 834, (Senate Bill No. 897), entitled:

An Act requiring persons selling "merchandise" as herein defined, to place weighing and measuring devices in full view of the purchasers; imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 1213, (Senate Bill No. 898), entitled:

An Act to amend an act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War or Contemplated War Act," by more fully defining the times during which the benefits shall be payable and the amount thereof and to whom payable.

Which was committed to the Committee on State Government.

House Bill No. 1251, (Senate Bill No. 899), entitled:

An Act authorizing and directing the Legislative Reference Bureau to compile edit and publish a compilation of laws relating to local taxation and making an appropriation

Which was committed to the Committee on Appropriations.

House Bill No. 1257, (Senate Bill No. 900), entitled:

An Act to add section three and one-tenth to the act, approved the fifteenth day of May, one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks

except in certain cases; authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties," providing for an extension of time on permits for such displays when not made on the day designated in the permit.

Which was committed to the Committee on Judiciary Special.

House Bill No. 1259, (Senate Bill No. 901), entitled:

An Act creating and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; and imposing certain charges on counties.

Which was committed to the Committee on Judiciary General.

House Bill No. 1284, (Senate Bill No. 902), entitled:

An Act requiring owners and lessees of real property, whenever making any improvements thereon, or additions thereto costing more than five hundred dollars ($500.00) to file a report of such improvements or additions with the county board for the assessment and revision of taxes, and providing penalties.

Which was committed to the Committee on County Government.

House Bill No. 1295, (Senate Bill No. 903), entitled:

An Act to amend section four thousand four hundred two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," prescribing the qualifications of members of certain civil service boards.

Which was committed to the Committee on Municipal Government.

House Bill No. 1543, (Senate Bill No. 904), entitled:

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

Which was committed to the Committee on State Government.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1205, entitled:

An Act to amend subsections (b) and (c) of section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," to provide for the appointment of the members of the Board of Property Assessment, Appeals and Review in second class counties by the county commissioners.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

AMENDMENT TO HOUSE BILL No. 524 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 524, entitled:

An Act to further amend section two hundred and ten of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," prohibiting the sale of striped bass or rock fish under eighteen inches in length.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Ordered, That the bill as amended be printed for the use of the Senate.

HOUSE CONCURS IN SENATE BILL No. 217 (HOUSE BILL No. 1301)

He also returned to the Senate, Senate Bill No. 217, entitled:

An Act requiring the Department of Welfare to notify the clerk of court and the county controller of all discharges or releases from institutions under its supervision.

With the information that the House has passed the same without amendments.

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 376

He also informed the Senate, that the House of Representatives has non-concurred in the amendments made by the Senate to House Bill No. 376, entitled:

An Act to amend paragraph (a) of section eight hundred and sixty-five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code" by prohibiting the sale of lubricating oil which has been used and re-refined unless such oil is clearly so labeled.

MOTION TO LAY HOUSE BILL No. 376 ON THE TABLE

Mr. GELTZ. Mr. President, I move that House Bill No. 376, (Senate Bill No. 402), be laid on the table.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 413 (HOUSE BILL No. 692) CALLED UP FROM TABLE

Mr. MILLER. Mr. President, I now call up from the table Senate Bill No. 413 (House Bill No. 692), Page 85 of the Senate History entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and

twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended by making further provision for the granting of easements or rights-of-way upon, across, over, under or along lands and waters of the Commonwealth making further provision for the granting of commissions to certain air pilots authorizing the Pennsylvania Historical Commission to charge certain admission fees conferring power upon the Department of Property and Supplies to control and supervise certain buildings devised to the Commonwealth authorizing the micro filming of records in the various administrative departments, boards or commissions and authorizing the leasing of Indiantown Gap Military Reservation and certain other real estate of the Commonwealth to the United States.

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO SENATE BILL No. 413

Mr. MILLER. Mr. President, I move that the Senate insist upon its amendments non-concurred in by the House of Representatives to Senate Bill No. 413 (House Bill No. 692).

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 905, entitled:

An Act to further amend clause (a) of section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground rents, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decrees will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forefeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals, and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," extending the provisions of said act to cases where real estate is held by entireties, and the one spouse has been declared weakminded.

Which was committed to the Committee on Judiciary General.

Messrs. HEYBURN and STIEFEL read in their places and presented to the Chair Senate Bill No. 906, entitled:

An Act prescribing the powers and duties of the Department of Forests and Waters in respect to the Brandywine Battlefield; and making an appropriation.

Which was committed to the Committee on Forests and Waters, Game and Fish.

Mr. COX read in his place and presented to the Chair Senate Bill No. 907, entitled:

An Act to further amend section one thousand one hundred thirty-three of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by removing certain limitations of the appointment of district superintendents.

Which was committed to the Committee on Education.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 908, entitled:

An Act to amend section seventeen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," further regulating proceedings before the register of wills and in the orphans' court.

Which was committed to the Committee on Judiciary General.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 909, entitled:

An Act to further amend section two hundred twenty-seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1273), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for the appointment of minute clerks in certain courts in counties of the third class.

Which was committed to the Committee on County Government.

Mr. GELTZ read in his place and presented to the Chair Senate Bill No. 910, entitled:

An Act relative to the printing for the Commonwealth of Pennsylvania, establishing the requirements of responsible bidders, prescribing penalties for the violation of the provisions of this act, and repealing inconsistent legislation.

Which was committed to the Committee on State Government.

TIME OF NEXT MEETING

Mr. MILLER offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 19, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, May 26, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, May 26, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTIONS

Mr. SHAPIRO. Mr. President, on the question of resolutions, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, on page 221 of the Senate history there appears House Concurrent Resolution, Serial Number 207. I was informed last week in connection with this resolution that it has been lost. I desire to inquire from the gentleman from Allegheny whether a diligent search has been made and a diligent effort made to find that resolution. That is the resolution which deals with the investigation of state hospitals.

Mr. GELTZ. Mr. President, I do not understand what my colleague from Philadelphia means by "being lost."

Mr. SHAPIRO. I was informed last week, Mr. President, that this resolution was lost or mislaid. I only used two words, not three, in my inquiry.

Mr. GELTZ. Let me answer that question, Mr. President, by saying I never heard anything about that resolution being lost, mislaid, strayed or stolen, as a matter of fact.

Mr. SHAPIRO. I suppose then, Mr. President, the gentleman from Allegheny was not here when the statement was made when the resolution appeared to have been lost, or was lost.

Mr. GELTZ. Does the gentleman from Philadelphia mean here on the Senate floor?

Mr. SHAPIRO. Yes, Mr. President, that is right.

Mr. GELTZ. My attention must have been engaged elsewhere, Mr. President, at the time; I do not recall that statement.

Mr. SHAPIRO. Mr. President, I should now like to interrogate the gentleman from Somerset, Mr. Ealy.

The PRESIDENT. Will the gentleman from Somerset permit himself to be interrogated?

Mr. EALY. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I repeat the question to the gentleman from Somerset, Mr. Ealy: is it not true that at the last session of the Senate last week it was stated that Resolution No. 207, which deals with the appointment of a joint legislative investigating committee to investigate state hospitals, had been lost or mislaid?

Mr. EALY. Mr. President, I remember a statement of that nature, but whether it was made by the Senator from Philadelphia or some other member of the Senate I do not recall.

Mr SHAPIRO. Mr. President, I desire to further interrogate the gentleman from Somerset.

The PRESIDENT. If there is no objection, the gentleman from Philadelphia may proceed.

Mr. SHAPIRO. Mr. President, will the gentleman state whether it is not true that there have been either one or two meetings of the Republican Caucus in connection with that resolution.

Mr. EALY. Mr. President, there have been meetings of the Republican Caucus each week. For the last couple of weeks we have had a couple of meetings each week. I think this question was discussed but I do not believe any final, definite action was taken on it.

Mr. SHAPIRO. Mr. President, in view of the fact that this resolution has been on our Calendar and History since the 25th of March, when it came to the Senate after having been approved by the House, and since there can be no question about it that there has been plenty of time for the members of the Senate to consider it, and since, as has been stated by the gentleman from Somerset, the matter has been discussed in the Caucus of the Republican Party, and since I have been informed on the floor of this Senate, not by myself but by some one else, in the presence of the rest of the Senators in public session of the Senate, that the resolution appears to have been lost, I now offer the following resolution, which I propose to read myself so that the gentlemen of the Senate may follow it. It is on page 221 of the History of House Concurrent Resolutions in the Senate, and it is, word for word, a copy of the resolution introduced in the House by Mr. Achterman. The only difference between that resolution and the one I now present is its sponsorship, for which I apologize.

Mr. SHAPIRO offered the following resolution which was twice read.

In the Senate, May 19, 1941.

Whereas, Newspapers have carried reports concerning the operation of certain state hospitals within the Commonwealth of Pennsylvania, which, if true, show an extremely reprehensible situation existing in such state hospitals; and

Whereas, There have been charges made that certain trustees and supervisory officials have committed criminal acts; and

Whereas, Certain state hospitals have lost their official

standing and rating with the American Medical Association; and

Whereas, The conduct of certain trustees of state hospitals has resulted in unfavorable criticism of the operation of said hospitals; and

Whereas, If these charges are true, the situation calls for immediate attention by the legislative branch of the government to remedy such a condition; therefore be it

Resolved, (if the House concur), That is another change; in the original resolution it said "If the Senate concur" That the President pro tempore of the Senate appoint a committee of three members of the Senate and the Speaker of the House of Representatives appoint a committee of three members of the House to act as a legislative committee to investigate the maintenance, operation and conduct of all state hospitals within this Commonwealth, and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman, requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and be it further

Resolved, That the said committee, because of the urgency of the situation, report to the General Assembly as speedily as possible, with appropriate recommendations.

MOTION TO SUSPEND RULE 39

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, I object.

On the question,

Will the Senate agree to the motion?

Mr. GELTZ. I object, Mr. President, to immediate consideration.

Mr. SHAPIRO. Mr. President, I desire further to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny, Mr. Geltz, permit himself to be further interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO Will the gentleman from Allegheny state the reason for his objection?

Mr. GELTZ. Mr. President, my colleague from Philadelphia himself states there was such a resolution introduced in the House and sent to the Senate for concurrence, which was referred to Committee, and until such time as it is established it is not in the committee's possession, I think this resolution, which is similar, is entirely out of order.

Mr. SHAPIRO. Mr. President. I desire to further interrogate the gentleman from Allegheny.

The PRESIDENT. If there is no objection, the gentleman from Philadelphia may proceed.

Mr. SHAPIRO. Mr. President, will be gentleman state whether it is not true that such a resolution may be adopted, if no objection is made, without reference to any committee?

Mr. GELTZ. Certainly that is true, Mr. President.

Mr. SHAPIRO. Will the gentleman agree, Mr. President, that the subject matter of this resolution is a matter of importance to the Commonwealth of Pennsylvania and to the citizens?

Mr. GELTZ. If, Mr. President, the statements contained in the resolution be true, then it would be a matter of importance to the Commonwealth. That is one of the matters for consideration by a committee and the reason why such resolutions are referred to committee.

Mr. SHAPIRO. Mr. President, will the gentleman from Allegheny advance the reason for the fact that the original resolution has been in committee since March 25, 1941, as I have just read.

Mr. GELTZ. I have nothing to do with that, Mr. President; that is a matter for the committee.

Mr. SHAPIRO. Will the gentleman state whether it is not true that the resolution and the subject matter of the resolution has been a matter of discussion by the members of the Senate, at least on the Republican side, in Caucus and otherwise.

Mr. GELTZ. Mr. President, I will state nothing to my colleague from Philadelphia about what has been a matter of discussion in the Republican Caucus, because I think he is out of order when he makes such an inquiry.

The PRESIDENT. The Chair does not think the inquiry is out of order. However, it is not necessary for the gentleman from Allegheny to answer.

Mr. GELTZ. Then, Mr. President, I refuse to answer any question relating to what was discussed in the Republican caucus.

Mr. SHAPIRO. I desire to interrogate the gentleman from Warren, Dr. Chapman, Mr. President.

The PRESIDENT. Will the gentleman from Warren permit himself to be interrogated?

Mr. CHAPMAN. I will, Mr. President.

Mr. SHAPIRO. Will the gentleman from Warren state whether it is or is not true that House Concurrent Resolution, Serial No. 207, which was passed by the House of Representatives and sent to the Senate, has been lost by his committee.

Mr. CHAPMAN. No, Mr. President, I do not recall it is in my committee. It has probably been lost.

Mr. SHAPIRO. According to the History of the Senate, Mr. President, it was referred to the Committee on Public Health March 25, 1941. Will the gentleman from Warren state whether that resolution is in his committee?

Mr. CHAPMAN. I do not think it is, Mr. President.

Mr. SHAPIRO. The gentleman from Warren does not think the resolution is in his committee?

Mr. CHAPMAN. No, Mr. President.

Mr. SHAPIRO. Will the gentleman from Warren state whether or not there has been a meeting of the committee concerning that resolution?

Mr. CHAPMAN. There has been, Mr. President.

Mr. SHAPIRO. There has been, Mr. President?

Mr. CHAPMAN. Yes, Mr. President.

Mr. SHAPIRO. Has there been any action taken?

Mr. CHAPMAN. I do not wish to discuss that matter, Mr. President, openly on the floor of the Senate.

Mr. SHAPIRO. Mr. President, I am not asking the gentleman from Warren what action was taken, I merely asked whether there was any action taken?

Mr. CHAPMAN. I think there was action taken. Mr. President.

Mr. SHAPIRO. There was action taken?

Mr. CHAPMAN. Yes, Mr. President. May I explain my answer to the members of the Senate?

The PRESIDENT. The gentleman from Warren may proceed.

Mr. CHAPMAN. Perhaps I know as much as any one in the Senate about these various hospital investigations. I am a member of the committee investigating the Shamokin Hospital, which we have been investigating since the beginning of the Session, and it is a big problem to investigate one hospital. How much larger a proposition would it be to investigate all the hospitals of the state? I have investigated a number of hospitals, Mr. President, and as I have investigated various hospitals I find nothing especially wrong with the other hospitals of this state. I am not making a report on the Shamokin Hospital investigation at the present time, but I think the investigation proposed by the gentleman from Philadelphia is purely political and I find no basis for further action in the matter of this resolution.

The PRESIDENT. There has been objection to immediate consideration and the resolution is referred to the Committee on Public Health.

Mr. SHAPIRO. Mr. President, the matter of reference of bills or resolutions, to committees is a matter purely for the Chair to decide, but may I merely suggest I think it is unfair to the gentleman from Warren to burden him with two similar resolutions. I think also it is unfair to burden the gentleman from Warren with the full responsibility of this matter. However, if the Chair feels that is where the resolution belongs, after what has developed here, I am perfectly satisfied the Chair is using his good judgment.

The PRESIDENT. The Chair is of the opinion it should be referred to the Committee on Public Health, as this resolution is identical with the one which has not been reported out.

RESOLUTION MEMORIALIZING UNITED MINE WORKERS OF AMERICA

Mr. COLEMAN offered the following resolution which was twice read:

In the Senate, May 19, 1941.

Whereas, The newspapers of this Commonwealth carried the foreboding news last week that all the anthracite coal miners would go on strike, effective sometime this week; and

Whereas, This ominous news created great anxiety and mental distress in the hard coal regions of this Commonwealht, because of the great hardship and sacrifice such a strike would impose on all citizens of the hard coal areas, irrespective of their station in life; and

Whereas, Many residents of the hard coal regions felt a walk-out at this time would be even more disastrous than the strike held in 1925, which was almost fatal to this great industry; and

Whereas, It was announced today that an amicable agreement had been entered into between the United Mine Workers of America and the anthracite coal operators which would stave off the imminent walk-out for at least a two year period; and

Whereas, Under the terms of this agreement, the pay of the mine workers has been increased, and they have been given paid vacations for the first time in eighteen years; and

Whereas, Under the terms of this contract the coal operators are now cooperating with the mine workers, so that there shall be no interruption in the mining operations, so necessary and vital to the national defense; and

Whereas, The ability of both capital and labor in the anthracite region to reach an amicable understanding presages a new and glorious era for anthracite, one of the world's greatest fuels; and

Whereas, This development is of great importance to the Commonwealth of Pennsylvania, which is the greatest anthracite producing state in the Union; be it therefore

Resolved, That the Senate of Pennsylvania congratulates the United Mine Workers of America for their great victory, and felicitates the coal operators of this Commonwealth for their conciliatory and friendly attitude toward labor, and for their cooperation with the President of the United States in his plea for a better understanding between labor and capital in the interests of national defense; and be it further

Resolved, That a copy of this resolution be mailed by the Secretary of the Senate to the President of the United Mine Workers of America and to the president of the anthracite coal operators' association.

RULE 39 SUSPENDED

Mr. COLEMAN. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution,

(The following occurred during the reading of the resolution:)

Mr. CARR. Mr. President, I desire to interrogate the sponsor of this resolution, the gentleman from Lackawanna, Mr. Coleman.

The PRESIDENT. Will the gentleman from Lackawanna permit himself to be interrogated?

Mr. COLEMAN. Yes, Mr. President.

Mr. CARR. Do I understand, Mr. President, that passage of this resolution will brand anthracite coal as the greatest fuel in the world.

Mr. COLEMAN. Mr. President, the interrogation of the gentleman from Butler carries with it the subtle suggestion that myself and the distinguished gentleman from the western part of the state may become involved in a controversy over the merits of oil and anthracite as a fuel.

Mr. CARR. Not anthracite—bituminous, Mr. President.

Mr. COLEMAN. I am sorry, Mr. President. Personally, I believe, and that is the purpose of the resolution, that anthracite has for a long period of years proven it is the greatest fuel in the Commonwealth. However, Mr. President, rather than have the Senate refuse immediate consideration, if the gentleman from Butler feels that is stretching it just a bit too far, I shall be delighted to have that portion of the resolution deleted and thus preclude the possibility of rejection of unanimous consent for immediate consideration of the resolution.

Mr. CARR. Mr. President, if the gentleman from Lackawanna will change the wording of the resolution to the effect that anthracite coal is a wonderful fuel or a great fuel, and eliminate the stated superiority over bituminous, I will agree to immediate adoption of the resolution.

Mr. COLEMAN. In line with the tenor of the resolution, which is of a conciliatory nature, in which we point out the friendship existing between capital and labor, as evidenced by this agreement, and imbued with the same

spirit which brought about this agreement, I shall be delighted if the reading clerk will so arrange to have incorporated the change suggested by my friend from Butler.

Mr. DENT. I suggest that in the amendment we use the word "hardest fuel."

Mr. EALY. Mr. President, a simple amendment would be to say, "anthracite is one of the world's greatest fuels," and I think we could go along with that wording.

Mr. COLEMAN. Mr. President, in order to avoid a lot of writing on the part of the clerk, I think the insertion of just that one word or two will carry out the suggestion of the gentleman from Butler and I very kindly thank the gentleman and shall accept that suggestion.

The PRESIDENT. If there is no objection the clerk will correct the resolution in line with the suggestion of the gentleman from Butler. After the correction has been made the clerk will read the particular section in order that there may be no misunderstanding as to the true meaning of the resolution.

The resolution, corrected as appears above, was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 141, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Lanius,	Stiefel,
Bartlett,	DiSilvestro,	Letzler,	Tallman,
Becker,	Ealy,	Mallery,	Taylor,
Carr,	Edmonds,	McCreesh,	Thomas,
Cavalcante,	Farrell,	McGinnis,	Tyler,
Chapman,	Frey,	McQuiddy,	Wade,
Coleman,	Geltz,	Miller,	Walker,
Cox,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Scarlett,	Wilson, H. I.,
Crowe,	Homsher,	Stevenson,	Woodward,
Deitrick,	Kephart,	Snowden,	Ziesenheim,

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 207, on third reading, entitled:

An Act to further amend subsections (a) and (b) of section one thousand two hundred five of the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the employment, suspension, and retirement of professional employes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 296, as follows:

An Act to re-enact and amend the title and act approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 748), entitled "For the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" providing for the regulation and registration of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of and the entire act approved the twenty-fourth day of June one thousand nine hundred thirty-nine entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from the individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" are hereby reenacted and amended to read as follows

An Act relating to and regulating the purchase and sale of securities providing for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing

holders of securities to effect the sale thereof in order to produce funds to pay for investments sold by them or in the business of buying securities directly from the individuals who are not registered hereunder or in the business of advising others as to the value or investment qualifications of securities and the management of investment accounts and the solicitors of such investments advisors providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and to appoint receivers and prescribing fees and penalties

Section 1 This act shall be known and may be cited as "The Pennsylvania Securities Act"

Section 2 The following terms shall unless the context otherwise indicates have the following respective meanings

(a) The term "security" means any bond stock collateral trust certificate transferable share investment contract certificate under a voting trust agreement treasury stock note debenture certificate in or under a profit sharing or participation agreement subscription or pre-organization certificate fractional undivided interest in oil gas or other mineral rights evidence of indebtedness certificate of deposit for a security certificate or instrument representing or secured by an interest in the capital assets or property of any company other instrument commonly known as a security or certificate of interest or participation in temporary or interim certificate for receipt for guarantee of or warrant or right to subscribe to or purchase any of the foregoing

(b) The terms "sale" and "sell" include every contract of sale or disposition of attempt or offer to dispose of or solicitation of an offer to buy a security or interest in a security for value except that such terms do not include preliminary negotiations or agreements between an issuer and any underwriter Any security given or delivered with or as a bonus on account of any purchase of securities or any other thing shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value The use of any newspaper or magazine advertisement in connection with the sale of securities to the purchasers specified in section two subsection (f) subdivision (5) hereof shall not be deemed a "sale" when such newspaper or magazine advertisement bears a legible legend in substance as follows "This offer is confined in Pennsylvania exclusively to national banks and to banks savings institutions insurance companies and trust companies created under the laws of Pennsylvania and to persons registered under the provisions of the Pennsylvania Securities Act"

(c) The term "person" means an individual or a company

(d) The term "commission" means the Pennsylvania Securities Commission

(e) The term "company" means a corporation joint stock company partnership association company syndicate trust or unincorporated organization As used herein the term "trust" shall be deemed to include a common law trust but shall not include a trust created or appointed under or by virtue of a last will and testament or by a court of law or equity

(f) The term "dealer" means any person other than a salesman who engages in this State either for all or part of his time directly or through an agent who is not registered hereunder as a dealer in selling securities issued by another person The term "dealer" also includes any person other than a salesman who engages in this State either for all or part of his time directly or through an officer director employe or agent such officer director employe or agent not being registered hereunder as a dealer in selling securities issued by such person

The term "dealer" also includes any person other than a salesman who engages in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such person or in the business of buying securities directly from individuals who are not registered hereunder

None of the following transactions shall constitute the person engaging therein a "dealer" within the meaning of this act that is to say

(1) Sales of securities or of certificates of deposit for securities issued or guaranteed by any of the following The United States or any territory or insular possession thereof the District of Columbia any State of the United States or any political subdivision public instrumentality or agency of a State or territory or any board agency or commission created by the joint action of two or more States or a person created and acting as an instrumentality of the Government of the United States pursuant to the authority of the Congress of the United States

(2) Judicial executors' administrators' guardians, committees' and conservators' sales and sales by receivers or trustees in insolvency or bankruptcy

(3) Isolated transactions in which securities are sold by the owner thereof or by his agent for the owner's account such sales not being made in the course of repeated and successive transactions of a like character by such owner or on his account by such agent and such owner or agent not being the underwriter of such securities

(4) Sales by or for the account of pledge-holders or mortgagees selling in the ordinary course of business to liquidate bona fide debts securities pledged in good faith as security for such debts

(5) Sales to insurance companies authorized by the insurance commissioner to carry on an insurance business within this State banks or to persons registered hereunder

(6) Sales of [unsecured] commercial paper

(7) Sales of securities secured by mortgage deed of trust or other lien upon real or personal property where the entire mortgage deed of trust or other lien is transferred with the entire security thereby secured

(8) Sales wherein the insurer a company organized under the laws of this State or a company organized under other laws which has at least one-half of its paid-in capital invested employed or used in this State disposes of its own securities in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer without any commission or fee and at a total expense of not more than three per centum of the proceeds realized thereon and where no part of the issued is used directly or indirectly in payment for patents services good will or for property located outside of this State

(9) Sales wherein the securities are the securities of any corporation organized under the laws of this State whose authorized capital stock added to its other outstanding securities does not exceed twenty-five thousand dollars ($25,000) shares of stock without nominal or par value being considered for the purpose of this act to be one hundred dollars ($100) each and such securities are issued and disposed of for the sole account of the issuer in good faith and not for the purpose of avoiding the provisions of this Act

(10) The original issuance and sale by any corporation organized under the laws of this State of its [stock] securities in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer so long as the number of stockholders of said corporation does not exceed twenty-five (25) and the securities are issued and disposed of without the use of advertisements circulars agents salesmen solicitors or any form of public solicitation

(11) The distribution by a corporation of securities issued by it to its security holders as stock dividend or other distribution out of earnings or surplus

(12) The issue of securities to the security holders or creditors of a corporation in the process of a bona fide reorganization recapitalization or refinancing of such corporation made in good faith in exchange for the securities of such security holders or claims of such creditors [or

partly for cash and partly in exchange for the securities or claims of such security holders or creditors]

(13) The issue of increased capital stock of a corporation sold or distributed by it entirely among its own stockholders

(14) The transfer or exchange by the security holders of the securities of one or more corporations who are parties to a merger or consolidation for the securities of the resulting or continuing corporation

(15) The issuance and sale of its own stock by a building and loan association organized under the laws of this State

(16) The issuance and sale of its own securities by a corporation not organized and not engaged in business for profit

(17) The sale to not more than three persons of subscriptions for shares of capital stock of a corporation prior to the incorporation thereof under the laws of this State when no expense is incurred and no commission compensation or remuneration is paid or given for or in connection with the sale or disposition of such securities

Provided however That the exemptions granted by subdivisions (8) (9) and (10) of this subsection (f) shall not be effective to exempt any person as a "dealer" until five days after such person shall have filed in the office of the commission or mailed to the commission at Harrisburg Pennsylvania by prepaid registered mail a statement in such form as the commission may prescribe of the facts relied on by such person to bring the proposed transaction within the terms of one or more of said subdivisions (8) (9) or (10) and shall not be effective if the commission shall have notified such person that exemption has been denied

(g) The term "salesman" means any individual employed appointed or authorized by a dealer to sell securities in this State and the term includes any individual employed appointed or authorized by a dealer to engage in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such individual for a dealer or in the business of buying securities directly from individuals who are not registered hereunder

(h) The term "secretary" means the secretary of the Pennsylvania Securities Commission

(i) The terms "fraud" "fraudulent" and "fraudulent practice" include any misrepresentation in any manner of a relevant fact not made honestly and in good faith any promise representation or prediction as to the future not made honestly and in good faith an intentional failure to disclose a material fact any fictitious or pretended purchase or sale of securities the gaining directly or indirectly through the sale of any security of any underwriting or promotion fee or profit selling or managing commission or profit so gross and exorbitant as to be unconscionable and fraudulent any scheme device or other artifice to obtain such a profit fee or commission or to defraud any customer client subscriber or prospective customer client or subscriber of his securities money or property and any act practice transaction or course of business which is fraudulent or which has operated or would operate as a fraud upon a customer client or subscriber or prospective customer client or subscriber Provided however that nothing herein shall limit or diminish the full meaning of the terms "fraud" and "fraudulent" as applied or accepted in courts of law or equity

(j) The term "prospectus" means any circular advertisement pamphlet prospectus program circular-letter circular-telegram or other matter in the nature thereof which offers any security for sale

(k) The term "analysis" means any report letter telegram pamphlet writing or other matter in the nature thereof wherein advice as to the value of securities or as to the advisability of investing in purchasing or selling securities is given or wherein securities are analyzed but does not include documents which are delivered by a registered person to five or less clients

(l) The term "bank" means a bank a bank and trust company a savings bank a trust company or a private bank as defined in the Banking Code or banking institution or trust company organized under the laws of the United States or a receiver conservator or other liquidating agent of any of the foregoing

(m) The term "investment adviser" means any person who for compensation engages in the business of advising others either directly or through publications or writings as to the value of securities or as to the advisability of investing in purchasing or selling securities or who for compensation engages in the business of managing any investment or trading account in securities for other persons or who for compensation and as part of a regular business issues or promulgates analyses but does not include

1 A bank

2 Any person giving investment advice in this Commonwealth in isolated instances only provided such person does not represent himself as being in the business of an investment adviser in this Commonwealth

3 Any registered dealer or registered salesman

4 The publisher of any bona fide newspaper news magazine or business or financial publication of general and regular circulation

5 Any person whose advice or analyses relate to securities or to certificates of deposit for securities issued or sold by any of the following The United States or any territory or insular possession thereof the District of Columbia any state of the United States or any political subdivision public instrumentality or agency of a state or territory or any board agency or commission created by the joint action of two or more states or a person created and acting as an instrumentality of the Government of the United States pursuant to the authority of the Congress of the United States

6 Any person whose only clients are investment companies insurance companies banks investment advisers registered under this act or fiduciaries of whom at least one co-fiduciary is a bank

7 Any person who has fewer than five clients and who does not hold himself out generally to the public as an investment adviser

8 Such other persons not within the intent of this subsection as the commission may designate by rules and regulations or orders

(n) The term "investment advisory contract" means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account for a person other than a dealer investment company insurance company a bank or fiduciaries of whom at least one co-fiduciary is a bank

(o) The term "investment supervisory services" means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client

(p) The term "assignment" includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor but if the investment adviser is a partnership no assignment of an investment advisory contract shall be deemed to result from the death or withdrawal of a minority of the members of the investment adviser having only a minority interest in the business of the investment adviser or from the admission to the investment adviser of one or more members who after such admission shall be only a minority of the members and shall have only a minority interest in the business

(q) The term "solicitor" means any individual employed appointed or authorized by an investment adviser to solicit persons to contract for or engage the services of such investment adviser

(r) The term "general plan and character of business" as applied to an investment adviser and to that part of the business of a dealer whose business includes that of an investment adviser means (1) the manner of giving advice and rendering analyses (2) the nature and scope of the authority of such person with respect to the funds and accounts of the clients to whom such person renders investment advisory services (3) the basis or bases upon

which such investment adviser or dealer is compensated for advising others as to the value of securities or as to the advisability of investing in purchasing or selling securities or for managing any investment or trading account in securities for others or for issuing or promulgating analyses (4) whether such person is engaged or is to engage primarily in the business of rendering investment supervisory services and (5) as applied to an investment adviser also means whether he sells securities of investment companies and if so how he complies with the provisions of Section 13 (b) hereof

Section 3 (a) Unless registered hereunder no dealer shall sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof directly or indirectly in order to produce funds to pay for other investments sold by such dealer or in the business of buying securities directly from individuals who are not registered hereunder

(b) Unless registered hereunder as a salesman of such dealer no salesman shall on behalf of any dealer sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such salesman for the dealer for whom he acts as a salesman or in the business of buying securities directly from individuals who are not registered hereunder

(c) Unless registered hereunder no investment adviser shall in this State for compensation engage in the business of advising others either directly or through publications or writing as to the value of securities or as to the advisability of investing in purchasing or selling securities or in the business of managing any investment or trading account in securities for other persons or as part of a regular business issue or promulgate analyses

(d) Unless registered hereunder as a solicitor of such investment adviser no solicitor on behalf of any investment adviser shall engage either directly or indirectly in this State in the business of soliciting persons to contract for or engage the services of such investment adviser

(e) The list of dealers salesmen investment advisers and solicitors registered hereunder shall at all times be open to the public

Section 4 A dealer or investment adviser to be registered must submit sworn application therefor to the commission in such form as the commission may determine which shall state the principal place of business of the applicant wherever situated the location of his principal place of business and all his branch offices in this State if any his name or style of doing business and address the names residences and business addresses of all persons interested in the business as principal partners officers directors or managing agents specifying as to each his capacity and title the general plan and character of his business the length of time during which he has been engaged in such business and such additional information as to the applicant's previous history record and associations as may be required by the commission Such application shall be accompanied by information and evidence satisfactory to the commission as to the financial responsibility of the applicant Each application shall be accompanied by certificates or other evidences satisfactory to the commission establishing the good repute in business of the applicant his directors officers partners and principals

If the applicant is a corporation organized under the laws of any other State or territory or government and shall not have qualified to do business as a foreign corporation in this State it shall accompany the application with a copy of its articles of incorporation certified by the proper officers of such State territory or government and of its regulations and by-laws if a limited partnership a copy of its articles of partnership and if an unincorporated association organized under the laws of any other State territory or government or having its principal place of business therein a copy of its articles of association trust agreement deed of settlement or equivalent documents

Section 5 Every company organized under the laws of any other State and having no office in this State at which process may be served on it and every nonresident individual applying for a registration hereunder as a dealer investment adviser solicitor or salesman shall file with his application an irrevocable written consent under seal that actions against him arising out of doing the business in this State for which he is registered hereunder or from violations of this act may be commenced (a) in civil cases in the proper court of the county in this State where his principal office is located at the time of service or if he has no office at that time in this State in the proper court of any county of this State in which the cause of action may arise or in which the plaintiff may reside (b) in actions by the commission for injunctions against violations by him of the provisions of this act in the Court of Common Pleas of Dauphin County in each case by a service of process upon the commission as his agent Such consent shall stipulate and agree that such service of process and similar service of pleadings and notices in such actions shall be taken and held in all courts to be as valid and binding as if due service had been made upon the person himself according to the laws of this or any other State Such consent shall be authenticated by the signature of all the members of such partnership or if it is a corporation or association shall be authenticated by the signature of the president and secretary thereof and accompanied by a duly certified copy of the resolutions of the board of directors trustees or managers of the corporation or association authorizing the said secretary and president to execute the same In case any process pleadings or notices mentioned in this act are served upon the commission it shall be by duplicate copies one of which shall be filed in the office of the commission and the other immediately forwarded by the commission by registered mail to the dealer investment adviser solicitor or salesman against whom said process pleadings or notices are directed

Section 6 Except as hereinafter provided unless the Commission shall have taken affirmative action at an earlier time registration shall become effective thirty days after receipt by the Commission of the complete application or renewal application as the case may be and the Commission upon the expiration of such thirty days shall register the applicant The Commission after hearing may by order deny registration of an applicant if the Commission finds that the applicant is not of good repute or that the proposed plan of business of the applicant is unfair unjust or inequitable or that the applicant is not of sufficient financial responsibility to deal safely with the public The order fixing a hearing on said application shall operate to postpone the effective date of registration pending final decision by the Commission upon the application but such postponement shall not operate to postpone the effective date of registration for more than one hundred twenty days after receipt of the application or such longer period as the Commission and the applicant agree to Upon registration of an applicant the Commission shall issue to him a registry certificate stating the principal place of business and address of the dealer or investment adviser the names residences and business addresses of all persons interested in the business as principals partners officers directors or managing agents and the fact that the dealer or investment adviser has been registered for the current calendar year as a dealer in securities or investment adviser as the case may be Pending final disposition of an application the commission may for special cause shown grant temporary permission revocable at any time and subject to such terms and conditions as the commission may prescribe to transact business as a dealer or investment adviser hereunder At least ten days before putting into effect a change in the general plan and character of business contained in his application for registration every registered dealer and every registered investment adviser shall notify the commission of such proposed change If the commission is not satisfied that the change is fair just and equitable the commission may within such ten days give notice of that fact to such dealer or investment adviser Thereafter until he shall have been notified to the contrary by the commission such dealer or investment adviser shall not put

into effect any such change Upon request from such dealer or investment adviser filed within ten days after the receipt of such notice the commission shall fix a time and place for hearing of which ten days' notice shall be given to such dealer or investment adviser to offer evidence relating to such change If satisfied as aforesaid as a result of said hearing the commission shall thereupon notify such dealer or investment adviser of that fact

Section 7 The certificates of registered dealers and investment advisers shall be in such form as the commission may determine Changes in the certificates necessitated by changes in the personnel of a partnership or in the principals officers directors or managing agents of any dealer or investment adviser may be made at any time upon written application setting forth the fact necessitating the change Upon the issue of the amended certificates the original certificate and the certified copies thereof outstanding shall be promptly surrendered to the commission

Section 8 Upon written application by a registered dealer or investment adviser and upon satisfactory evidence as to good repute fitness and qualification the commission shall register as salesman of such dealer or as solicitors of such investment adviser such individuals (not already registered hereunder) as the dealer or investment adviser may request The application shall be in such form as the commission may prescribe and shall state the residences and addresses of the individual whose registration is requested together with such information as to such salesman's or solicitor's previous history record and association as may be required by the commission Such application shall also be signed and sworn to by the salesman or the solicitor for whom registration is requested The commission shall issue to each individual so registered a registration certificate stating his name and residence the address of the dealer or investment adviser and the fact that he is registered for the current calendar year as a salesman of the dealer or solicitor of the investment adviser The certificate shall be in such form as the commission shall determine Upon application either (a) by the salesman or the solicitor if the commission finds that such dealer or investment adviser arbitrarily refuses to apply after a hearing which shall be held at the request of any salesman or solicitor and notice of the time and place of which shall have been sent to the dealer and salesman or investment adviser and solicitor at least seven days prior thereto or (b) by the dealer or investment adviser the registration of any salesman or solicitor shall be cancelled

Whenever a salesman or solicitor leaves the employ of the dealer or investment adviser on whose application the salesman or solicitor was registered hereunder such dealer or investment adviser shall at once notify the commission of the fact and such salesman or solicitor shall at once surrender his registration certificate to the commission

Section 9 If the commission declines to register an applicant for registration or to renew an applicant's registration as a dealer investment adviser solicitor or salesman hereunder the commission shall immediately give notice of the fact to the applicant and upon request from such applicant filed within ten days after the receipt of such notice shall fix a time and place for hearing of which ten days' notice shall be given to such applicant and to other persons interested or protesting to offer evidence relating to his application If satisfied as aforesaid as a result of said hearing the commission shall thereupon register the applicant

Section 10 All registrations shall expire at the close of the calendar year but new regsitrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided without filing of further statements or furnishing any further information unless specifically requested by the commission except that applications for renewals of registrations as dealers and investment advisers shall be accompanied by or the applicant shall file with the commission at such further time as the commission may authorize in any case information and evidence satisfactory to the commission as to applicant's financial responsibility and as to customers' or clients' securities in applicant's possession Applications for renewals must be made not less than thirty nor more than sixty days before the first day of January of the ensuing year All applications for renewals received otherwise shall be treated as original applications Provided That if an applicant is registered after December first of any year he may immediately apply for a renewal of his registration for the ensuing year

Section 11 Any registered dealer may and any individual named in the registration certificate as above provided as a dealer's salesman may in behalf of such dealer sell any securities in this State Any registered person may engage in the business of investment adviser in this State but a registered salesman or solicitor may so act only only in behalf of the person for whom he is registered A dealer investment adviser solicitor or salesman shall at all times when acting on the business for which he is registered hereunder carry with him a registration certificate or a copy thereof certified by the commission which shall at any time be shown to a prospective customer or client upon such customer's or client's request

No dealer or salesman shall use the fact of his registry by public display or advertisement except as herein expressly provided or the registry certificate or any certified copy thereof in connection with any sale or effort to sell any security except to a prospective customer upon such customer's request

No investment adviser or solicitor shall use the fact of his registry by public display or advertisement except as herein expressly provided or the registry certificate or any certified copy thereof in connection with any effort to induce a prospective client or subscriber to subscribe to his service except to a prospective client or subscriber upon such client's or subscriber's request

Section 12 Immediately upon receipt of a dealer's or investment adviser's registry certificate issued pursuant to the authority of this act the dealer or investment adviser named therein shall cause such certificate to be posted and at all times conspicuously displayed in such dealer's or investment adviser's principal place of business in this State and shall likewise forthwith cause a duplicate of such certificate to be posted and at all times conspicuously displayed in each branch office located in this State

Section 13 (a) No dealer or salesman shall issue or publish in this State any analysis or prospectus until such dealer shall have been registered or temporary permission shall have been obtained as in this act provided The inclusion on the fact of or within a prospectus or in a newspaper or magazine advertisement issued or published by or on behalf of a dealer who has been registered or by whom temporary permission has been obtained as in this act provided of the names of dealers not so registered shall not constitute a violation of this act Any advertising matter may by an appropriate readily legible legend printed thereon limit the offering thereby made to any particular character of sales or class of transactions in which event such advertising matter shall not be deemed to be for any other or additional purpose No dealer or salesman shall issue or publish in this State any prospectus unless a copy thereof in which or on a list attached to which the dealer's name appears as a proposed vendor shall have been filed in the office of the commission or mailed to the commission at Harrisburg Pennsylvania by prepaid registered mail No dealer or salesman shall issue or publish within this State any prospectus or analysis after notice in writing given to him by the commission that in the commission's opinion the same contains any statement that is fraudulent false misleading or otherwise likely to deceive a reader thereof After three years from the receipt thereof by the commission it may in its discretion destroy any and all documents filed with it or mailed to it under the provisions of this subsection

(b) No person registered hereunder unless so registered as a dealer or salesman shall as such engage in the issuance underwriting or promotion of securities except as hereinafter otherwise provided No person registered hereunder unless so registered as a dealer or salesman shall purchase securities from or sell securities to his

clients or subscribers without fully disclosing to such client or subscriber his interest if any in the securities so sold or purchased No investment adviser shall issue or publish within this State any analysis after notice in writing given to him by the Commission (stating fully the grounds thereof) that in the Commission's opinion the same is fraudulent or contains any statement that is false misleading or otherwise likely to deceive the reader thereof Provided That the provisions of this subdivision shall not prevent the sale by any investment adviser to his clients subscribers or others or the underwriting or promotion by an investment adviser of the securities of an investment company if (1) such investment adviser is registered as an investment adviser under this act and is engaged principally in the business of rendering investment supervisory services (2) no sales load is charged on securities issued by such investment company (3) any premium over net asset value charged by such company upon the issuance of any such security plus any discount from net asset value charged on redemption thereof shall not in the aggregate exceed two per cent (4) no sales or promotion expenses are incurred by such company but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expense (5) such investment adviser is the only investment adviser to such investment company and such investment adviser does not receive a management fee exceeding one per cent per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year (6) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser (7) such investment company has only one class of stock outstanding each share of which has equal voting rights with every other share

(c) No dealer or salesman shall sell any security in this State until there shall have been filed with the commission a notice of intention to sell the security in question provided that the provisions of this subsection (c) and of subsections (d) (e) (f) and (g) of this section 13 shall not apply to (a) any security which prior to or within sixty days after the enactment of this act has been sold or disposed of by the issuer or bona fide offered to the public (b) the sale of any security the disposition of which does not constitute a person a dealer within the meaning of Section 2 subsection (f) of this act (c) any security registered with the Securities and Exchange Commission under the provisions of the Securities Act of 1933 (d) any security exempted from any provisions of the Securities Act of 1933 by any subsection of Section 3 (a) thereof or any future similar section other than subsection 11 of said Section 3 (a) (e) the sale of any security the disposition of which is a transaction exempted from any provisions of the Securities Act of 1933 by Section 4 of said act or any future similar section (f) any security issued by a person registered under the provisions of the act approved the fifth day of May one thousand nine hundred twenty-one Pamphlet Laws three hundred seventy-four as amended Upon the filing of said notice such security may be sold by any dealer or salesman registered hereunder except during such period or periods as such sale may be forbidden under or pursuant to other provisions of this act Within seven days after the filing of said notice or such further time as the commission may authorize in any case there shall be filed with the commission a statement in such form as the commission may prescribe containing the following information relative to the security and the person issuing the same

(1) The name and address of the person and in the case of an organization the names and addresses of the partners trustees directors or other board of management president treasurer secretary auditor or corresponding officers thereof

(2) The state or other government if the person be an organization under the laws whereof such person was organized and a reference to such laws

(3) The general nature of the business transacted within the past five years or to be transacted by such person with if the person be an organization a statement of the purpose for which it was organized or formed

(4) The amount of capital devoted and proposed to be devoted to the business in question with the number of and a classification of the securities issued and to be issued the amount of the secured debt and the unsecured debt with a brief description of the date of issuance maturities and character of such debt and the security if any therefor and the authorized amount of capital stock certificates of beneficial interest or other securities of like character with the number and classes of shares into which the same is divided and a brief description of the respective voting rights preferences right to dividends or profits and rights to capital with respect to each class

(5) The purposes to which the proceeds of the security proposed to be sold are to be applied

(d) The commission may accept in lieu of such statement or of any part thereof a reference to recognized sources of information selected by the commission and containing such information as it deems to be an adequate substitute therefor

(e) The notice of intention above prescribed may be filed by a dealer who proposes to sell the security or by the person issuing the security The statement shall be filed by or in behalf of the person proposing to sell as principal or the person issuing the security and shall be dated and verified by the oath of such person if an individual or if an organization by the oath of a majority of the partners trustees directors or other members of a managing board thereof or its duly authorized officers or representatives

(f) The commission shall make such investigation of any security of which notice of intention to sell shall have been filed with it as it may deem advisable to enable it to determine whether the sale of such security would be fraudulent or would result in fraud At any time after the filing of the notice of intention and pending such determination the commission may make an order forbidding the sale of such security which order shall remain in force until revoked by the commission Such security shall not be sold while such order remains in effect

(g) The failure to submit the statement required by subsection (c) when due shall in the absence of satisfactory explanation be deemed prima facie evidence of fraud Whenever the commission is of the opinion from information disclosed or in its possession that the sale of any security is fraudulent or would result in fraud it shall fix a time and place for hearing of which notice shall be given to the issuer and the person who has filed with the commission a notice of intention to sell the security in question at which time and place testimony and evidence may be presented by all parties having an interest in the subject matter If satisfied as a result of said hearing that the sale of said security is fraudulent or would result in a fraud it shall make a finding to that effect Thereafter such security shall not be sold until end except in accordance with further action by the commission or by the court as provided in this act

Section 14 (a) The commission may at any time require a dealer to file with it a list of securities which such dealer has sold in this State within the preceding six months or which he is at the time selling or any portion thereof and thereupon if it shall appear that any of such offerings of the dealer either (1) have not been made honestly or (2) have not been made in good faith (3) have been made with intent to deceive or defraud or (4) have been made without the dealer's having a reasonable amount of information concerning the issuer thereof the commission may in addition to its other powers prohibit the dealer from selling such securities in this State

(b) The commission may at any time require an investment adviser or dealer to submit to the commission copies of all analyses or any portion thereof issued by such investment adviser dealer or dealer's salesman to clients or prospective clients within the preceding one year and thereupon if it shall appear that any analyses of the investment adviser dealer or dealer's salesman either (1) have not been made honestly (2) have not been made in good faith (3) have been made with in-

tent to deceive or defraud or (4) have been made without the investment adviser dealer or dealer's salesman having a reasonable amount of information concerning the subject matter thereof the commission may in addition to its other powers prohibit the investment adviser dealer or dealer's salesman from further issuing any analyses in this State so found to be in violation of this section

Section 15 If the commission at any time has reason to believe that any registered dealer or investment adviser has become of bad repute that his plan of business has become unfair unjust or inequitable or is being conducted in an unfair unjust or inequitable manner that he has become of insufficient financial responsibility to deal with the public that he has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to so believe refuse to renew or revoke said dealer's or investment adviser's registration

Notice of the time and place of any such hearing shall be sent to such dealer or investment adviser If the commission believes that the public interest may be endangered by such dealer or investment adviser continuing in business pending or during such hearing the commission may also suspend such dealer's or investment adviser's registration pending the commission's final order In the event of refusal to renew revocation or suspension of a dealer's or investment adviser's registration the dealer or investment adviser shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided In case of revocation or suspension of a dealer's or investment adviser's registration all his registration certificates shall at once be surrendered to the commission upon its request The revocation or suspension of the dealer's or investment adviser's registration shall constitute a revocation or suspension of the registration of all salesmen of the dealer or solicitors of the investment adviser and notice of its operation on such salesmen's or solicitors' registration shall be forthwith sent by the commission to each of such salesmen or solicitors Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice

Section 16 If the commission at any time has reason to believe that any salesman of any dealer or solicitor of any investment adviser has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to believe that the salesman or solicitor has been guilty of such offense refuse to renew or revoke such salesman's or solicitor's registration Notice of the time and place of such hearing shall be sent to such dealer or investment adviser and to such salesman or solicitor If the commission believes that the public interest may be endangered by such salesman or solicitor continuing in business pending or during such hearing the commission may also suspend such salesman or solicitor's registration pending the commission's final order In the event of the refusal to renew revocation or suspension of a salesman's or solicitor's registration the salesman or solicitor shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided In case of the refusal to renew revocation or suspension of a salesman's or solicitor's registration as a result of proceedings under this section or in case of the refusal to renew revocation or suspension of a salesman's or solicitor's registration as a result of proceedings against a dealer or investment adviser under section fifteen hereof in any such event the registration certificate of such salesman or solicitor shall at once be surrendered to the commission upon its request Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice

Section 17 Any notice required by this act shall be sufficient if sent by registered mail addressed to the investment adviser dealer solicitor or salesman as the case may be at the address designated in the application for registration All testimony taken at any hearing before the commission shall be reported stenographically and a full and complete record shall be kept of all proceedings before the commission on any hearing or investigation

All decisions of the commission including decisions of the commission not to register an investment adviser dealer solicitor or salesman and decision to prohibit the issuance or publication of particular prospectuses or analyses or to prohibit the sale of particular securities shall be in writing signed by the secretary of the commission under its seal and shall fully state the grounds therefor

Section 18 Any person aggrieved by any decision of the commission may file within thirty days thereafter in the Court of Common Pleas of Dauphin County a petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Every such petition shall specify the petitioner's objections to the action and decision of the commission and no objection not so specified and no grounds for such decision not stated therein shall be considered by the court Upon service of a summons upon the commission returnable within ten days from its date the commission shall on or before the return day file an answer in which it shall allege by way of defense the grounds for its decision It shall also on or before the return day of such summons certify to the Court of Common Pleas of Dauphin County the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact of the commission based upon such testimony exceptions if any a copy of all orders made by the commission in the proceedings and a copy of the action or decision of the commission which the petition calls upon the court to reverse The cost of preparing and certifying such record shall be paid to the commission by the petitioner and taxed as part of the costs in the case to be paid as directed by the court upon the final determination of the case

Upon the filing of the commission's answer the case before the Court of Common Pleas of Dauphin County shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the commission shall be disregarded

The case shall be heard upon the record certified to the court by the commission Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the commission for the taking of further testimony

From the decision of the Court of Common Pleas of Dauphin County an appeal may be taken by either party to the Supreme Court of Pennsylvania as in other cases

A judgment sustaining a revocation of or a refusal of the commission to grant or renew a registration shall not bar after one year a new application by the plaintiff for registration nor shall a judgment in favor of the plaintiff prevent the commission from thereafter revoking or refusing to renew such registration for any proper cause which may thereafter accrue or be discovered The court shall have full power to dispose of all costs

Section 19 The commission may require by subpoena or summons issued by it the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to any matter which the commission has authority under this act to consider or investigate and for this purpose it may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence The commission may require or permit any person to file with it a statement in writing under oath or otherwise as to all the facts and circumstances concerning the subject matter under investigation All information of every kind and nature so obtained shall be treated as confidential by the commission and shall not

be disclosed to the public except under order of court but nothing in this section shall be interpreted to prohibit or limit the publication of the commission's rulings or decisions or of summaries abstracts or reports of the evidence received at hearings which resulted in such rulings or decisions or of summaries abstracts or reports of the reasons of the commission for declining to register any applicant if the applicant does not request a hearing upon his application Provided however That no publication shall be made of lists of security holders customers subscribers or clients of any person and provided further that no provision of this act shall be construed to require or authorize the Commission to require any investment adviser engaged in rendering investment supervisory services and not having the custody of clients' funds or securities to disclose the identity investments or affairs of any client of such investment adviser except insofar as such disclosure may be necessary or appropriate in a particular proceedings or investigation having as its object the enforcement of a provision or provisions of this act In case of disobedience of any subpoena or of the contumacy of any witness appearing before the commission the commission may invoke the aid of the court of common pleas within the jurisdiction of which the principal place of business of the investment adviser dealer solicitor or salesman under investigation in this State is located or of any court of common pleas within the jurisdiction of which the witness may be found and such court may thereupon issue its subpoena requiring the person subpoenaed to appear before it and there to give evidence to produce books accounts records papers and correspondence or to file a statement under oath as aforesaid touching the matter in question Any failure to obey such order of the court may be punished by such court as a contempt thereof

Each witness required to attend the commission shall receive for each day's attendance the sum of two dollars ($2.00) and shall receive in addition the sum of ten cents ($.10) for each mile of circular travel by such witness by the usual route between his home and the place where his presence is required All disbursements made in the payment of such fees shall be included in and paid in the same manner as is provided for the payment of other expenses incident to the administration and enforcement of this act as hereinafter provided for

The fees for serving a subpoena shall be the same as those paid the sheriff for similar services The fees and costs of or in connection with any hearing may be imposed by the commission upon any party to the record or may be divided between any or all parties to the record in such proportions as the commission may determine

Section 20 (a) In any prosecution or proceeding under this act the accused shall be deemed to have knowledge of any fact or circumstances where in the exercise of reasonable diligence he could or should prior to the commission of the offense complained of have secured such knowledge

(b) In any prosecution or proceeding under this act all papers instruments or documents certified by the secretary under the commission's seal as appearing in the files of the commission shall be presumed to have been filed with the commission at its office in Harrisburg Dauphin County Pennsylvania by the person on whose behalf said paper instrument or document purports to have been filed

Section 21 No person registered hereunder shall directly or indirectly enter into extend or renew any investment advisory contract or in any way perform any investment advisory contract entered into extended or renewed on or after the effective date of this act if such contract

(a) Provides for compensation to such person on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client

(b) Fails to provide in substance that no assignment of such contract shall be made by such person without the consent of the other party to the contract or

(c) Fails to provide in substance that such person if a partnership will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change

(d) Fails to provide for periodic accounting to the client if by the terms of the contract or in fact such person manages investment or trading accounts in securities for or has custody of the securities of his client

Provided however That nothing in this subsection shall be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period or as of definite dates or taken as of a definite date or to prohibit an oral investment advisory contract not in violation of this section and terminable at will by the client or subscriber

Section 22 Any dealer or salesman who shall in this State without being registered hereunder either (a) sell any security (b) engage in the business of including holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such dealer or by such salesman for a dealer or (c) engage in the business of buying securities directly from individuals who are not registered hereunder and any person who shall by fraud or fraudulent practice induce holders of securities (1) to exchange the same directly or indirectly for any property real or personal tangible or intangible or (2) permit such person to dispose of such securities for the holders and any person who shall make or shall concur in making any false statement in any statement or matter of information required by this act or by the rules or regulations of the commission promulgated hereunder to be filed with the commission or in any prospectus or communication which offers any security for sale or in any oral solicitation to purchase or in any commendatory matter concerning any security with the intent to aid in the sale of the same or in any analysis or who shall represent himself as an investment adviser or solicitor without being registered hereunder who shall make any false statement or representation concerning any registration made under the provision of this act who shall be guilty of any fraud or fraudulent practice or who shall represent that the Commonwealth of Pennsylvania the commission or any member thereof the Department of Banking or any officer or employe of any of the foregoing has approved of or recommended any security shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five thousand dollars ($5,000.00) or imprisonment for not more than five (5) years or both Any person who shall commit in whole or in part any other act declared unlawful by this statute shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or imprisonment for not more than one (1) year or both

Section 23 Neither the members of the commission nor the secretary nor any deputy examiner clerk or other employe of the commission shall publish or divulge to any one any information contained in or ascertained from any examination or investigation made by the commission or any letter report or statement sent to the commission or any other paper or document in the custody of the commission except when the publication or divulgement of such information is made by the commission pursuant to the provisions of this act or of any other law of this Commonwealth or when the production of such information is required by subpoena or other legal process of a court of competent jurisdiction or when it is used in prosecutions or other court actions instituted by or on behalf of the commission or in cooperation with any other governmental agency or when pursuant to specific written authorization by the commission it is used in investigations by the commission or when the divulgement of such information is made to any other Governmental agency security exchange or association of security dealers or of investment advisers with respect to the respective members or proposed members thereof Providd That no divulgement shall be made of lists of security holders customers subscribers or clients of any person and that no divulgement shall be made of the identity investments

or affairs of any client of any investment adviser engaged in rendering investment supervisory services and not having the custody of clients' funds or securities except insofar as such disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act

A violation of the provisions of this section by any member of the commission or by the secretary or by any deputy examiner clerk or other employe of the commission shall be sufficient ground for his removal from office In addition any member of the commission or the secretary deputy examiner clerk or other employe committing such violation shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one (1) year or a fine not exceeding one thousand dollars ($1,000) or both

Section 24 Copies of all papers instruments or documents filed in the office of the commission certified under its seal shall be admitted to be read in evidence in all courts of law and elsewhere in this State in all cases where the originals would be admitted in evidence Provided That in any proceeding the court having jurisdiction may on cause shown require the production of the originals

Section 25 Nothing herein contained shall limit or diminish the liability of any person now imposed by law or prevent the prosecution of any person for the violation of the provisions of any other act

Section 26 The administration of the provisions of this act shall be vested in the commission The commission shall have authority from time to time to make amend and rescind such rules and regulations including rules of practice hereunder before it and to prescribe such forms as may be necessary or convenient to carry out the provisions of this act It shall be the duty of the commission to see that the provisions of this act are at all times properly administered and obeyed and to take such measures and in its discretion to make such investigations upon complaint or otherwise as will or may in its opinion detect the violation of any provision hereof In the event that it shall discover any such violation it shall in addition to revoking any registration take such measures as may be necessary to cause the apprehension and prosecution of all persons deemed guilty thereof The commission may at any time or from time to time and with or without notice make periodic special or other examinations of the books accounts correspondence securities memoranda papers and other records of any investment adviser or dealer engaged in business in this State Provided That the Commission may make no such examinations of any investment adviser engaged in rendering investment supervisory services and not having the custody of the clients' funds or securities except insofar as such examination may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act which the Commission has reasonable grounds to believe may have been violated Whenever it shall appear to the commission that any person shall have violated is violating or is about to violate any of the provisions of this act or any person registered hereunder is suffering serious impairment to his or its capital structure or is in danger of becoming insolvent the commission may in addition to any other remedies bring an action in equity in the name and on behalf of the Commonwealth of Pennsylvania against any such person in any of the several courts of common pleas of Pennsylvania and may ask for such equitable relief action or remedies as it may deem necessary under the circumstances and the several courts of common pleas in this State shall have jurisdiction over the subject matter and may enter judgments awards decrees or orders which they may deem fit including permanent or temporary injunctions or restraining orders without bond and the appointment of receivers to take possession of any property which may be involved real or personal together with any or all books of accounts and papers relating to the same to hold operate distribute or liquidate any such property for the benefit of all persons establishing any interests in the said property Such receiver shall have the rights powers and duties of a general receiver including the power to execute in his name as receiver any instrument incident to the exercise of any power granted to or imposed upon him as receiver In any such court proceedings the commission may apply for and on demand shall be entitled to have issued the court's subpoena requiring forthwith the appearance of any defendant and his employes salesmen or agents and the production of documents books and records as may appear necessary for the hearing of such application to testify and give evidence concerning the acts or conduct or things complained of in such application

A certificate under the seal of the commission showing that the persons in question have not been registered either as dealers investment advisers or salesmen shall constitute prima facie evidence that such persons have not been registered hereunder and shall be admitted in evidence in all proceedings in courts of law or equity within this Commonwealth

Section 27 The commission shall charge and collect the following fees and shall daily pay all fees received into the State Treasury through the Department of Revenue

(a) For the filing of any original or renewal application the sum of ten dollars ($10.00)

(b) For each registration certificate of a dealer or investment adviser whether on an original or a renewal application forty dollars ($40.00) except as hereinafter provided

(c) For each registration certificate of a salesman or solicitor whether on an original or renewal application ten dollars ($10.00)

(d) For each registration certificate of a dealer or investment adviser issued after the first day of July of any year twenty dollars ($20.00)

(e) For each amended registration certificate twenty dollars ($20.00)

(f) For the filing of a notice of a proposed change in a dealer's or investment adviser's plan of business twenty dollars ($20.00)

(g) For each duplicate of a registration certificate of a dealer or investment adviser twenty dollars ($20.00)

(h) For each duplicate of an amended registration certificate of a dealer or investment adviser five dollars ($5.00)

For copies of any papers filed in the office of the commission or for the certification thereof for transcripts of testimony taken at hearings before the commission for the preparation of records of proceedings before the commission and for issuing subpoenas and summons the commission shall charge such fees as it shall by general rule or regulation prescribe Provided however That the provisions of this section shall not prohibit the commission from issuing free of charge copies of records to other states or to the United States or any of their agencies

Section 28 This act shall become effective ten days after the final enactment thereof Provided however That all registration certificates issued by the Pennsylvania Securities Commission prior to the effective date of this act under the provisions of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" as amended shall be valid during the period for which they were issued unless sooner revoked or suspended by the commission for any cause for which the commission is authorized by this act to revoke or suspend a certificate of registration issued by it and all applications and proceedings pending before the Pennsylvania Securities Commission under the provisions of said act approved the thirteenth day of April one thousand nine hundred and twenty-seven shall be continued

before the commission and shall be disposed of according to the provisions of the said act And provided further That this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of said act approved the thirteenth day of April one thousand nine hundred and twenty-seven as amended

Section 29 The act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" and all amendments thereto are hereby repealed absolutely

All acts and parts of acts inconsistent herewith are hereby repealed

Section 2 The provisions of this re-enactment and amendment shall be effective ninety days after the final enactment hereof except immediately upon the final enactment of this act the commission may receive applications for and register applicants for registration as investment advisers and solicitors which registration shall take effect ninety days after the final enactment hereof

Section 3 All registrations of dealers and salesmen made under this act prior to the effective date of this re-enactment and amendment shall be effective for the remainder of the registration year for which made unless sooner revoked or suspended.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Woodward,
Deitrick,	Lanius,	Stevenson,	Ziesenheim,
Dent.			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. DEITRICK. Mr. President, I ask unanimous consent that Senate Bill No. 316, on third reading, entitled:

An Act to amend clause (b) of section five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance, providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by providing that the judge of the court of common pleas, the president of the board of county commissioners, and the coroner shall constitute the county board of assistance in certain cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. SNOWDEN. Mr. President, I move that Senate Bill No. 344 on third reading, entitled:

An Act to amend further section five of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads, highways, and bridges." as amended, by making the maximum width of a public road two hundred feet

be recommitted to the Committee on Highways for the purpose of further amendments. I have four amendments here larger than the bill itself.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 529, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and person subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employes; providing for their compensation payable by such counties; office of assistant triennial assessor.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 529

Mr. MALLERY. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 529, passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. MALLERY. Mr. President, I voted "aye".

Mr. EDMONDS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. EDMONDS. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The table of contents was severally reconsidered.

On the question,

Will the Senate agree to the Table of Contents?

Mr. MALLERY. Mr. President, I desire to offer amendments to Section 505, of the Table of Contents.

The Clerk read the amendments as follows:

Amend sec. 505, page 16, line 21, by striking out the words "one dollar" and inserting in lieu thereof the following: "seventy-five cents"; amend sec. 505, page 16, line 28, by inserting after the word "the" where it appears the first time in said line the following: "hours and"; amend sec. 505, page 16, line 28, by inserting after the word "the" where it appears the second time in said line, the following "number of hours in each"; amend sec. 505, page 16, line 29, by striking out the word "days" and inserting in lieu therof the following: "day".

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the sections as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. MALLERY. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 16 of title, by inserting before the word "office" the following: "and abolishing the"; amend title, page 1, line 17 of title, by inserting at the end of the line the following: "in townships of the first class"

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree all as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 587, as follows:

An Act to amend section three hundred six of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consoldiating the law relating to the care of the poor and repealing existing laws" authorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts in counties of the third class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred six of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution district and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" is hereby amended to read as follows

Section 306 Appointment of Employes and a Solicitor The commissioners of each county shall have the power to appoint remove and fix the compensation of all necessary employes of the institution district and to require of any employe security for faithful performance The commissioners of each county of the third class may also appoint a solicitor for the institution district whose salary shall be fixed by the commissioners and who shall perform such duties pertaining to the legal affairs of the institution district as may be assigned to him by the commissioners

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Dent,	Lanius,	Tallman,
Bartlett,	DiSilvestro,	Letzler,	Taylor,
Becker,	Ealy	McCreesh,	Thomas,
Carr,	Edmonds	McGinnis,	Tyler,
Cavalcante	Farrell,	McQuiddy,	Wade,
Chapman,	Frey,	Miller,	Walker,
Coleman,	Geltz	Ruth,	Watkins,
Cox,	Kaluska,	Scarlett,	Wilson, H. I.,
Crider,	Heyburn,	Snowden,	Woodward,
Crowe,	Homsher,	Stevenson,	Ziesenheim,
Deltrick	Kephart,	Stiefel,	

NAYS—2

Mallery,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 624, as follows:

An Act to further amend clause seven of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L.

309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" increasing the minimum salaries of teachers in school districts of the fourth class and providing for the payment of the whole of such increase by the State for a period of two years

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause seven of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-third day of May one thousand nine hundred twenty-three (P. L. 328) is hereby further amended to read as follows

Section 1210 One The minimum salaries of all teachers supervisors principals and superintendents in the public schools of the Commonwealth except as otherwise hereinafter provided shall be paid by the several classes of districts in which such persons are employed in accordance with the following schedules

* * * *

Seven Districts of the fourth class Elementary teachers minimum annual salary one thousand dollars ($1,000) high school teachers minimum annual salary of one thousand two hundred dollars ($1,200)

Section 2 The provisions of this act shall become effective on the first day of July one thousand nine hundred forty-one For the school years one thousand nine hundred forty-one one thousand nine hundred forty-two and one thousand nine hundred forty-three the Commonwealth shall pay to each school district of the fourth class the full amount of the difference between the minimum salaries heretofore prescribed and the minimum salaries prescribed by these amendments

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. COX. Mr. President, I desire to interrogate the gentleman from Lancaster, Mr. Homsher.

The PRESIDENT. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. HOMSHER. I will, Mr. President.

Mr. COX. Mr. President, will the gentleman from Lancaster state whether this bill raises or lowers the minimum standards as heretofore set by the school code.

Mr. HOMSHER. It raises the salaries, Mr. President.

Mr. COX. Does it raise the salaries as to high school teachers?

Mr. HOMSHER. It raises the salaries of high school teachers, making the minimum of $1,200.

Mr. COX. It was $130 a month before, was it not, Mr. President.

Mr. HOMSHER. It was $130 before, yes.

Mr. COX. And the minimum salary of grade teachers was $900, was it not?

Mr. HOMSHER. Yes, Mr. President.

Mr. COX. That is, $100 a month based on the basis of a nine months school term?

Mr. HOMSHER. Yes, Mr. President.

Mr. COX. Mr. President, if the bill introduced by the gentleman from Lancaster were passed, would it have the effect of cutting out the increments that have formerly been prescribed by law.

Mr. HOMSHER. I do not think so, Mr. President. I can not find anything in the school code which permits the board to reduce salaries which have been already fixed.

Mr. COX. Mr. President, from my examination of the school code, I would be inclined to agree with the gentleman from Lancaster, but it seems that Section 7 of the school code of Pennsylvania, page 139, permitting such minimum salaries, is the section the gentleman from Lancaster wishes to amend. Is that true, Mr. President? I am not talking about the pamphlet laws; I have the code here. I am using this so that it will be easier for the purpose of reference.

Mr. HOMSHER. To which section is the gentleman from Allegheny referring, Mr. President?

Mr. COX. To page 139, section 7, districts of the fourth class.

Mr. HOMSHER. Yes, Mr. President, and what is the question?

Mr. COX. Would the bill of the gentleman from Lancaster have the effect of cutting out increments previously prescribed by law?

Mr. HOMSHER. No, Mr. President, I can not find any such provision and I do not think it affects the increments which have already been given to teachers and who now command a higher salary.

Mr. COX. On page 3 of the bill, Mr. President, it specifically states "the provisions of this act shall become effective on the first day of July, 1941" and it goes on to state that the difference between minimum salaries heretofore prescribed and the minimum salaries prescribed by these amendments is to be paid by the Commonwealth. Mr. President, is that based on this minimum of $1,200 which the gentleman has stated is to be paid high school teachers and $1,000 to elementary teachers plus the increments provided by law?

Mr. HOMSHER. Mr President, it is simply based on the increased amount of money which it will be necessary to pay by reason of enactment of this bill.

Mr. COX. I have asked a question, Mr. President, and I would like to have it answered. If the gentleman from Lancaster is not certain as to the provisions I would appreciate it if the bill could go over in its order until we can talk the matter over.

Mr. HOMSHER. I think I answered the question, Mr. President.

Mr. COX. I am very much concerned with this, as is the gentleman from Lancaster, and the question that came to my mind, after study of the bill, is that the gentleman has increased the salary of elementary teachers, that is true, but it is not true the gentleman has increased the salary of high school teachers; he has cut them down.

Secondly, Mr. President, in determining the amount to be paid by the state, I would like to know if the state would be paying the difference between the minimum salaries, as stated. For instance, Mr. President, as I understand it the minimum salary for high school teachers I understand, is $1,200 under the law as it stands at the present time, and it contains an annual increment of $50 for each of four years.

Mr. HOMSHER. Mr. President, if a teacher receives

increments paid by the Board of Directors over and above the amount of $1,200 the state does not have to bear more than its proportionate share under the subsidy plan.

Mr. COX. I perhaps am very dense, Mr. President, but I still do not know whether this bill would apply in the case of a teacher who has taught five years and who would be entitled to an annual salary of $1,400.

Mr. HOMSHER. It does not apply to that teacher, Mr. President.

Mr. COX. I would appreciate it if the gentleman would permit the bill to go over in its order. I do not want to vote against the bill, if my interpretation of it is wrong.

Mr. HOMSHER. I am rather anxious that the bill be passed and be sent over to the House for concurrence.

Mr. COLEMAN. Mr. President, the skillful interrogation by my colleague from Allegheny has brought out what appears to some of us to be an admission of a flaw in the bill and in order that we may have the matter clear in our minds I wish to make a motion.

MOTION THAT BILL GO OVER IN ITS ORDER

Mr. COLEMAN. Therefore, Mr. President, I move that Senate Bill No. 624 go over in its order.

Mr. COX. I second the motion, Mr. President.

Mr. GELTZ. I object, Mr. President, and ask for a roll call.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. GELTZ and were as follows, viz:

YEAS—15

Barr,	Dent,	Lanius,	Ruth,
Cavalcante,	DiSilvestro,	McCreesh,	Shapiro,
Coleman,	Frey,	McGinnis,	Stiefel,
Cox,	Haluska,	McQuiddy,	

NAYS—30

Bartlett,	Edmonds,	Miller,	Tyler,
Becker,	Farrell,	Scarlett,	Wade,
Carr,	Geltz,	Snowden,	Walker,
Chapman,	Heyburn,	Stevenson,	Watkins,
Crider,	Homsher,	Tallman,	Wilson, H. I.,
Crowe,	Kephart,	Taylor,	Woodward,
Deitrick,	Letzler,	Thomas,	Ziesenheim,
Ealy,	Mallery,		

So the question was determined in the negative

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. COX. Mr. President, I might state I am very much disappointed with the action of the Senate on this bill at this time. There has always been a certain senatorial courtesy in a matter of this kind, when it is obvious the individual who asks the courtesy is sincere about it. I think it would have been little enough for the gentleman from Allegheny, Mr. Geltz, to have permitted the bill to go over in its order for one day, until we could have studied it.

Mr. DENT. Mr. President, I do not usually depend on the legal viewpoint on an act but I look at the practical viewpoint and from what I can see after looking the bill over there is no question in my mind whatsoever the bill does not provide in any way, shape, or form for any increment.

It does not take into consideration the fact that the Democratic House, in conjunction with a great many Republican members over there, voted to pass a bill over here to the Senate and it is over here and in the Education Committee, and provides practically the same salary, if not the same salary basis, as is contained in this bill now. However, it did give an increment for service and I do not see any difference in a teacher who graduates from the same school teaching in a third class city, for instance, and living in the township, and a teacher who lives in a city of the third class and teaches in a township. I can see no reason why there should be any difference whatsoever in the annual income, and I think the question is one which deserves more consideration than it is being given now.

Certainly we will all have to vote for it—I do not see how anyone present can vote against the bill, but the question is whether the increase is enough, and whether we are being fair to those teachers. Regarding the question whether the bill should go over in its order, we are in the position now where we have to vote for the bill regardless of what the bill looks like.

Mr. HOMSHER. Mr. President, there has been a bill introduced previously in the Senate, which is now in the Appropriations Committee, which was introduced in accordance with the Governor's budget, providing an appropriation of fifty thousand dollars for the appointment of a commission to study the school situation in Pennsylvania. Among other things to be considered is the subsidy plan, which we know today is out of date; it does not work well.

Today, Mr. President, we have fourth class districts which are distressed, we have third class districts which are distressed and we also have in both classes districts that are not distressed and have a very low tax rate. Therefore at this time if we pass a bill with increments and put any of the burden on those districts we are going to create more distressed districts, and it is apparent to me if we put a provision for increments in this bill we are going to create a troublesome situation, and to me it seems we should by all means pass this bill and then at the next regular session of the Legislature we should await the report of this joint commission and the matter can be adjusted and teachers given proper salaries, which they should have.

Mr. DENT. Mr. President, I do not believe the question of whether fifty thousand dollars ought to be spent for an investigation of the school system of Pennsylvania has any bearing at all on the argument before us now. We had better take that fifty thousand dollars and pay the underpaid school teachers

I have been here for seven years, Mr. President, and have witnessed a great many studies, particularly in connection with school matters, and I think in 1937 and in 1939 there were studies made and recommendations made and none of them have ever been followed or carried out by the members of the Legislature.

Suppose we do now spend fifty thousand dollars and study the problem. In 1943 perhaps the complexion of the House and the Senate may be changed a little and they will not pay any attention to that study at all and they might want to go out and spend fifty thousand or a hundred thousand dollars more.

Mr. President, you have a State Government Commission set up to do exactly what this resolution calling for fifty thousand dollars is supposed to do, that is, make a study of various state functions and make recommendations to the Legislature. It is not necessary to spend fifty

thousand dollars to find out that teachers in fourth class school districts are underpaid.

Mr. BARR. Mr. President, we wanted this bill to go over in its order for a day in order that we might offer amendments to make sure increments were provided in the bill. By the vote already taken they have shown that if we did offer amendments they would be voted down. I am well aware of that.

Mr. EDMONDS. Mr. President, it seems to me there is quite a lot of misconception as to what might be accomplished by this bill. The gentleman from Westmoreland says he does not think any Senator should vote against the bill. I agree with him; I agree with him one hundred per cent.

Mr. President, this bill provides that $2,400,000 each year be taken out of the state treasury and added to the salaries of teachers in fourth class districts. That to my mind is most commendable and it ought to be done. We have all recognized for a number of years that teachers in fourth class districts do not get proper remuneration. There was an attempt some years ago to give them an increase in salary, which was tied to an unconstitutional tax bill. This is no attempt to give them a myth instead of a reality, this is an attempt to take money out of the treasury of the state by direct appropriation to cover this entire expense and that to my mind seems to be entirely commendable.

Now, Mr. President, some of the gentlemen seem to think it is a mistake to make further study of the subsidy question. The subsidy question is one that personally I have lived with for twenty years now and I claim to have some little knowledge of its history. You can never get a proper basis for adjusting expenses between the state and the school districts except by a very careful study of conditions in all parts of Pennsylvania. We have too many school districts; we have too many school districts with different conditions and a rule that might work well in one would not work well in another.

Therefore, Mr. President, I think a study ought to be made, and I hope it will be made with the unanimous support of every member of the Legislature, and when it is made then I would be very glad to see something more done for these fourth class districts teachers, but at the present time it is a real question; here is $2,400,000 a year and it affects a very large number of teachers, thirty or forty thousand teachers, I think the total would be, and it affects a number of school teachers who in past years have not shared in the prosperity of the state to anything like the same degree others have done.

Now, Mr. President, if there is an opportunity to do something for them, let us do it with a will and let us do it cheerfully; it seems to me it is much better statesmanship to give them something we know we can give them than to give them a promise of something when we do not know how it can be fulfilled.

Mr. COX. Mr. President, I might state that my concern over school teachers of Pennsylvania is because of the fact I am a former school teacher. I taught school for thirteen years; I was principal of a high school; there is not any member of this Senate who has been closer nor is closer today to school teachers and the school teaching profession than I am myself.

Last week our colleague from Lackawanna, Senator Coleman, delivered one of the most beautiful speeches I have ever heard. You will recall that he used a trilogy in which he set forth that the Church, the Home and Mother were three of the dominating forces, constructive forces, in our civilization, and I would like to add a fourth, the school teachers of Pennsylvania.

Mr. President, when I read this bill there were several things I did not understand and for that reason I wanted to have an opportunity to talk with the sponsor, which has been denied to me, but it did do this, I got hold of the school code and I studied the salaries, the minimum and the maximum salaries, as determined by previous sessions of this Assembly, which was a very interesting study.

I found, for instance, Mr. President, the maximum salary of elementary school teachers in first class cities was $2,200; the maximum salary of high school teachers in first class cities is $3,200; I find that the maximum salary of elementary teachers in second class districts was $1,800; that the maximum salary of high school teachers in second class districts was $2,200; I found in third class districts the maximum salary of elementary school teachers was $1,400 and the maximum salary of high school teachers in third class districts was $1,600.

I find today that these gentlemen who are so sincerely concerned over teachers in fourth class districts are satisfied that the maximum salary of the elementary school teachers shall be one thousand dollars and that the maximum salary for high school teachers shall be twelve hundred dollars.

I do not think there is any more I can say, except that there can be no reason for such a great discrepancy between first class and fourth class school districts.

Mr. DENT. Mr. President, I just want to say again from a practical viewpoint, I was going to use the word "measly" in connection with the raise being given to school teachers that it will only make up the difference between what they paid for food and shelter last year, in fact, I should say it will hardly make up the difference between what they paid last year and what they are going to have to pay this year.

Any person who is watching the food market or the clothing market or the rental market knows very well the increase in clothing, the increase in food prices, the increase in rents will be far above the amount which is contained in this bill as an increase in wages or salaries to school teachers.

There is no use in men sitting around and kidding themselves into thinking they are giving anything to the school teachers because at the end of the year they will not have any more left than they had last year or the year before.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman fom Montgomery permit himself to be interrogated?

Mr. EDMONDS. I will, Mr. President; perhaps that will give me an opportunity to say what I wanted to say. Go ahead.

Mr. CAVALCANTE. Will the gentleman from Montgomery definitely anwer, yes or no, the question of whether or not this bill disturbs the system of increments for fourth class district teachers as it is now provided by the laws on the statute books?

Mr. EDMONDS. This bill does not touch the question of increments at all; it deals with the minimum, and the minimum alone.

What I wanted to say a moment ago, Mr. President, was that the gentleman from Allegheny, Mr. Cox, has proven my case as to the necessity for this school survey commission. It is perfectly true that salaries fixed in 1921 were so fixed after the best study that was had at that time and they were done with a very fine spirit of loyalty to the public school system, but twenty years have elapsed since that time and there ought to be a new study conducted along precisely the same lines as the Finnegan Study made in 1921.

If any attempt is made by anybody to play politics with an inquiry of this kind, he ought to be booted out of civilization by unanimous consent of both parties. This ought to be a movement which will be studied, and studied with great care, with the idea of getting the best school system for Pennsylvania it is possible for us to get, and when the gentleman from Allegheny, Mr. Cox, says there are inequalities in subsidies at the present time, I agree with him, but I say further we are trying our level best to work out a plan of changing them and I think it can be done.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Lanius,	Stiefel,
Bartlett,	DiSilvestro,	Letzler,	Tallman,
Becker,	Ealy,	Mallery,	Taylor,
Carr,	Edmonds,	McCreesh,	Thomas,
Cavalcante,	Farrell,	McGinnis,	Tyler,
Chapman,	Frey,	McQuiddy,	Wade,
Coleman,	Geltz,	Miller,	Walker,
Cox,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Shapiro,	Wilson, H. I.,
Crowe,	Homsher,	Snowden,	Woodward,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 217, entitled:

An Act requiring the Department of Welfare to notify the clerk of court and the county controller of all discharges or releases from institutions under ts supervision.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

BILL ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideraton of Senate Bill No. 122, entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. HOMSHER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, Sub-section (b), page 4, line 25, by inserting after the word "conditions" the following and after such reasonable notice to legatees heirs and other parties in interest; Amend Section 1, Sub-section (e), page 5, line 14, by inserting after the word "conditions" the following: and after such reasonable notice to legatees heirs and other parties in interest.

On the question,

Will the Senate agree to the amendment

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections were read and agreed to.

The title was read and agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILLS OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous con-

sent that Senate Bill No. 122, on second reading go over in its order.

The PRESIDENT. Is there objection? The Chair hear none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 185, on second reading, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), enttled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consderation of Senate Bill No. 362, entitled:

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," changing the required proportion of mine foremen to other persons to be employed in bitumnous mines.

Mr. HALUSKA. I offer amendments and ask that they be read.

(Following occured after reading of the amendments.)

SENATE BILL NO. 362 OVER IN ITS ORDER

Mr. SHAPIRO. Mr. President, in view of the amendment which has been offered we think the amendment should state to which line of the section it applies, because there are three paragraphs in this one section and it would depend a great deal on where the amendment went as to what it really means.

Therefore, Mr. President, I move that the bill go over in its order. I further move that the amendment lay on the table.

It was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 374, entitled:

An Act to provide for the settlement of disputes among states with respect to domiciliary death taxes, and imposing certain duties upon the Department of Revenue, the Attorney General and executors and administrators.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 408, (House Bill No. 401,) entitled:

An Act to further amend section five hundred eleven of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An Act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers therof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several admiistration departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions, and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined," appropriating to the Department of Military Affairs, the proceeds of the sale of certain products to be expended for the Indiantown Gap Military Reservation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 491, entitled:

An Act to protect property by making criminal certain unlawful entries on injuries to and interference with property and attempts or conspiracies to do so; and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 535, (House Bill No. 316), entitled:

House Bill No. 316, (Senate Bill No. 535), entitled:

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 555, on second reading, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children,

aged persons; blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mother's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to Mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 566, entitled:

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds right, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decendents, rents of real estate as assets for payment thereof the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor,and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries refuding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the apointment, bonds. rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees; reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decendents," by further regulating the discharge of charges as real estate.

The first section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. TALLMAN. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title, page 2, line 22 of title, by striking out the word "as" and inserting in lieh thereof the following "on".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 572, entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts. municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

An said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 592, entitled:

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183) entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 13, by striking out the word "two" and inserting in lieu thereof the following: "three"; amend Sec. 1, page 2, line 13, by striking out the following: "five hundred."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 614, (House Bill No. 1126), on second reading, entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and

all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State Government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL NO. 362 CALLED UP

Mr. HALUSKA. Mr. President, I now call up Senate Bill No. 362, on Page 7 of the Calendar, which went over in its order on second reading.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 362, entitled:

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756) entitled "An Act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," changing the required proportion of mine foremen to other persons to be employed in bituminous mines.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I desire to offer amendments.

The Clerk read the amendments which were taken from the table as follows:

Amend, page 2, section 1, line 10, by striking out the word "nine" and inserting in lieu thereof the word "five"; Amend, Section 1, by adding at end of line 25 page 2 the following:

Notwithstanding the provisions of any other sections of this act relating to the qualification examination certification and employment of mine foremen the mine inspector having supervision over any mine wherein less than ten persons are regularly employed during the period of twenty-four hours may issue a limited mine foreman's certificate to any competent person employed in such mine.

A limited mine foremen's certificate shall authorize the person designated therein to perform the duties of mine foreman in such mine in addition to the other duties imposed upon him by the operator A person granted such a limited certificate shall act as a mine foreman only in the mine designated therein and only so long as less than ten persons are regularly employed in the period of twenty-four hours Any person acting as mine foreman under a limited certificate shall be subject in so far as they are pertinent to all the provisions of this act relating to regularly certified mine foremen of the first and second grades.

A fee of two dollars shall be charged by mine inspectors for the issuance of each limited mine foreman's certificate which fee shall be transmitted to the State Treasury through the Department of Mines.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the secon dtime and agreed to.

Ordered, To be transscribed for a third reading.

REQUEST THAT SENATE BILL 653 GO OVER IN ORDER

Mr. McQUIDDY. Mr. President, I ask unanimous consent that Senate Bill No. 653, on second reading, entitled:

An Act regulating and improving the civil service departments and agencies of the Commonwealth, vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employes of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making an appropriation and repealing certain acts and parts thereof.

go over in its order.

The PRESIDENT. Is there objection?

Mr. TALLMAN. Mr. President, I object.

MOTION THAT SENATE BILL NO. 653 GO OVER IN ITS ORDER

Mr. McQUIDDY. Mr. President, I move that Senate Bill No. 653, go over in its order.

Mr. SHAPIRO. I second the motion, Mr. President.

Mr. TALLMAN. Mr. President, I ask for a roll call.

On the question,

Will the Senate agree to the motion?

QUESTION OF PARLIAMENTARY PROCEDURE

Mr. WOODWARD. Mr. President, I should like to be instructed in a matter of parliamentary procedure.

The PRESIDENT. The gentleman from Philadelphia will state his question.

Mr. WOODWARD. Mr. President, as I understand procedure, when a member rises and asks unanimous consent that a bill go over in its order, if one Senator objects, that is the end of it and we do not have to go through with a roll call.

The PRESIDENT. A motion is always in order. According to the Chair's understanding, the gentleman from

Lawrence, Senator McQuiddy, asked unanimous consent that Senate Bill No. 653 go over in its order; there was objection; then the gentleman from Lawrence moved, seconded by a number of Senators, among whom was the gentleman from Philadelphia, Mr. Shapiro, that the bill go over in its order.

The Senate is now about to act on the motion, that the bill go over in its order, and a roll call has been requested thereon.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. TALLMAN and were as follows, viz:

YEAS—14

Barr,	Dent,	Lanius,	McQuiddy,
Cavalcante,	DiSilvestro,	McCreesh,	Ruth,
Coleman,	Frey.	McGinnis,	Shapiro,
Cox,	Haluska,		

NAYS—29

Bartlett,	Edmonds,	Mallery,	Tyler,
Becker,	Farrell,	Miller,	Wade,
Carr,	Geltz,	Snowden,	Walker,
Chapman,	Heyburn,	Stevenson,	Watkins,
Crider,	Homsher,	Tallman,	Wilson, H. I.,
Crowe,	Kephart,	Taylor,	Woodward,
Deitrick,	Letzler,	Thomas,	Ziesenheim,
Ealy,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. McQUIDDY. Mr. President, on April 15 I introduced Senate Bill No. 623 in this Senate and two-thirds of the language of this bill, Senate Bill No. 655, is a direct copy of the lauguage of the other bill. I have asked the gentleman from Lehigh, Mr. Tallman, for a hearing or a conference on this matter concerning the matter which was brought out in my bill, which provided far more safeguards for civil service, creating a real civil service bill. This bill has been entirely ignored by the committee and the reason I asked that this bill go over in its order was that we might get together either with the committee or a sub-committee, in order to consider the merits of the two bills, and consolidate the same. I shall also ask that Senate Bill No. 654 go over in its order also, as the bill was split in two parts.

Mr. TALLMAN Mr. President, I regret very much the gentleman from Lawrence feels the way he does about this situation and I merely want to say I resent very much the implication of plagiarism on my part with relation to these bills.

Mr. President, I want to advise the Senator from Lawrence in 1939 I introduced a civil service bill which was very similar to the one which has been introduced by me now, except that this one is extended to additional departments.

I want to advise the gentleman from Lawrence that I too have given this matter serious study, over the period of the last two years, and this bill is partially a result of that study. As far as a conference with the gentleman from Lawrence is concerned, Mr. President, he did ask for it and I told him I thought we would be able to sit down but unfortunately neither his time nor mine has permitted that possibility. I will say to the gentleman now if he desires to sit down with me tonight I will be very happy to sit down with him. I do fear, however, Mr. President, there are some fundamental differences between this bill and the bill of which the gentleman from Lawrence spoke, on which we will not be able to see eye to eye.

Mr. McQUIDDY. I assure the gentleman from Lehigh I will be glad to sit down with him, because there are fundamental differences in the bills; the bill I propose covers the subject in a more thorough manner than the bill under discussion.

Mr. GELTZ. Mr. President, I do not know why the gentleman from Lawrence should make a statement on the Senate floor with reference to two-thirds of the wording of these two bills being similar, because the Senator from Lawrence, Mr. McQuiddy, agreed with me last week that in any civil service bill which would be prepared the wording would be taken from the usual wording supplied by the civil service merit rating and similar associations. At that time, Mr. President, I discussed that with the gentleman from Lawrence, Mr. McQuiddy and I told him if he would look at the civil service bill which I introduced in the 1939 Session, as well as the bill introduced by the gentleman from Lehigh, Senator Tallman, he would probably find that two-thirds or three-quarters of the language of his bill looked like it had been taken from previous bills, so that he knew that well before he made that statement here on the floor, and I think the gentleman from Lehigh, Senator Tallman, is perfectly right in resenting the inference made in this chamber

Mr. COLEMAN. Mr. President, I do not want to prolong the argument between two gentlemen of the Senate, lest it launch the gentlemen of the press into singing one ditty of that popular verse, "Somebody Stole My Bill."

Mr. President, I think the best answer, is that the gentleman from Lehigh, Mr. Tallman, and the gentleman from Lawrence, Mr. McQuiddy, both thought of the same bill about the same time, which is an exemplification of the old adage about great minds running in the same channel.

And the question recurring.

Will the Senate agree to the bill on second reading?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 654, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for the reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and pre-

cribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BECKER. Mr. President, I move that Senate Bill No. 663, on second reading, entitled:

An Act relating to honest mistakes published in newspaper and periodicals; defining the same; prohibiting punitive damages in actions of libel arising out of such publications; and fixing the burden of proof in reference thereto.

be recommitted to the Committee on Judiciary General for the purpose of further consideration.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 683, (House Bill No. 1228, entitled:

An Act to amend sections three and four of the act approved the fifth day of June one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark brand or name" exempting the sale of books to libraries from the provisions of said act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 691, (House Bill No. 1093), entitled:

An Act to further amend the act, approved the eighth day of July, one thousand nine hundred nineteen (P. L. 764), entitled, "An Act authorizing suits brought to recover in case of accidents in this Commonwealth in courts of common pleas to be certified to the Workmen's Compensation Board when discovered that suit has been brought wrongfully," extending said act to cases heretofore or hereafter so brought in any court of record; and defining the legal effect of such certifications.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. MILLER. Mr. President, I ask unanimous consent that Senate Bill No. 705, (House Bill No. 897), on second reading, entitled:

An Act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns, and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town, and townships of the first class, defining the duties of such civil service commission; imposing certain duties and expense on boroughs; incorporated towns, and townships of the first class; imposing penalties; and repealing inconsistent laws.

go over in its order.

The PRESIDENT. Is there objection?

Mr. COX. I object, Mr. President.

MOTION THAT SENATE BILL 705 (HOUSE BILL 897) GO OVER IN ORDER

Mr. MILLER. Mr. President, I now move that Senate Bill 705 (House Bill 897) go over in its order.

Mr. GELTZ. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion.

Mr. COX. Roll call, Mr. President.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. BARR. Mr. President, I rise on a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. BARR. A vote "aye" on the motion is a vote that the bill go over in its order.

The PRESIDENT. That is correct.

Mr. BARR. I vote "no," Mr. President.

And the question recurring

Will the Senate agree to the motion?

The yeas and nays were required by Mr. COX, and were as follows, viz:

YEAS—27

Bartlett,	Ealy,	Letzler,	Thomas,
Becker,	Edmonds,	Mallery,	Tyler,
Carr,	Farrell,	Miller,	Wade,
Chapman,	Geltz,	Snowden,	Walker,
Crider,	Heyburn,	Stevenson,	Watkins,
Crowe,	Homsher,	Tallman,	Wilson, H. I.,
Deitrick,	Kephart,	Taylor,	

NAYS—14

Barr,	Dent,	McCreesh,	Ruth,
Cavalcante,	Frey,	McGinnis,	Shapiro,
Coleman,	Haluska,	McQuiddy,	Stiefel,
Cox,	Lanius,		

So the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified.

The Clerk will proceed to call the names of those voting in the affirmative, as follows:

Bartlett,	Ealy,	Letzler,	Thomas,
Becker,	Edmonds,	Mallery,	Tyler,
Carr,	Farrell,	Miller,	Wade,
Chapman,	Geltz,	Snowden,	Walker,
Crider,	Heyburn,	Stevenson,	Watkins,
Crowe,	Homsher,	Tallman,	Wilson, H. I.,
Deitrick,	Kephart,	Taylor,	

The PRESIDENT. As there any corrections?

Mr. SHAPIRO. Mr. President, I submit the gentleman from Northumberland is not in his seat.

Mr. WALKER. Mr. President, the gentleman from Northumberland is on the floor and voted.

Mr. SHAPIRO. Very well, Mr. President.

The PRESIDENT. The affirmative vote stands as verified.

The Clerk will proceed to call the names of those voting in the negative, as follows:

Barr,	Dent,	McCreesh,	Ruth,
Cavalcante,	Frey,	McGinnis,	Shapiro,
Coleman,	Haluska,	McQuiddy,	Stiefel,
Cox,	Lanius,		

The PRESIDENT. Are there any corrections? The Chair hears none.

The roll stands as verified.

Those voting in the affirmative—27; negative—14.

RECONSIDERATION OF SENATE BILL NO. 691 (HOUSE NO. 1093)

Mr. GELTZ. Sometimes the wheels of legislation move too swiftly, Mr. President, and for that reason I move that the Senate do now reconsider the vote by which Senate Bill No. 691 (House No. 1093), entitled:

An Act to further amend the act, approved the eight day of July, one thousand nine hundred nineteen (P. L. 764), entitled, "An act authorizing suits brought to recover in case of accidents in this Commonwealth in courts of common pleas to be certified to the Workmen's Compensation Board when discovered that suit has been brought wrongfully," extending said act to cases heretofore or hereafter so brought in any court of record; and refining the legal effect of such certifications.

passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye."

Mr. EDMONDS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. EDMONDS. Mr. President, I vated "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 691, (House Bill No. 1093), on second reading, go over in its order.

The PRESIDENT. Is there objection. The Chair hears none.

BILL ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee on the Whole being in this case dispensed with,

The Senate proceeded to the secand reading and consideration of Senate Bill No. 734, (House Bill No. 1373), entitled:

An Act to amend part of section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 752, (House Bill No. 580), on second reading, entitled:

An Act to amend section twenty-four of the act, approved the sixteenth day of June, one thousand eight hundred thirty-six (P. L. 784), entitled "An act relating to the jurisdictions and powers of courts," by further defining the power of courts to punish summarily for contempt, and setting up a period of limitations.

be recommitted to the Committee on Judiciary General for the purpose of further consideration.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 784, on second reading, entitled:

An Act to amend section four hundred three of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and person receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associationsfi or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeal to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provision of said act.

go over in its order because of mistakes in printing.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Before that happens, Mr. President, I should like to interrogate the gentleman from Lancaster.

The PRESIDENT. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. HOMSHER. Yes, Mr. President.

Mr. SHAPIRO. This bill started out as a simple bill providing for the advertising of certain notices where there

was no paper of general circulation in the county. As I looked at the bill yesterday and this morning I found three pages of amendments. Can the gentleman from Lancaster tell me the purpose of this amendment which is being introduced now?

Mr. HOMSHER. Mr. President, the bill as originally introduced was erroneously drawn and referred to the wrong section of the banking code. Subsequently amendments were drawn and I introduced them without comparing them and I now find the bill is pretty well muddled up in its present shape.

Mr. SHAPIRO. I suggest, Mr. President, as I read these amendments that they change the purpose of the original amendments. The original bill was for the purpose of dealing with the question of advertising. This new amendment deals with the form of reports or information to be contained in certain information to be furnished to the departments. It strikes me this means a new bill; if there is any real merit in the purpose of the new amendments there ought to be a new bill because it seems to me this bill is now entirely different from what it was.

Mr. President, I renew my motion that Senate Bill No. 784 go over in its order, because I should like to study it tonight, and if it is wrong I shall ask that it be recommitted tomorrow.

It was agreed to.

BILLS RECOMMITTED

Mr. BECKER. Mr. President, I move that Senate Bill No. 823, on second reading, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercises of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions; and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary business or both; and of affiliates of such corporations or persons; and of officers, directors, trustees and employes of such corporations and persons

be recommitted to the Committee on banking for the purpoe of further consideration.

Mr. GELTZ. Mr. President, I second the motion.

The motiin was agreed to.

Mr. BECKER. Mr. President,, I move that Senate Bill No. 824, on second reading, entitled:

An Act relating to the retention or purchase of shares of its own stock or stock of a subsidiary corporation by a bank and trust company or trust company or national banking association in estates of which such institution is a fiduciary or co-fiduciary.

be recommitted to the Committee on Banking for the purpose of further study.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 303, entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 419, entitled:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg, in the county of Dauphin, and the borough of New Hope, in the county of Bucks.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 451, entitled:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States, prohibiting taxation of bonds and securities of States, their instrumentalities or political subdivisions and the income therefrom, without the consent of the State.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 454, (House Bill No. 107), entitled:

An Act to amend section eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 465, entitled:

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 496, (House Bill No. 609), entitled:

An Act to amend section four hundred thirty-eight of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" changing the qualifications of historical societies to receive county appropriations

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 522, entitled:

An Act to further amend the act, approved the third day of May, one thousand nine hundred thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties." by eliminating apprentices, and setting-up classification of junior operators; and further regulating operators, junior operators and beauty parlors; setting-up new period for expiration of certificates issued by board; and imposing penalties.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 562, entitled:

An Act to amend Sections, 103, 301, 304, 305, 307, 308, 310, 311, 401, 402, 404, 405, 410, 501, 502, 503, 505, 506, 508, 510, 511, 513, 703, 801, 802, 803, 804, 807, 808, 809, 904 and 1101 of the act, and to add sections eight hundred and ten, one thousand and seven one thousand and eight, and one thousand and nine to the act approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, maunfacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings therunder; and making appropriations," by providing that milk delivered or made available or handled or received on consignment or otherwise shall be subject to all the provisions of said act including price-fixing and bonding; aothorizing special agents or examiners to conduct hearings on behalf of the commission; requiring witnesses to testify fully at hearings; enabling certain officers, employes and agents to administer oaths; enabling commissioners to issue, appropriate process beyond the Commonwealth, providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders enabling employes of the commission to photograph, photostat, mark or stamp for identification books and papers that they have inspected; providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders; requiring milk dealers to be licensed; stating grounds for refusal, suspension, revocation of licenses or right to apply for a license or for refusal to transfer licenses; stating the effect of service by registered mail when the addressee refuses to accept or receive such mail; enlarging requirements of milk dealers to file bonds to secure payments to producers and certain milk dealers; prescribing the effective date and term of such bonds and providing for their release; providing for the increase or decrease of the amounts of bonds; prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds; providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or producers; increasing the scope of regulation of subdealers; making certain information available to cooperatives, clarifying the requisites of orders, fixing prices for milk, providing for the competency of certain statistical testimony and data, providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity on those asserting the same; prescribing the result of partial invalidity of any orders; providing for the classification of prices to be paid producers for milk; authorizing the establishment of equalization pools for the equalizing, averaging or blending of minimum prices to be paid producers; requiring reports from dealers and producers for establishing equalized prices; providing for a reasonable check-off to cover the expense of administering equalization pools; for the establishment of basic averages, and providing a reserve to cover amounts owing by defaulting milk dealers; establishing "The Milk Equaliization Fund;" prescribing the methods of establishing equalization pools; providing for certain differentials for equalized prices; defining violations of orders of the commission fixing prices; making milk dealers responsible for acts of directors, officers, agents or other persons acting for or on behalf of them; prescribing procedure on appeal from orders of the commission; prescribing the methid of handling moneys in the Milk Control Fund; further regulating milk dealers and cooperative agricultural associations; further defining and prescribing penalties, defenses and remedies; and authorizing the commission to establish a base rating price system, a system of classified prices, a system of equalizing or pooling minimum prices to be paid producers or any combination thereof.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 576, entitled:

An Act to amend the clause defining Motor Vehicles of section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses,

bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by including trackless trolley omnibuses within the definition of Motor Vehicles.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 629, (House Bill No. 764), entitled:

An Act to add section nine hundred thirty-eight to the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for the establishment, regulation and use of special dog training areas.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 650, (House Bill No. 1022), entitled:

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of nonresident hunting licenses without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to resident of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 655, entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the saleries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 693, (House Bill No. 1173), entitled:

An Act to further amend the fourth paragraph of section five hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue: and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," allowing further deductions from gross indebtedness in order to determine indebtedness of any school district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 724, entitled:

An Act to amend section four hundred one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the length of the terms and the method of appointing and removing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 740, entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the

method of collecting such revenue; and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions, and imposing certain duties upon the juvenile court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 782, entitled:

An Act to further amend subsections (a), (b) and (c) of section one thousand two hundred and one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, asociations, companies, corporations or municipal corporation subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," further providing for assessment of regulatory expenses upon public utilities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 787, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, or reform, revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicles;" giving the commission additional authority over the alteration, relocation or abolition of crossings; further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 788, entitled:

An Act to amend sections one and two of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing

of certain operators thereof; and providing for the suspension of the registration of any motor vehicle, or of the operator's license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public service company law; authorizing the rescission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 789, entitled:

An Act to amend section eleven of the act, approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by expressly providing for administration of the Public Utility Law of June first, one thousand nine hundred and thirty-seven (P. L. 1053), by the Public Utility Commission; and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 807, entitled:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting the imposition of conditions upon grants of moneys and the invasion of states rights.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS INTRODUCED

Mr. WATKINS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WATKINS read in place and presented to the Chair Senate Bill No. 911, entitled:

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution.

Which was committed to the Committee on Representative Apportionment.

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZIESENHEIM read in place and presented to the Chair Senate Bill No. 912, entitled:

An Act to further reenact and amend the title and act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 86), entitled, as amended, "An act relating to the grading and sale of grapes and potatoes in this Commonwealth; providing penalties for violations; and imposing certain duties upon the Department of Agriculture," extending the provisions of said act to apples.

Which was committed to the Committee on Agriculture.

He also, read in place and presented to the Chair, Senate Bill No. 913, entitled:

An Act authorizing and directing the Department of Revenue, to prepare airport approach plans for publicly owned airports; empowering and directing such department and also counties, municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations, limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of such airports; providing for the granting of zoning permits and variances and for appeals from zoning regulations; authorizing the acquisition by purchase, grant or condemnation of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby.

Which was committed to the Committee on Aeronautics.

QUESTION OF PERSONAL PRIVILEGE

Mr. GELTZ. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Allegheny will state his question of personal privilege.

Mr. GELTZ. In the Session of 1939, Mr. President, there seemed to be considerable concern on the part of a great number of Senators with the fact that there were not sufficient facilities to take care of all those persons who needed care, who were suffering from tuberculosis. Because of the great interest shown at that time, particularly by our colleagues on the other side, I am sure they will be interested in a report from the State Department of Health which I shall now read.

The State Department of Health announces that on and after the 15th of May, 1941, all waiting lists of tuberculosis sufferers for admission to the State sanatoria are absorbed, not only making it possible for every sufferer with tuberculosis to be admitted just as soon as the diagnosis is made and the application filed through the Department's Tuberculosis Clinics, but leaving approximately 800 beds open and empty awaiting the admission of patients.

This is the first time in the history of the Commonwealth of Pennsylvania since the establishment of the Department of Health in 1906, when there was not a waiting list. In the last twenty years the waiting list ran anywhere from 700 to 1600 patients waiting for admission to the various sanatoria.

The tuberculosis control program of the State of Pennsylvania with necessary sanatorium care, now compares favorably with any State in the Nation. This can right-

fully be described as the first gesture of the Department of Health and the medical profession of this State as their contribution towards better public health to the Defense Council and the defense program of the State of Pennsylvania.

This has been made possible first because of the tuberculosis program of the State of Pennsylvania, instituted by the Department of Health with the establishment of a Bureau of Tuberculosis Control on January 1, 1940, and so ably managed by the Director of that Bureau in the person of former Surgeon General Charles R. Reynolds, and second because of the united support of the medical profession and the various volunteer agencies throughout the State, together with the fact that the tuberculosis clinics throughout the State have been so ably managed and scientifically brought up to date with newer methods of diagnosis and X-ray studies.

Finding an empty bed for an infectious case of tuberculosis certainly removes the danger of further infection of the various contacts of that particular infectious case.

This has also been made possible because for the last two years the Department of Health and its personnel have worked long hours towards the completion of the extensions at Mont Alto and Hamburg Sanatoria and also have worked diligently for the completion of the equipment of these extensions.

A drive is now being instituted by the Department of Health to find cases of tuberculosis in its early stages which will be a great saving to the State and to the individual and will remove sources of further infection as well as get the cases completely cured within a much shorter time.

Pneumothoraxtations will also be doubled during the next biennium to take care of the cases after leaving the sanatoria and to rehabilitate them for further usefulness in their various occupations.

With the removal of the waiting list, with the programs being instituted for control of tuberculosis, it will be only a short while until Pennsylvania will lead the Nation.

Mr. SHAPIRO. Mr. President, I should like to add a word on behalf of myself and those of us who have been interested in tuberculosis for many years to say just this, that up until 1940, in previous administrations, for five years I have been endeavoring to get the Health Department of Pennsylvania to adopt a procedure which existed in Philadelphia and many other places for a number of years. I do not know how many of our citizens know it, but in Philadelphia for the last five years any person suffering from tuberculosis in any incipient stage and one who could be called ambulatory, was able to walk into a clinic which exists in Philadelphia and get pneumonthorax treatments, rest for a half an hour and go back to work.

Mr. President, there are many ways in which the Commonwealth of Pennsylvania was lacking in its management of the Health Department, particultrly with respect to tuberculosis, which could have resulted in what we do today five years earlier. In other words, the same kind of situation which exists in mental hospitals, the deficiency in mental hospitals in some districts, is the same as exists here. What we call the admission department is the department which functions in segregating cases, those which are ambulatory from those which have to be bedridden, and when you segregate those cases and find the ones that can receive ambulatory treatment you then make room, take them out of beds and make room for those who can not get immediate treatment until they are brought back to the ambulatory stage.

There has been a development in tuberculosis during the last fifteen years which has been known and which has been in operation in many states other than Pennsylvania, which I want to say, to his credit, Dr. Shaw began in 1940 to install and that is a clinic which gives these diagnoses and gives treatment by pneumothorax and this diagnosis even goes to the point of phrenic operations or thorocaplastic operations, and as a result of the installation of that surgical treatment and diagnosis, there has been this taking up of cases that were on the waiting list.

Mr. President, there still remains one more thing to be done, and I recall having discussed the matter with Doctor Shaw and the chairman of the Appropriation Committee, the gentleman from Warren, Doctor Chapman, only three weeks ago, and that is an important function that must be done by the State and if it will make a real effort it can eliminate tuberculosis.

Now, Mr. President, that sounds fantastic but it is not, because in other states it is being done and it has been accomplished. That means the segregation, the searching out, of all tubercular incipients and the segregation of those particular cases from the rest of the family and once that program is inaugurated, while it may cost a few millions of dollars in the beginning, it will save millions of dollars to the Commonwealth of Pennsylvania.

I am in hopes this budget can afford to give Dr. Shaw and his department sufficient money to enable him to do what they have done in Chicago, which is to subsidize doctors and give them so much for x-rays of every child and every adult in every family that they visit, so that those x-rays may be submitted to the state department for an investigation. He is doing that in a measure but he is doing it with limited funds and unless a drive is started on that it does not mean anything. This business of doing it piece meal and in a half hearted fashion gets nowhere and I am in hopes, Mr. President, that the rest of the members of this Senate, when it comes to the question of the budget of the Health Department, will be willing to transfer some of the funds for the purpose suggested by Dr. Shaw and which I would like to emphasize.

I want to say in closing, Mr. President, I think Dr. Shaw has done a splendid job. I do not hesitate to criticize any member of the cabinet when I find I cannot agree with him, but I have said to Dr. Shaw personally and publicly and now I want to say on the floor of the Senate—I do not know what he is doing in the rest of his department—but I do happen to know what he has been doing and is doing in the tubercular section of the Department of Health.

I should also like to suggest the doing of something of equal importance and which should be considered now also, and that is making a drive on penumonia cases and I think in doing that kind of work, he will also accomplish another real result for the state.

I wish all the other departments were as progressive in their important functions as Dr. Shaw was in this one respect. His association with a retired army officer is one of the finest things for the benefit of the Commonwealth of Pennsylvania that has occurred in the Health Department

in years. That gentleman is thoroughly competent, has real vision and knows what he is doing and what he is driving at, and for myself I want to say publicly I shall make every effort to try to encourage the work he is doing.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Warren will state his question of personal privilege.

WHAT IS WRONG WITH U. S.

Mr. CHAPMAN. Mr. President, Blood, sweat and tears have engulfed the world. Homes have been wrecked, firesides have been turned from the happy gathering places of mothers and children into fire stained heaps of rubbish. Children have been torn from the arms of their mothers and tossed into refugee camps while the mothers seek places at the bench in munition plants. The whole scheme of life for millions upon millions of the people of the world has been changed [and thrown awry.] The old order has passed and the new order of the minions of the dictators has been imposed on 19 countries. Like the tentacles of an octopus the armies of the ruthless warlords have pinioned free peoples. And still the rampant conquerors march on. Lives, property, and morals have been erased from whole sections of the globe.

Treaties have become worthless. Solemn pacts are cast aside; efforts of statesmen have come to naught and the murderous clique of Hitler, Mussolini, Stalin, and Japan's Son of Heaven has become know as a quartet of liars and thieves. No treaty, pact, or agreement is sacred to them. There is no oath to which they would subscribe which is binding. And yet in our land there are men who are pleading for a negotiated peace. They are asking that we save America by becoming a party to a move for peace with the unleashed beasts of mankind. Lindbergh, Nye, Wheeler, LaFollette, Kathrine Norris and others are taking the rostrum and urging that the people of the land wire or write their legislators to halt America's program for defense and all-out aid to Britain and take the lead for peace.

But what a peace they would have! Imagine Hitler with undisputed Atlantic bases and islands; a legal claim on Dutch and British possessions; mastery of Africa; control of the greatest fleets in the world and 150,000,000 slaves to do his bidding. And if we should withdraw our help and England should fall, it would give Hitler possession of the great navies of England and France and the shipbuilding, armament, and aircraft factories of Great Britain, France, Holland, and Czecho-Slovakia, enough to assure the Axis permanent advantage over the United States.

And should we withdraw our help and Britain fall, Japan would have final victory over China; could conquer Singapore and the East Indies and the United States rubber supply; a position to conquer Australia and the Philippines.

Think men what it would mean leaving only the Western hemisphere open to a free way of life! Think you that we would not soon be strangled by an economic drive and eventually by naval and military forces and we would fall. Is it a pleasant picture? Take a minds-eye view of the map of the world if England should perish and think of what chance your sons would have in an Axis dominated sphere.

I tell you, men of this Senate, that the United States must speed up and cease bickering and stalling and get down to work to speed the day when Great Britain will have air supremacy over the Axis. Our secretary of war has pointed out our needs in no mincing words and the appeals of Churchill have resounded in no uncertain terms.

There was never a time in all of the history of our land when the outlook was so dark. There has never been a time when unity was so necessary.

But in all of this gloom there is a ray of light. It is the runout on Hitler by the No 3 Nazi, Rudolph Hess. It is the great enigma of the war. Is Hess a traitor or a decoy; sane or insane?

Hess, at the beginning of the war when Hitler called his group together and named his heirs in event of his death, was placed as his No. 3 man. Hess had gone to prison with Hitler; there made the notes of the barking speeches that Hitler inflicted on his fellow prisoners and laid the foundation for the writing of Mein Kampf. Hess was the leader in the campaigns that led to the Jew baiting in Germany, and to the confiscation of their properties and the raping of their daughters. Like Hitler, he is at heart a beast, a liar, and a rapist.

His sensational flight of 800 miles to England's shores and his dropping in a parachute from the skies has furnished speculation in every newspaper in the land. Possibly the true story of his flight will not be known until after the war.

I expect him to tell the British Hitler's war secrets. Like Admiral Darlang of France, he will talk. Darlang, after the battle of Oran, whispered into the Hitler ear all of the British naval secrets that he knew and had learned while an ally of the British. I think Hess will become known as one of the outstanding traitors of history.

The prime traitor of the United States, of course, was Benedict Arnold. His story is known to every school boy. Washington tried to send Arnold's wife to him under the British flag, but I don't expect Hitler to forward the wife and son of Hess to England. History's pages are filled with traitors.

Alcibiades the Athenian general who, facing criminal charges at home, joined the Spartans [and Syracusians] and fought his native Athens and Athens lost the decision. Then Alcibiades again double crossed his friends and turned against the Spartans and led the Athenians' fleet against them. He was finally murdered by the Spartans. But like all traitors, every time he flopped to a new ally, he gave away his old ally's secrets. It seems like an old traitor's custom to betray the secrets of his old pals to his new gang.

Hess must know the German warlord's plans; he must know what is going on inside of Germany and I take it that he will talk, and talk long and loud. I can't think that the Germans are so dumb as to try to send him to England as a decoy. England's secret service has had too much experience with decoys.

And somehow I feel that inside of Germany there is a seething group that feels England cannot be beaten. They have seen their cities blasted by the bombs from the ever growing air force of John Bull; they have seen their homes burn and their wives and children die and they know that the efforts of the United States are not yet in full gear. To

that end I feel that Hess, with a keen realization of final defeat for Germany, tried to instill that feeling into the Germans and aroused the ire of Hitler. I cannot but believe that it was life in England or death in Germany for Hess, and he took a chance on England.

For a time I felt that Hess would not neglect his wife and son but I have learned that his married life was unhappy; he did not care for his wife and she had been shoved into the background. His son is too young to be punished except for the effect it would have on Hess. But I feel these things were weighed by the Nazi No. 3.

So I take it the flight of Hess is a straw showing that the zephyrs that have been wafted through Germany are becoming gentle breezes, that some of these days, under the pounding of Germany by the RAF will grow into a gale. Pray God that day may be hastened.

Pray, too, that the men and women of America will get behind their government and make haste with all possible aid to Britain and will turn a deaf ear to the Tories and copperheads who are endeavoring to obstruct the plans of our nation to be strong. Rumania tried a negotiated peace but the efforts broke down and they were engulfed and now Turkey is facing the honeyed smiles of Von Ribbontrop, and will soon be under the iron heel of the Nazi goose-steppers.

Negotiated peace cannot be made with any person who is devoid of honor, devoid of a sense of decency; devoid of a sense of the righteousness of mankind. Let us not make the mistake of following a will o' the wisp that will eventually lead us into chaos and the loss of the things which we hold dear.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, May 20, 1941, at 1:00 o'clock p. m., Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:05 o'clock, p. m., Eastern Standard Time, until Tuesday, May 20, 1941, at 1:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, May 19, 1941

The House met at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Eternal God, at the opening of this legislative session, we pause to express our thanks to Thee for another week-end of rest and relaxation; of communion and meditation within Thy House. May we have returned better fitted to carry on the work of State. May each hand that holds the instrument whereby acts become laws be dedicated to the best interests of the people within this Great Commonwealth. Keep before each Representative not only the honor which is his to represent his State, but more so the privilege that comes to him to assist in the enactment of such laws that will vouch safe the democracy of the State and Nation of tomorrow.

Pour out Thy blessing of wisdom and understanding upon the President of these United States and those in authority with him; upon the Governors of the States; upon the legislative bodies; yea, even upon the least of those who endeavor to preserve peace. In Thy name we pray. Amen

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 15, 1941.

The Clerk proceeded to read the Journal of Thursday, May 15, 1941, when, on motion of Mr. ROONEY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. REAGAN. HOUSE BILL No. 1610.

An Act to further amend clause six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining "State employe" so as to exclude judges hereafter elected or appointed from participation in the benefits of the retirement system.

Referred to the Committee on State Government.

By Mr. FRENCH. HOUSE BILL No. 1611.

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth; and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owners.

Referred to the Committee on Judiciary General.

By Mr. GEORGE E. JONES. HOUSE BILL No 1612.

An Act to further amend section three of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1116), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof; and providing for the enforcement thereof," by further defining adulterated ice cream.

Referred to the Committee on Public Health and Sanitation.

By Mr. GOODWIN. HOUSE BILL No. 1613.

An Act authorizing counties, cities, boroughs, towns, townships, school districts and county institution districts to install a system for the collection and payment of cur-

rent taxes by the purchase at any time during the fiscal year of tax payment certificates by the taxpayers.

Referred to the Committee on Municipal Corporations.

By Mr. JEFFERSON. HOUSE BILL No. 1614.

An Act requiring all persons operating motor vehicles on the public highways of the Commonwealth, to stop and render reasonable assistance to all persons injured on or near such public highways; providing for the reimbursement to such operators for property damage sustained by them while rendering such assistance, and imposing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. KENEHAN. HOUSE BILL No. 1615.

An Act to further amend subsection (a) of section one thousand one hundred ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the Commonwealth to purchase and erect any new traffic signal lights located on State highways in cities, and providing that the Commonwealth shall pay one-half of the cost of purchasing and erecting traffic signal lights hereafter installed by cities.

Referred to the Committee on Motor Vehicles.

By Mr. O'NEILL. HOUSE BILL No. 1616.

An Act making an appropriation to the Insurance Department for the payment of certain moral claims against the Commonwealth and that department.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 86. (HOUSE BILL No. 1617).

An Act requiring the court in imposing sentence to include in such sentence the costs of keeping the person in the institution to which he is sentenced for the term as fixed by the court; providing such person is or shall become, during such term, financially able to pay for the same.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 327. (HOUSE BILL No. 1618).

An Act to further amend paragraph six of section thirteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled "An act for the better government of cities of the first class of this Commonwealth," as heretofore amended by an act, approved the twelfth day of April, one thousand nine hundred and thirty-five (Pamphlet Laws, twenty-five), by authorizing the Civil Service Commission of such cities to make and establish regulations governing the reinstatement of persons who, without fault or delinquency, have resigned or have been separated from the service.

Referred to the Committee on Cities—First Class.

SENATE BILL No. 346. (HOUSE BILL No. 1619).

An Act to amend section two hundred one and to further amend sections two hundred two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending revising and consolidating the law relating thereto, and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation or calling optional in counties.

Referred to the Committee on Counties.

SENATE BILL No. 714. (HOUSE BILL No 1620).

An Act to further amend section fifteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties," by providing for the return of a portion of moneys received for licenses to the counties for use by Societies for the Prevention of Cruelty to Animals and specifically appropriating the same for such purpose

Referred to the Committee on Agriculture.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1087

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1087, Printer's No. 351, entitled "An act to amend clause (2) of section 3 of the act approved the sixteenth day of May one thousand nine

hundred and twenty-nine (P. L. 1784), entitled 'An act concerning newspapers creating uniformity in the publication of legal notices and advertisements defining the newspapers in which official and legal advertising shall be published prescribing methods for computing the charges therefor and providing that the expenses for publishing legal advertising or notices shall be taxable and collectible as court costs are now taxed and collected in all matters and proceedings' by changing the definition of daily newspaper."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 646

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 646, Printer's No. 162, entitled "An act establishing certain public roads and streets as a State highway and providing for their construction reconstruction and maintenance by the Department of Highways subject to certain terms and conditions."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1187

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1187, Printer's No. 286, entitled "An act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania Quarantine Station property and ceding to the United States jurisdiction over said land."

ARTHUR H. JAMES.

REPORT OF CAPITOL GROUNDS EXTENSION PLANNING COMMITTEE

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

Commonwealth of Pennsylvania,
State Planning Board, Room 129, Capitol,

Harrisburg, May 19, 1941.

Hon. Elmer Kilroy, Speaker
House of Representatives
Harrisburg, Pennsylvania

Dear Mr. Speaker:

The Capitol Grounds Extension Planning Committee, a Sub-Committee of the Pennsylvania State Planning Board, respectfully submits to the General Assembly its report on "The Proposed Extension of the State Capitol Grounds at Harrisburg, Pennsylvania," a copy of which is attached hereto.

Very truly yours,

(S) F. A. PITKIN,
Executive Director

The SPEAKER. The communication will be noted upon the Journals of the House and the report will be printed in the Appendix to the Legislative Journal.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

Headquarters 28th Division,
Indiantown Gap Military Reservation,
Pennsylvania, May 19, 1941.
02/b

Members of the General Assembly,
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

My dear Sirs:

May I express the gratitude of all of the officers and men of the 28th division and of the 104th Cavalry now in training at Indiantown Gap Military Reservation for your action in making an appropriation of $125,000.00 for the construction of an auditorium at the Reservation.

There has been evident through these early months of the training year of the troops now at the Reservation a great need for such a building. Its construction will permit the assembly of an entire brigade in one place in any kind of weather for instructional or recreational purposes. It will as well permit the assembly for similar purposes of all officers or of all non-commissioned officers on duty at the Reservation. When this building is completed it will be an ornament to the Reservation, a facility of great service to the troops, and a credit to the Commonwealth.

Most sincerely,

(signed) EDWARD MARTIN,
Major General, Commanding.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this evening a former member from Washington County, Mr. John L. Post.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

ADMINISTRATIVE CODE

A communication from Mr. and Mrs. Charles B. Story, Jr., Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 777.

Referred to the Committee on Appropritaions.

SCHOOL CODE

A communication from P. C. McHale, addressed to the Speaker, requesting support of House Bill No. 1.

Referred to the Committee on Education.

SCHOOL CODE

A communication from the Public Education and Child Labor Association of Pennsylvania, addressed to the Speaker, opposing passage of Senate Bill No. 302.

Referred to the Committee on Education.

TEACHERS TENURE

Communications from citizens of Pennsylvania, protesting passage of House Bill No. 1357.

Referred to the Committee on Education.

SCHOOL CODE

Communications from citizens of Pennsylvania, addressed to the Speaker, favoring passage of House Bill No. 1371.

Referred to the Committee on Education.

BUILDING AND LOAN INSURANCE BOARD

A communication from Home Circle Building and Loan Association, addressed to the Speaker, requesting support of Senate Bill No. 512.

Referred to the Committee on Banking.

HIGHWAYS

A communication from the Commissioners of Erie County, addressed to the Speaker, recommending passage Senate Bill abandoning state highway route 25008 and establishing route 3346 and 3347.

Referred to the Committee on Highways.

COLLATERAL INHERITANCE TAX

A communication from Civic Club of Allegheny County, endorsing passage of House Bill No. 365.

Referred to the Committee on Judiciary General.

UNIFORM TRUST RECEIPTS

A communication from Tradesmen National Bank and Trust Company, addressed to the Speaker, favoring passage of Uniform Trust Receipts Bill.

Referred to the Committee on Judiciary General.

WEST PENN HOSPITAL

A communication and resolution from Steel City Industrial Union Council, Pittsburgh, endorsing the adoption of the Moran Resolution providing for the appointment of five members of the Legislature to investigate the West Penn Hospital

Referred to the Committee on Labor.

LIQUOR LICENSES

A petition from the Community Betterment Association Wilkinsburg, opposing passage of legislation which does not raise moral and economic standards.

A Petition from citizens of Pittsburgh protesting passage of Legislation extending hours in which alcoholic beverages may be sold, legalizing gambling.

Referred to the Committee on Liquor Control.

VEHICLE CODE

A communication from Honorable D. W. Dalrymple, addresed to the Speaker, in behalf of volunteer firemen, urging passage of House Bill No. 26.

Referred to the Committee on Motor Vehicles.

PRINTING

A communication and resolutions from Union Employing Printers Association of Pittsburgh, addressed to the Speaker, favoring passage of House Bill Nos. 1458, 1459 and 1460.

Referred to the Committee on State Government.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Owens for Mr. CHERVENAK for tonight's session.
The Speaker for Mr. SKALE for tonight's session.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 217.

An Act requiring the Department of Welfare to notify the clerk of court and the county controller of all discharges or releases from institutions under its supervision.

Whereupon,
The SPEAKER, in the presence of the House, signed the same.

Mr. TROUT IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 492, entitled:

An Act licensing and regulating the business of mining anthracite coal; providing for the issuance and revocation of licenses by the Secretary of Mines; authorizing said Secretary to enter mines; to issue regulations governing the administration of this act, and to appoint mining engineers who are empowered to enter mines and inspect the same; requiring a corporate surety bond to accompany every application for a license; authorizing appeals to the Court of Common Pleas of Dauphin County; and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 828, entitled

An Act to further amend section eight hundred two of the act, approved the first day of May, one thouand nine hundred thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising consolidating, and changing the law relating thereto," further regulating the making of contracts and purchases by the townships.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 788, entitled

An Act to promote the general public health and welfare by regulating the business of "strip mining" or mining coal by removing the overlying soil or strata therefrom; authorizing the Department of Mines to issue permits for "strip mining operations; requiring those proposing to engage in strip mining operations to file a bond with the Department of Mines to secure the leveling and replacement of the surface soil; imposing certain additional duties upon the Department of Mines and the various mine inspectors; and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Lancaster, Mr. Trout, for presiding.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House,

APPROPRIATION BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 49, entitled

An Act making an appropriation for the maintenance, repair, and improvement of the Port of Philadelphia.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 61, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 266, entitled:

An Act making an appropriation to the Glen Mills School, situated in Delaware County, Pennsylvania.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 276, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 280, entitled

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 281, entitled:

An Act making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 284, entitled:

An Act making an appropriation from the Motor License Fund, to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 291, entitled:

An Act making appropriations for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 301, entitled:

An Act making an appropriation to Sleighton Farm School for Girls, situated in Delaware County, Pennsylvania.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 305, entitled:

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 310, entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 317, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 322, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 333, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 347, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 348, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintennce of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 351, entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No 371, entitled:

An Act making an appropriation to the Department of Forests and Waters, for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 378, entitled:

An Act making an appropriation to the Chief Clerk of the House of Representatives for the payment of expenses and compensation of the Electorial College of 1940.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 489, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 546, entitled:

An Act making an appropriation to the Department of Agriculture to advance the potato interests in this Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 572, entitled:

A Supplement to the act approved the twenty-seventh day of June, one thousand nine hundred thirty-one (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 614, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No 954, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation on behalf of the Commonwealth of Pennsylvania, a tract of land near the present site of the Joseph T. Rothrock memorial for the purpose of erecting a new and suitable memorial to the memory of Joseph T. Rothrock thereon; providing for the selection of such a site and memorial by and with the consent of the Pennsylvania Historical Commission; providing for the control, management, supervision, improvement and preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1003, entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1065, entitled:

An Act making an appropriation to the National Farm School, at Doylestown, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1066, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1068, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1083, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1106, entitled:

An Act making an appropriation to the Woman's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1130, entitled:

An Act making an appropriation to the Department of Commerce, towards expenses of the National Encampment in Philadelphia.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1203, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1321, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1330, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board, to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1332, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1334, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1343, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1344, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1345, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1417, entitled:

An Act making an appropriation to The General State Authority to defray the costs and expenses of the said Authority in connection with the organization, administration, and operation thereof.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1418, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1419, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1463, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1534, entitled:

An Act making an appropriation to the Joint State Government Commission.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1590, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum, Philadelphia.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1591, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 654, entitled:

An Act authorizing counties, cities, boroughs, towns, townships, school districts, poor districts and institution districts, at any sale of real property for the nonpayment of taxes or municipal claims to take title jointly in proportion to their tax claims; provide for the management of such real property and for the re-sale and conveyance of their interests to a purchaser.

The first section was read:

On the question,

Will the House agree to the section?

Mr. BENTLEY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 4, by inserting after the word "city" the following: "except city of the first class."

The amendment was agreed to.

The section was agreed to as amended.

The second to the fifth sections inclusive were separately read and agreed to.

The title was read:

On the question,

Will the House agree to the title?

Mr. BENTLEY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by inserting after the word "cities" the following: "except cities of the first class.

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1264, entitled:

An Act to further amend section three hundred nine and subsection (a) of section three hundred eleven of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," imposing the expense of clothing persons admitted to schools for mental defectives on institution districts in certain cases; giving the Commonwealth preference against the estates of such persons in such cases; permitting such persons vacations; and prohibiting deductions from State appropriations because thereof.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 529, entitled:

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by providing that the tax collector shall give but one bond for the collection of township, county, school district, poor district and institution district taxes.

The first section was read:

On the question,

Will the House agree to the section?

Mr. ELY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 1, (sec. 571), page 2, line 9, by striking out the word "[a]"

Amend sec. 1, (sec. 571), page 2, lines 10 and 11, by striking out the words "[as required under existing law or a fidelity bond as the taxing authorities may determine]"

Amend sec. 1, (sec. 571), page 2, line 19 by inserting a lightface bracket before the word "school" and after the word "district" where it appears for the second time in said line.

Amend sec. 1, (sec. 571), page 2, line 20, by striking out the words "[well and truly]"

Amend sec. 1, (sec. 571), page 2, lines 21 to 28, both inclusive, by striking out the word "[and in line 21, and all of lines 22 to 28, both inclusive.

Amend sec. 1, (sec. 571), page 3 lines 1, 2 and 3, by striking out all of lines 1 and 2, and the words "collector shall be discharged]" in line 3.

Amend sec. 1, (sec. 571), page 3, lines 12 and 13 by inserting a light-face bracket before the word "a" in line 12 and after the word "authority" in line 13.

Amend sec. 1, (sec. 571), page 3, lines 13, 14, and 15, by striking out the words "[This bond does not cover the collection and payment over of school taxes]" and inserting in lieu thereof the following "accounted for by exonerations, which shall be granted by the taxing authorities upon proof that a reasonable effort has been made to collect such taxes. This bond does not cover the collection and payment over of school taxes."

Amend sec. 1, (sec. 571), page 3, lines 17 and 18, by inserting a light-face bracket before the word "school" in line 17, and after the word "district" where it appears for the first time in line 18.

Amend sec. 1, (sec. 571), page 3, line 19, by inserting a light-face bracket before the word "school"

Amend sec. 1, (sec. 571), page 3, line 19, by inserting after the word "poor" the following: "[or institution"

Amend sec. 1, (sec. 571), page 3, line 27, by inserting a light-face bracket before the word "the" where it appears for the third time in said line

Amend sec. 1, (sec. 571), page 3, line 27, by inserting after the word "district" the following: "] and "

Amend sec. 1, (sec. 571), page 3, line 28, by inserting a lightface bracket before the word "and" and after the word "district".

The amendments were agreed to.

The section was agreed to as amended.

The title was read:

On the question,

Will the House agree to the title?

Mr. ELY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend the title, next to last line of title by striking out the words "school district poor district"

Amend the title, last line of title by inserting after the word "taxes" the words: "and changing the conditions of such bond."

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1114, entitled:

An Act to further amend sections nine, fifteen, sixteen and seventeen of, and to add sections seventeen and one-tenth and seventeen and two-tenths to, the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," further regulating the sale of lands purchased by the county commissioners at such sales, providing for the discharge of mortgage liens by such treasurers' sales and by the sales of such lands now in the hands of the county commissioners, and providing for the distribution of the proceeds of all such sales.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WATKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1113, entitled:

An Act extending the time within which county commissioners may sell seated or unseated lands purchased by them at tax sales upon which the period of redemption has expired and validating certain sales heretofore made.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WATKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipals Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1167, entitled:

An Act to amend section three hundred seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," changing the provisions of said act as to the right of residents to hunt and trap without a license.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1538, entitled:

An Act to further amend section one and to amend section four of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," further defining its powers and duties; and amplifying the provision relating to appropriations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 955, entitled:

An Act to amend section nintey-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidatin, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating use of nets in boundary lakes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 757, entitled:

An Act providing for and regulating the validation of certain borough ordiances

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1230, entitled:

An Act to further amend section one and to amend section three of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" by excluding certain juices and combinations of juices from the operation of the act and requiring separate registration for each bottling or manufacturing plant

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 940, entitled:

An Act to amend section 1202 by adding thereto clause LX of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to appropriate moneys for the support of hospitals

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1399, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 624) entitled "An act relating to the business o banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1218, entitled:

An Act to amend section two hundred eighty-two of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for payment of one-fourth of fines collected for violation of said act to the counties for maintainence of prisoners committed for such violations and imposing duties on magistrates aldermen and justices of the peace.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1537, (Senate Bill No. 381), Printer's No. 233, was passed over at the request of Mr. MALLOY.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1359, (Senate Bill No. 447), entitled:

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 872, (Senate Bill No. 66), entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" imposing additional duties on and providing for additional compensation of veterans' grave registrars.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1315, entitled:

An Act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-seven (P L. 589) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without

permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of the act" by adding new sections making certain changes in the designation of certain streets taken over as State highways and adding thereto certain additional streets providing for the taking opening relocation widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and the city or either of them designating the city as agent for the Commonwealth in such taking opening relocation widening or change of grade and the determination of damages arising therefrom authorizing agreements for the taking opening relocation widening change of grade construction reconstruction repair and maintenance of such State highways appropriating money in the Motor License Fund for the purposes of the act as amended.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 861, entitled:

An Act to further amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the affairs of boroughs and revising amending and changing the law relating thereto.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1193, entitled:

An Act to further amend section fifty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boudary rivers of the Commonwealth" further regulating the taking of eels.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 1208, (Senate Bill No. 80), entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897—1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties" by further defining "contributions" to be paid by certain employers changing the procedure and administrative details for the determination and payment of compensation further regulating the appointment promotion dismissal suspension and furlough of civil service employes further defining the powers of and procedure before the board making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board and making the Administration Fund subject to certain charges.

The first section was read.

On the question,

Will the House agree to the esction?

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of further study.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1210, Senate Bill No. 24, Printer's No. 282, was passed over at the request of the SPEAKER.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 938, (Senate Bill No. 270), entitled:

An Act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such townships to regulate the use of certain parks and recreational grounds providing penalties for violation of rules prescribed therefor and authorizing police officers to arrest violators thereof on view.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS HOUSE

Mr. BROWN asked and obtained unanimous consent to address the House.

Mr. Speaker, in the many years that I have had the pleasure of serving here, I do not believe once the record will show that I have taken the time of the House to make a statement.

However, I do appreciate the fact that the Speaker has accorded me the consent of the House at this time to make a brief statement, something which I think is important to the people of this nation.

We are celebrating throughout the nation this week what is known as "I am An American Day", and yesterday we were called upon to re-dedicate and re-consecrate our lives to the principles of our democratic form of government, that form of government which we believe to be right and which we think should be perpetuated; that form of government which is based upon laws and not upon men. I believe it was the philosopher Rousseau who said that the greatest thing in politics is to have a form

of government which is based on laws and not upon men. He compared that task to the test of squaring the circle in geometry.

George Washington, the first President of this Country, as he presided over the constitutional convention answered Rousseau when he said "Ours is a Country of laws rather than a Country of men." And so it is fitting and proper that we should just for a brief moment stop and pay our respects to the country dedicated to law rather than to men, as I am sure all of us want to see it preserved.

It has been said by many writers of history that our republic is the only form of government that originated with freedom as the fundamental principal upon which the government rests. They tell us that behind our government was no feudal state, no aristocracy, no wealth, but that it was formed of freedom, something little known in the history of other countries in the past. And we cherish that freedom, we want to see it preserved. Therefore, Mr. Speaker, I ask you to let me say something that is on the hearts of thirteen million people of my race who form a great part of this country born of freedom.

May I call your attention to the fact that this country, having its birth in freedom has always defended freedom. It is remarkable to note that even in our country the greate struggles have been for freedom. We have always challenged the invasion of freedom. The thirteenth, the fourteenth and the fifteenth amendments to the constitution of the United States came as an answer to those who desired freedom for the members of my race, but still we were not free.

During the last twenty years we have still had a struggle for freedom, freedom for the worker, freedom for the wage earner, freedom from the sweatshops, from starvation wages, the struggle for economic freedom. Today all that we have worked for is in danger. It is in danger not only from threats from without but likewise in danger from thrats from within, and it is on the question of threats from within that I wish to address you.

As I said I am speaking on behalf of thirteen million American Negro people whose loyalty cannot be questioned. The thing that moves me to make these remarks is something that happened in one of our sister States on last weef, a lynching which occurred in the State of Florida, and I want to read to you a report printed in the Pittsburgh Press on Saturday. The report reads as follows and is found on the first page of the second edition of that paper.

> "According to the newspaper accounts the lynching of a Negro in a little town in northern Florida a few nights ago was an episode which for beastiality, could be matched only in cultural exercises of the super race of Adolph Hitler.
>
> Suspected but not yet formally accused of criminal assault on a white child, the victim was roped to a tree shot and left for dead, but crawled to a refuge and was there recaptured by a law officer. He then apparently was surrendered without a struggle to a mob which finished him off.
>
> It should be easy to catch and convict all the murderers but any serious attempt to do so would probably result in either local revolution or such a farce as would further discredit the law and civilization."

Here in parts of this country we are not only denied the equal protection of the law, but apparently we are afraid to even invoke that law after such an outrage has happened for fear, as this article says, "any serious attempt to do so probably would result in either local revolution or such a farce as would further discredit the law and civilization."

I read an article from the Kansas City Star, where the president of one of the largest concerns in the country, a subsidiary of the General Motors which has received a contract of $683,000,000 from the Federal Government for defense equipment has this to say of the Negro:

> "Applications for jobs in the plants where he will employ upwards of ten thousand persons will be received . . ."
>
> "However, Negroes will be considered only as janitors and in other similar capacities."
>
> He emphasizes that, "under no circumstances would Negroes be employed as aircraft workers or mechanics in the plant. While we are in complete sympathy with the Negro, it is against the company policy to employ them as mechanics or aicraft workers."

In one section of our country we witness a complete denial of the equal processes of the law, and in another section of the country a complete denial of the right to work to make the equipment that is supposed to protect the democracy under which we live.

You may say the lynching was in Florida, and the other instance was in Kansas, and therefore are of no concern to Pennsylvania. However, we have just passed on second reading a number of appropriation bills. I say to you, Mr. Speaker, it is a travesty on justice, it is absolutely an affront to the members of this House, that institutions whose name appear on our calendar should receive appropriations from the taxpayers' money and deny to the citizens of this State the right to participate in benefits resulting from the use of that money. My colleagues and I intend to vote for these appropriation bills, but it hurts us deeply when we know the law says we should participate, but those who have arrogated to themselves to be above the law say, that we shall not participate.

I want to ask every member of this House whether or not we are entitled to be accorded this treatment in this land of liberty, in this land of freedom, this land which is perhaps the last citadel of freedom left in the world today. Are we entitled to it?

Another thing which brings this so forcibly to my attention is that a few weeks ago in the city of Philadelphia a Negro woman, Marion Anderson, was awarded the Bok award, symbolic of the most distinguished citizen of that great city. We read in the papers today of a Negro by the name of George Washington Carver, of Tuskegee Institute, who received the highest award for humanitarian service from the variety clubs of America, voted by many newspaper editors, magazine publishers, radio commentators and authors acting for the variety clubs.

I could go on into the field of art, into the field of music, into the field of science to tell you that we have come a long way when a man like Dr. Carver, whose autobiography says that he was "traded for a mule"; as a slave his master traded him for a mule, and he finally got some education, went to the institution founded by Booker T. Washington, another son of a slave, and is singled out as the greatest scientist of this country today by this great organization of variety clubs.

In the field of military service we believe we have distinguished ourselves and that our record will match

the record of any race in any part of the world. From the time the first shot was fired on Boston Commons, the Negro has played his part in defending our country; throughout the war of 1812 and throughout the Civil War and throughout the Spanish-American War and the last war, we have given the last full measure of our devotion in favor of democracy, and what we have done in the past we still intend to do in the future.

In the field of religion I believe we have made a rich contribution to the spiritual development of this country, because I feel that my people above everything that they may have accomplished, have a conviction in their hearts that they will abide by the Golden Rule, that principle set down for men by the greatest of all law-givers: "do unto others as you would that others should do unto you."

Here in Pennsylvania over a billion dollars have been spent in national defense, yet, we have those in this State who say to us "we have no place for you to work; we have no place for you simply because you are Negroes." On this calendar you will find bills appropriating money to various Military departments of our State, and yet not a single Negro that I know of anywhere in Pennsylvania has been permitted to enlist in the units set up for the defense of this country by these acts. We are called upon to make our contribution, to make Pennsylvania the Arsenal of Democracy, and yet are denied in many instances a right to work, to protect ourselves, and to proect this citadel.

I wish to place this upon the hearts of the gentlemen of this Assembly as it is an indication that things are not right when democracy says to the world "Take our form of government" and yet thirteen million people are accorded the treatment that I have indicated to you tonight.

But we still believe in this country, we still believe that there is time that these wrongs may be corrected, and in that connection may I lay upon your hearts the fact that we cannot put these things off into the future. We used to live from month to month, we used to live from day to day, but the ingenuity of man made it possible that we now live from broadcast to broadcast, and no one knows what will occur in the next broadcast; the world may be made over anew, so we do not have time to look to the future. The present is the future and the future is the present.

We still believe in our country, we are still going to defend our country, but I call upon you gentlemen whom we know are friends of democracy, whom we know are friends of every American citizen, to see that these things are eradicated, if not from our sister states, at least from our beloved State of Pennsylvania so that we will have the one thing that sets us aside from totalitarianism, from Nazism and from Facism, the one thing that sustains us as a democracy, equality of the law and equal protection and equal opportunity under that law.

USE OF HALL OF HOUSE GRANTED

Mr. D'ORTONA asked and obtained consent to use the Hall of the House on Monday, May 26 at seven o'clock p.m. Eastern Standard time to show to the Members of the House and Senate moving pictures of the gas explosion which was investigated by a committee of the House.

BILL ON SECOND READING

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. Petrosky and

The House resumed the consideration on second reading of House Bill No. 814, entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments; establishing regular pay days; imposing certain duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil and criminal penalties for the violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

The first section was read.

On the question,

Will the House agree to the section?

Mr. PETROSKY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 5, by inserting after the word "State" the following: "Provided, however, That employers engaged in agriculture or employing only domestic servants shall not be subject to the provisions of this act."

The amendment was agreed to.

The section was agreed to as amended.

The second, third, fourth, fifth and sixth sections were separately read and agreed to.

The seventh section was read.

On the question,

Will the House agree to the section?

Mr. PETROSKY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 7, page 5, lines 24 to 29, both inclusive, by striking out all of said lines.

The amendment was agreed to.

The section was agreed to as amended.

The eighth, ninth and tenth sections were separately read and agreed to.

The eleventh section was read.

On the question,

Will the House agree to the section?

Mr. PETROSKY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 11, page 8, line 12, by inserting after the word "dollars" the following: "to the Department of Labor and Industry".

Amend Sec. 11, page 8, line 16, by inserting after the word "debt" the following: "by the Department of Labor and Industry".

Amend Sec. 11, page 9, line 6, by inserting after the word "judgment" the following: "for wage claims".

The amendments were agreed to.

The section was agreed to as amended.

The twellfth and thirteenth sections were separately read and agreed to.

The fourteenth section was read.

On the question,

Will the House agree to the section?

Mr. PETROSKY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 14, page 11, lines 20 to 24, both inclusive, by striking out all of said lines.

The amendment was agreed to.

The section was agreed to as amended.

The fifteenth section was read.

On the question,

Will the House agree to the section?

Mr. PETROSKY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 15, page 11, line 25, by striking out the figure "15" and inserting in lieu thereof: "14".

Amend Sec. 15, page 12, line 8, by inserting after the word "employer" the following: "or for other legitimate accounts upon proper assignments by the employes.

Section 15. Separability of Provisions. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to the persons or circumstances shall not be affected thereby".

The amendments were agreed to.

The section was agreed to as amended.

The sixteenth and seventeenth sections were separately read and agreed to.

The title was read.

On the question.

Will the House agree to the title?

Mr. PETROSKY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 2 of title, by inserting after the word "in" the following: "certain".

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 124, as follows:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase by giving certain additional rights to producers' and farmers' unions or organizations producing milk setting up a price fixing procedure restricting powers of the Governor an dproviding for the payment of funds in the hands of the commission owing to producers and handlers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and sections 103 203 301 304 305 307 308 310 311 401 402 403 404 405 410 501 502 503 505 506 508 510 511 512 513 703 801 802 803 804 807 808 809 904 1003 and 1101 of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" are hereby amended to read as follows

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery handling bailment brokerage consignment purchase and sale of milk and certain products thereof providing for the licensing of milk dealers or handlers and the payment of fees therefor requiring milk dealers or handlers to file bonds to secure payment for milk to producers and certain milk dealers or handlers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon the courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the

business papers and premises of milk dealers or handlers and producers requiring the keeping of records and the filing of reports by milk dealers or handlers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products [subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto] setting-up a price fixing procedure restricting powers of the Governor providing for the payment of funds in the hands of the commission owing to producers and handlers providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commision defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

Section 103 Definitions Construction The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Books and records" or "books or records" shall include all pertinent books ledgers journals records papers memoranda correspondence vouchers bills receipts cancelled checks accounts exhibits photographs and other documents

"Commission" means the State agency created by this act to be known as the "Milk Control Commission"

"Consumer" means any person other than a milk dealer or handler who purchases milk for his own consumption or use

"Handle" to handle means the doing of any one or several or all of the following acts to buy sell barter acquire store process consign receive transport control as owner buyer seller consignee consignor bailee bailor broker or factor

"Milk Dealer" or "Handler" means any person including any store or subdealer or subhandler as hereinafter defined who on his own behalf or on behalf of others purchases or receives within the Commonwealth milk from producers association of producers or other handlers who handles milk within the Commonwealth for sale shipment marketing storage processing manufacture consignment or brokerage whether as owner consignee consignor bailee bailor buyer seller broker or factor A producer who delivers milk to a milk dealer or handler only shall not be deemed a milk dealer or handler A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer or handler but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer or handler as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers or handlers and others

"Licensee" means a licensed milk dealer or handler

"Market" includes any county city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portions thereof or any other land within the territorial limits of the Commonwealth designated by the commission as a marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk flavored milk or milk drink buttermilk ice cream mix and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans

["Milk dealer" means any person including any store or subdealer as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be leemed a milk dealer but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers and others]

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned [by two or more individuals] or conducted by or on behalf of two or more individuals or other persons

"Price" includes the amount paid or to be paid and the proceeds returned or to be returned whether the transaction be one of purchsae sale consignment sale or return accounting or otherwise

"Producer" means a person producing milk

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells or distributes milk

"Subdealer" or subhandler" means any milk dealer or handler handling milk within the Commonwealth who sells or delivers all such milk to consumers or stores in the same containers as those in which he acquired it from other milk dealers or handlers

Any reference in this act to quanti'- of milk shall be construed to include its whole milk equivalent

Article or section headings shall not be construed to affect in any manner the scope or meaning of any article of section of this act

The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 203 Secretary Administrative Code The commission may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission [with the approval of the Governor] shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the commission

Except as otherwise specifically provided in this act the commission and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) its amendments and supplements which apply generally to independent administrative boards or commissions

No person employed in the work of the commission shall for a period of two years after leaving the service of the commission be eligible to appear before the commission representing any person interested in any proceeding pending before the commission

Section 301 Regulation of Milk Industry The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power to supervise investigate and regulate the entire milk industry of this Commonwealth including the production transportation disposal manufacture of food products made from or with milk processing storage distribution delivery handling

bailment brokerage consignment purchase and sale of milk and milk products in this Commonwealth and including the establishment of reasonable trade practices systems of production control and marketing area committees in connection therewith Provided however That nothing contained in this act shall be construed to alter amend or repeal any of the laws of this Commonwealth relating to the regulation of public utilities or to the public health or to the prevention of fraud and deception except as herein otherwise specifically provided

Section 304 Hearings Witness Fees Privilege and Immunity The commission [or] any member thereof [may] or any special agent or examiner designated by the commission shall hold such hearings at the Capitol or elsewhere as [it] the commission deems necessary or appropriate to carry out the provisions of this act Provided however That all hearings for the fixing of prices for milk shall be held before one or more members of the commission Each witness required to attend before the commission [or] any member thereof or any such special agent or examiner under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County All such hearings [of the commission] shall be governed by such rules regulations and orders as shall be adopted and prescribed by the commission

Section 305 Subpoenas Oaths In order to enable the commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attendance and testimony of or the production of pertinent books and papers by milk dealers or handlers or their employes producers or their employes persons having business dealings with milk dealers or handlers or producers or other persons whom the commission believe to have information books or papers of importance to it in carrying out the purposes and intent of this act [The commission] Each member of the commission and such officers employes or others employed in the work of the commission designated by the chairman of the commission also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers The commission may issue commissions letters rogatory or other appropriate processes outside the Commonwealth

Section 307 Adoption of Rules Regulations and Orders [Subject to the approval of the Governor where such approval is hereinafter expressly required the] The commission [may] shall adopt and enforce all rules and regulations and orders necessary or [desirable] appropriate to carry out the provisions of this act and not inconsistent with law

Section 308 Posting and Service of Rules Regulations and Orders Every general rule regulation or order of the commission shall be posted for public inspection in the main office of the commission at least six days before it shall become effective where it shall remain conspicuously posted until twenty days after its effective date and shall be given such further publicity by advertisement or announcement in a newspaper or otherwise as the commission shall deem advisable At least three days before it shall become effective copies of such general rule regulation or order shall be mailed to all licensees and producers groups and organizations affected thereby Provided however That such mailing shall not be construed as a condition upon which the validity of any such rule regulation or order depends A certified copy of an order applying only to the particular person or persons named therein shall be served on the person or persons affected

An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his last known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

The posting in the main office of the commission of any rule regulation or order not herein required to be served and the giving of such further publicity thereto as the commission deems advisable or the proper service of any rule regulation or order required to be served shall constitute due and sufficient notice to all persons affected by such rule regulation or order A rule regulation or order of the commission when duly posted and so publicized or when properly served as provided in this section shall have the force and effect of law The commission shall upon request mail to any person a copy of any general rule regulation or order of the commission

The mailing or service by mail herein required shall be by deposit in a United States Post Office or in any receptacle thereof Service by registered mail as provided in this section shall be effective notwithstanding the refusal of the addressee to accept or receive an order so served

Section 310 Entry and Inspection Pursuant to the purposes of this act any member of the commission or any employe designated for the purpose shall have access to and may enter and inspect at all reasonable hours all places and equipment where milk or any product thereof is being produced stored bottled processed manufactured sold weighed tested consigned or otherwise handled Any member of the commission or any designated employe thereof also shall have power at all reasonable hours to inspect mark or stamp for identification audit and copy all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the commission to administer this act The information obtained regarding any person by any such inspection auditing or copying or by reports or statements required or authorized by this act shall be for the confidential use of the commission and the various administrative departments boards and commissions of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court and any member or employe of the commission or other person disclosing such information except as herein required shall be subject to the penalties herein provided for a violation of this act Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data

Section 311 Interstate and Federal Compacts The commission is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states The commission is authorized to join with such authorities of other states and with the authorities of the United States to conduct joint investigations to exchange information hold joint hearings and issue joint complementary or concurrent orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

Section 401 Milk Dealers or Handlers Required to be Licensed Except as herein otherwise specifically provided a milk dealer or handler as defined in this act shall not buy [milk] or handle milk whether as a broker factor bailee consignee or otherwise and whether or not by contract or operation of law title passes to the handler from producers or others within this Commonwealth for storage consignment brokerage manufacture processing distribution or sale within or without this Commonwealth or manufacture process handle sell or distribute milk within this Commonwealth unless such dealer or handler be duly licensed as herein provided and it shall be unlawful for a milk dealer or handler to buy or receive milk from or sell or consign milk to or handle as broker factor consignee or otherwise milk for a milk dealer or handler who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

Section 402 Milk Dealers or Handlers Subject to Ex-

emption The commission may by official order exempt from the license requirements provided by this act milk dealers or handlers who purchase or handle milk in a total quantity not exceeding one thousand five hundred pounds in any month and milk dealers or handlers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The commission may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer or handler However milk dealers or handlers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers or handlers Provided however That in cash sales of milk at the farms of producers to consumers in containers owned and provided by the consumer the producers so selling milk shall be exempt from the provisions of this act

Section 403 Applications An application for a license to operate as a milk dealer or handler shall be completed and filed by the dealer or handler with the commission within thirty days after this act takes effect or prior to his engaging in business and annually thereafter on or before April fifteenth by mail or otherwise upon a form prescribed by the commission Such application shall be accompanied by the fee required by this act and by a bond when so required by this act in order to be complete The license year shall commence May first and shall end April thirtieth following The applicant shall state under oath or affirmation upon a form prescribed by the commission the following

(1) The nature of the business to be conducted

(2) The full name of the person applying for the license If the applicant is a copartnership or association the full name of each member shall be stated If the applicant is a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the commission filed or served as required in this act the quantity source and outlet of milk handled within the Commonwealth during the calendar year preceding the period for which the license is desired and such other facts with respect to the applicant's business as may be required by the commission pursuant to this act

Section 404 Grounds for Refusal Suspension or Revocation The commission shall grant a license to an applicant complying with the provisions of this act and the rules regulations and orders issued by the commission pursuant thereto The commission may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or handler or may prohibit a milk dealer or handler exempted from the license requirements of this act from continuing to operate as a milk dealer or handler after determination by the commission that the dealer or handler

(1) Has rejected without reasonable cause any milk purchased or acquired from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered or made available by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contract "reasonable advance notice" shall not be construed to mean notice of less than one [week] month nor more than [two weeks] three months

(2) Has [without reasonable cause failed to account and make payment for any milk purchased from a producer] if a milk dealer other than a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a producer or producers or has if a subdealer failed to account and make payment for any milk purchased or received on consignment or otherwise from a milk dealer Provided however That if it be shown that there was reasonable cause for any such failure to account and make payment and that such accounting and payment can and will be made promptly in addition to currently accounting and paying for milk purchased or received as aforesaid the commission shall not refuse to grant or suspend revoke or refuse to transfer a license solely for such failure to account and make payment until a reasonable opportunity has been afforded to make such accounting and payment

(3) Has committed any act injurious to the public health or public welfare or has committed any act injurious to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence thereof shall include any course of conduct on the part of the milk dealer or handler in violation of the terms of this act or any valid rules regulations and orders of the commission

(4) Has made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution remains wholly or partly unsatisfied

(5) Has been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders or any producers' or farmers' union or organization shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) Has continued in a course of [dealing] conduct of such nature as to [satisfy the commission of an intent of the] manifest an intention on the part of such milk dealer or handler to deceive or defraud producers or consumers

(7) Has failed either to keep records or to furnish accurately the statements or information required by the commission to be supplied to it or to producers or consumers

(8) Has made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) Is a partnership association or corporation and any individual holding any position owning any substantial interest or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) Has violated any of the provisions of this act or any of the rules regulations or orders of the commission or any stipulations entered into between the said dealer or handler and the commission in the course of any proceeding before the commission

(11) Has violated any provisions of acts repealed hereby or of rules regulations or orders issued thereunder

(12) Has previously been refused a license or has previously held a license that the commission revoked or that the commission suspended and the event upon which the suspension of the license would terminate under the order has not occurred

(13) Has rejected milk sold or delivered or made available on consignment or otherwise by or on behalf of a producer in ordinary continuance of a previous course of dealing because the producer or his employe agent or representative testified in any proceeding before the commission or in any civil or criminal case in any court

whether or not of record in which any provision of this act or any order of the commission was concerned and it shall be no defense that reasonable advance notice was afforded the producer before the milk was rejected

The burden of proving reasonable cause under any provisions of this section shall be upon the milk dealer

The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the license period [unless] except where the commission or its predecessor board had proceeded against the licensee for such violation and any valid order thereon has been complied with by the licensee

The commission shall grant a provisional and temporary license to a prior licensee when if for any cause the action of the commission with respect to an application seasonably filed has not become final prior to the expiration of the period of such prior license Such a temporary and provisional license may be issued on such terms and conditions as the commission may impose and shall authorize the licensee to continue in business until final action with respect to his pending application has been taken and no longer

Section 405 Hearings and Orders Before refusing to grant or to reissue or before suspending revoking or refusing to transfer a license the commission shall afford the applicant or the licensee respectively an opportunity to be heard It shall direct a citation to such applicant or licensee by registered mail sent to his last known address giving therein at least five days' notice of such hearing and a statement of the matters complained of The direction of such citation by registered mail as aforesaid shall be sufficient notice of such hearing nothwithstanding any refusal of the addressee to accept or receive said citation The five days' notice shall be computed as from the time that the addressee accepts or receives or refuses to accept or receive said citation After such hearing and upon entry of any order thereon the commission shall serve a certified copy of such order upon the applicant or licensee filing at its office the original and a statement in writing of the findings of fact in support thereof

Section 410 Computation of License Fees Milk sold and distributed outside of this Commonwealth in any state which charges milk dealers or handlers a license fee may be deducted in the determination of the amount of the license fee required by this act Provided That such quantity of milk is actually computed in determining the amount of such license fee in such other state in computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commission shall prescribe except in the case of farm-separated sour cream used exclusively in making butter in which case the daily average total quantity of such milk shall be computed according to pounds of sour cream rather than the fluid milk equivalent thereof Nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer or handler from another milk dealer or handler subject to license hereunder which milk has been included in the computation of such other dealer's fee or milk which is produced by the applicant dealer or handler and not sold by him to stores or consumers Applicant milk dealers or handlers other than subdealers or subhandlers receiving their entire supply from milk dealers or handlers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars ($10.00)

Section 501 Milk Dealers or Handlers Required to File Bonds It shall be unlawful for a milk dealer or handler to purchase acquire or receive on consignment or otherwise milk from producers unless the milk dealer or handler shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Except as otherwise herein provided the bond shall be in a sum equal to the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed one hundred thousand dollars ($100,0000.00) The bond shall be upon a form prescribed by the commission conditioned for the payment by the milk dealer or handler of all amounts due including amounts due under this act and the orders of the commission for milk [sold by such producers to] purchased or otherwise acquired from producers by the milk dealer or handler during the license year upon such terms and conditions as the commission may prescribe

In the case of a milk dealer or handler who pays producers in full each week for milk purchased acquired or received by him from such producers the bond shall be in the sum equal to fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received by the dealer or handler from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed fifty thousand dollars ($50-000.00)

Section 502 Computation of Amount of Certain Bonds Milk purchased acquired or received by a milk dealer or handler from producers outside the Commonwealth and sold or distributed by such dealers or handlers as fluid milk within the Commonwealth shall be included in computing the amount of such dealer's or handler's bond except where such dealer or handler has filed a bond for the protection of such producers with the state wherein the milk is purchased acquired or received or with such producers In such computation the amount due for such milk shall be determined according to any applicable official prices or any lawful contract price

A milk dealer purchasing or handler purchasing acquiring or receiving or intending to purchase acquire or receive milk from producers but not so engaged during any month of the preceding calendar year shall file a bond in a reasonable sum to be fixed by the commission and within the time for filing his application such dealer or handler shall request the commission to fix such sum

Section 503 Time of Filing Effective Period of Bond The bond herein required shall be filed with the dealer's or handler's application for a license and shall be filed within the time for filing such application The bond shall become effective upon its being filed with the commission for the entire license year or for that part of the license year in which the milk dealer or handler became engaged in the milk business Any bond filed with the commission shall become effective upon being filed whether or not it is approved by the commission and shall no longer be of effect during the license year only when it has been replaced by a bond approved by the commission to be substituted therefor The bond herein required shall be an obligation independent of the granting of a license and shall remain in full force and effect for and during the license year designated as long as the dealer or handler purchases or receives milk from producers or is indebted to pay producers for any milk delivered during said license year whether or not a license is granted the milk dealer or handler or a license granted the milk dealer or handler remains in force The commission shall determine within a reasonable time after the close of a license year which milk dealers or handlers have paid all amounts protected by their bonds filed with the commission and if the commission finds that all amounts protected by the bond of a milk dealer or handler have been paid it shall thereafter return the bond for said past license year to each such milk dealer or handler

Section 505 Financial Statement A milk dealer or handler shall from time to time when required by the commission make and file with the commission a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the commission which financial statement shall contain the names of the producers from whom milk was purchased acquired received or handled on consignment or otherwise the amount due to the producers and any other relevant facts required by the commission pertinent to the dealer or handler or the dealer's or handler's surety or sureties

Section 506 Increase or Decrease of Bond If it shall appear from the dealer's or handler's financial statement or from facts otherwise ascertained by the commission that the bond afforded to producers selling supplying or mak-

ing available on consignment or otherwise milk to such milk dealer or handler does not adequately protect such producers the commission may require such milk dealer or handler to procure an additional surety or to give an additional bond or additional security for the collateral bond in a sum to be determined by the commission which (1) shall not exceed more than fifty per centum of the value of the highest aggregate amount of milk purchased acquired or received on consignment or otherwise by the dealer or handler from producers in any one month during the preceding or current year which value shall be computed according to the prices applicable [and] or which (2) shall be a sum not exceeding by more than fifty per centum the amount found to be due and owing producers by such dealer on a particular date determined by the commission whichever sum is greater but the total increase shall not in any event exceed fifty thousand dollars ($50,000.00) In the case of a milk dealer or handler who pays producers in full each week for milk purchased acquired or received or handled on consignment or otherwise by him from such producers any increase required hereunder shall not exceed more than twenty-five per centum of such value [and] or amount but the total increase in any event shall not exceed twenty-five thousand dollars ($25,000.00)

The commission may grant a reduction of the bond or the collateral or release an additional surety if it shall appear that owing to a decrease in the milk [purchases of the milk dealer] purchased received or handled by the dealer or handler or to other causes a bond in a lesser amount or with fewer sureties will protect producers selling supplying or making available milk to such milk dealer or handler

Section 508 Interest or Dividends upon Securities The milk dealer or handler shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer or handler with the commission and transmitted by the commission to the State Treasurer for safekeeping in accordance with the provisions of this act Provided however That the milk dealer or handler shall not be entitled to interest or dividends if there is on file with the commission a valid unpaid claim of a producer against the milk dealer or handler based on milk sold supplied or made available by such producer to the milk dealer or handler

Section 510 Effect of Order by Commission If by valid formal order refusing suspending or revoking a license after hearing with due notice to all those liable on the bond the commission has found a milk dealer or handler to be indebted thereunder such order and the findings of fact in support thereof shall be conclusive evidence of the amount due under such bond in a suit thereon by the commission unless an appeal therefrom is pending and a supersedeas granted

Section 511 Procedure for Disbursing Proceeds The commission [may] shall prescribe the procedure for the payment out of the proceeds of any bond or collateral required by this article of the amounts found due to producers or handlers or dealers based on sales or deliveries of milk by them to a milk dealer or handler who has posted a bond or collateral Provided however That if the proceeds of a bond or of collateral which has been posted by a milk dealer or handler shall be insufficient to pay in full the amounts due to producers who have sold or supplied milk to such milk dealer or handler the moneys available shall be divided pro rata among such producers

Section 512 Cooperatives A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state or any producers' or farmers' union or organization shall be deemed a producer within the provisions of this article and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this article

Section 513 Subdealers' or Subhandlers' Bonds It shall be unlawful for a subdealer or subhandler to buy acquire receive or handle milk from a milk dealer or handler who purchases acquires or receives milk from producers unless the subdealer or subhandler shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Such bond shall be executed to the Commonwealth in a sum equal to three hundred dollars ($300.00) for each route owned or operated by the subdealer or subhandler and shall be conditioned for the payment by the subdealer or subhandler of all amounts due under this act and the orders of the commission for milk purchased acquired or received from such milk dealer or handler or dealers or handlers during the license year subject however to the further condition that if at any time of default such milk dealer or handler or dealers or handlers are indebted or in arrears in their payments to producers the proceeds thereof shall be held on the account of such dealer or handler or dealers or handlers for the benefit of such producers Such bond shall be filed annually with the subdealer's or subhandler's application for a license and shall in all applicable particulars not herein specifically mentioned be subject to terms and conditions such as are provided in the other sections of this article for the bonds of other milk dealers or handlers and for suits thereon except where the protection of such milk dealers or handlers selling delivering or making available milk to the subdealer or subhandler or of producers selling delivering or making available milk to such milk dealers or handlers requires the substitution of such dealers or handlers and producers in applying such terms and conditions to the bonds of subdealers or subhandlers

Section 703 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof producers of milk producers' or farmers' unions or organizations and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and educational information pertaining to milk by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them which agent may be the commission if it consents to be such Any such licensees producers and associations or corporations may confer and discuss the cost of production marketing market conditions and prices for [the sale of] milk

Section 801 Requisites of Orders Fixing Price of Milk The commission shall ascertain after a hearing in which all interested [parties] persons shall be given reasonable opportunity to be heard the logical and reasonable milk marketing areas within the Commonwealth shall describe the territorial extent thereof shall designate such areas by name or number and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth having special regard to the health and welfare of children residing therein

The commission shall base all prices upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer [and] which return shall not be less than the cost of production and a reasonable profit to the producer milk dealer or handler

The commission shall file at its office with each order issued a general statement in writing of the findings of fact in support of and the reasons for such order

The commission may upon its own motion or upon application in writing from time to time alter revise or amend an official order defining milk marketing areas or fixing prices to be charged or paid for milk Before making revising or amending any order defining milk marketing areas or fixing prices to be charged or paid for milk the commission shall hold a hearing after giving reasonable [notice thereof] opportunity to be heard to interested persons of whom the commission has notice and in the case of any order affecting the public after giving reasonable notice thereof to the public in such newspaper or news-

papers as in the judgment of the commission shall afford sufficient notice and publicity Provided however That upon application in writing from a person aggrieved by an order of the commission hereunder filed within fifteen (15) days after the issuance of the order complained of or upon its own motion the commission may within twenty (20) days after the effective date of such order issue an order revising or amending such order without a further hearing if such revision or amendment is based on the record of the hearing held prior to the issuance of such order

"Interested persons" as used in this section means all persons who may be affected by an order of the commission fixing prices and who have signified to the commission in writing their desire to be notified of such hearings concerning a particular milk marketing area or areas within the Commonwealth "Reasonable opportunity to be heard" may be afforded by written notice addressed to the last known address of an interested party by mail postage prepaid by deposit in a United States post office or any receptacle thereof Nothing contained in this section shall be construed to limit or modify the provisions of section three hundred eight of this act relating to the posting and publicizing of orders of the commission including orders made under this article and the force and effect thereof

At any hearing provided for herein the commission may receive as evidence on any subject material relevant to fixing any price or prices under this article and any printed typewritten duplicated mimeographed or other written treatise report or statistical data by an expert not present as a witness if and to the extent that the treatise report or statistical data is approved and read aloud or the contents thereof made known by an expert witness at the hearing

All provisions of all price-fixing orders of the commission shall be presumed to be valid and the burden of proving any invalidity of any provisions thereof shall be upon the person asserting the same Any determination by the commission or a court to which an appeal has been taken that the wholesale or retail prices provided are invalid shall not prevent the enforcement of prices to producers but any determination that prices to producers are unreasonable shall require the redetermination by the commission of wholesale and retail prices as well as prices to producers

[Every order made pursuant to this article and any revision or amendment thereof in which the commission fixes or changes the price of milk to producers or to consumers or both shall be subject to the approval of the Governor]

Section 802 Wholesale and Retail Prices The Commission shall fix by official order (except as hereinafter provided in this section) the minimum wholesale and retail prices and may fix by official order the maximum wholesale and retail prices to be charged and received by milk dealers or handlers for milk sold delivered handled or consigned within any milk marketing area of the Commonwealth wheresoever produced including milk sold delivered or consigned by

(1) Milk dealers or Handlers to other milk dealers or handlers

(2) Milk dealers or Handlers to consumers

(3) Milk dealers or Handlers to stores either for consumption [on the premises or resale] at the stores or sale to consumers

(4) Stores to consumers except for consumption [on the premises] at the store where sold

Nothing herein contained shall be construed to empower the commission to fix the price at which milk may be sold by any milk dealer or handler or producer to consumers for consumption on the premises of such milk dealer or handler or producer

The fixing of minimum wholesale or retail prices for skimmed milk condensed or concentrated whole or skimmed milk bulk cream handled between milk dealers or handlers other than stores and ice cream mix shall be discretionary with the commission

Section 803 Prices to Producers The commission shall fix by official order the minimum prices to be paid by milk dealers or handlers to producers for milk sold or delivered or made available on consignment or otherwise by producers to dealers or handlers Provided however That the fixing of prices to be paid by milk dealers or handlers to producers for milk to be used solely in manufacturing shall be discretionary with the commission

Section 804 Classification When pursuant to any statute or regulations or orders adopted thereunder or any ordinance or reasonable trade practice various grades of milk are specified orders of the commission fixing minimum or maximum prices may be applicable to each grade Orders of the commission fixing minimum or maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk and milk dealers or handlers in any reasonable manner which the commission deems advisable and may vary according to the classes to which they are applicable The orders of the commission with respect to the minimum prices to be paid to producers and others shall apply to the area in which the milk is produced or to the area in which the milk so produced is manufactured sold or distributed as the commission shall provide and may vary in different areas according to varying uses grades and conditions Each such order may classify such milk by forms classes grade or uses as the commission may deem advisable and may specify the minimum prices therefor Other reasonable methods of classification may be prescribed by the commission

Section 807 Violations After the commission shall have fixed prices to be charged or paid for milk whether by class grade use or otherwise it shall be unlawful for a milk dealer or handler or producer [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or advertise for sale delivery purchase or receipt or hold one's self out as willing to sell deliver buy or receive milk at any price below the minimum price or above the maximum price applicable to the particular transaction

No method or device shall be lawful whereby milk is bought [or sold or offered to be bought or sold] or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise or offered to be bought or received or handled on consignment or otherwise or sold or handled or delivered or made available on consignment or otherwise at a price less than the minimum price applicable to the particular transaction whether by any discount premium rebate free service trading stamps advertising allowance or extension of credit or by a combined price for such milk together with another commodity or a service which is less or is represented to be less than the aggregate of the price of the milk and the price or value of such commodity or service when [sold or offered for sale] bought or received or handled on consignment or otherwise sold or delivered or made available on consignment or otherwise or offered for sale delivery purchase handling or receiving separately or otherwise

It shall be unlawful for any milk dealer or handler to store manufacture process sell or handle or deliver or make available on consignment or otherwise any milk for which he has paid or agreed to pay a price lower than that fixed by the commission for milk of that class or grade

It shall be unlawful for a milk dealer or handler [to sell or buy or offer to sell or buy] knowingly or unknowingly or any other person knowingly by himself or through another to store manufacture process sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise or offer to sell or deliver or make available on consignment or otherwise or buy or receive or handle on consignment or otherwise milk at a price computed upon false or erroneous weight butterfat test grade or classification or at a price from which have been made deductions not authorized by law or in excess of any deductions so authorized whether

such illegal deductions be in the form of excessive transportation charges or otherwise

The act of a director officer agent or other person acting for or employed by a milk dealer shall be deemed the act of such milk dealer

Section 808 Prices of Certain Milk It is hereby declared to be the legislative intent that the instant (whenever that may be) that the handling by a milk dealer or handler of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred on the commission by this act and particularly by this article shall attach but such restrictions shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans

It is also hereby declared to be the legislative intent that the prices prescribed by the commission for milk produced in this Commonwealth and sold or delivered or made available on consignment or otherwise in this Commonwealth for shipment into and ultimate sale in another state shall not be destructive of the price structure of producers in such other state

Section 809 Cooperatives. It is her by declared to be the legislative intent that no provision of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or in the marketing of milk for the producers thereof from blending the net proceeds of its sales or consignments or deliveries in all its markets or of its sales or deliveries within any particular market in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductions and differentials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it or from making such sales or deliveries at a blended price based upon sales or deliveries thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation. Nothing herein contained shall prevent any milk dealer or handler from contracting for his milk with such cooperative agricultural association or corporation upon such basis but all such contracts shall be upon the basis of the prices fixed by the commision with the result that the net price received for milk by such cooperative association or corporation shall be commensurate with such prices. No milk [dealer] dealers or handlers or agents thereof shall receive from any producer or from such cooperative association or corporation directly or indirectly any discounts rebates free service or compensation through rentals extension of credit or otherwise for the purpose or with the effect of reducing the net cost to the dealer or handler for milk purchased or received by or through such cooperative association or corporation.

No provision of this act shall be deemed or construed to affect the contracts of such cooperative agricultural association or corporation with its producers except as hereinafter specifically provided nor to affect or abridge the rights and powers of such an association or any of its operations Provided however, that the powers of subpoena entry and inspection vested in the commission under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agriculaural association or corporation at reasonable intervals for the purpose of administering this act. This section shall not however be construed to exempt such association or corporation from the jurisdiction of the commission over the prices at which it may sell milk to milk dealers or handlers, stores or consumers.

Any cooperative agricultural association or corporation organized after the effective date of this act or within ninety (90) days prior to the effective date hereof or which if organized over ninety (90) days prior to the effective date of this act was not marketing milk for producers upon the effective date of this act or ninety (90) consecutive days prior thereto shall not be entitled to avail itself of the benefits of this section if it pays or distributes to its producers a price which is more than one and one-half per centum (1½%) lower than the prices prescribed by the commission unless such association or corporation shall furnish reasonable proof to the commission that such one and one-half per centum (1½%) is insufficient to pay such lawful expenses and charges for its operations and maintenance as may be authorized under the contracts between the association or corporation and its producers.

Every cooperative agricultural association or corporation operating under the provisions of this section shall file with the commission a copy of its certificate of incorporation and by-laws and a copy of each form of contract employed in its relations with producers within sixty (60) days after the effective date of this act.

Section 904 Pleading and Service. The appeal provided by this article from action of the commission shall be by petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof. Such petition shall specify the petitioner's objections to the action and decision of the commission and shall state facts in support of such objections sufficient to constitute a prima facie case and any objection not so specified and supported by facts shall not be considered by the court. Every such petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed merely for purposes of delay.

Upon service of a summons upon the commission returnable at least ten (10) days from the date of service the commission may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition. If such motion is not sustained the commission shall be given leave to file an answer within not less than ten (10) days after the order of the court overruling the motion.

On or before the return day of such summons served upon the commission or within the time allowed in an order of the court denying a motion to dismiss an appeal the commission [shall] may file an answer which shall deny or admit the allegations of fact in the petition and which may also allege by way of defense the grounds for its action or decision. If no answer is filed by the commission the case shall be at issue without further pleadings as though an answer had been filed denying all the allegations of fact in the petition.

Upon the filing of an answer by the commission or if no answer is filed then on the return day or at the expiration of the time allowed for answer by an order of court the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay.

Section 1003 Actions to Enforce Compliance. The commission or any person marketing committee union or association composed of persons affected by the orders, rules or regulations of the commission may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the commision made pursuant to the provisions of this act.

Section 1101 Milk Control Fund. All moneys collected or received by the commission arising from license fees penalties permits or any other source shall be paid by the commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund." Fines imposed under this act shall be payable to and collected by the commission and similarly placed in the Milk Control Fund.

Moneys collected or received by the commission that are not funds of the Commonwealth but are due to producers, dealers or handlers for or on account of milk acquired or received by dealers or handlers from producers or other dealers or handlers and placed in the Milk Control Fund

shall be paid to the persons entitled thereto by the State Treasurer as directed by the commission.

Section 2. This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitutions the yeas and nays were taken and were as follows, viz:

YEAS—173

Achterman,	Fletcher,	Longo,	Rhea,
Allmond,	Flynn,	Lovett,	Rooney,
Baker,	French,	Lyons,	Rose, S.,
Balthaser,	Gallagher,	Malloy,	Rose, W. E.,
Baugher,	Gates,	Marks,	Rosenfeld,
Bentley,	Gerard,	Maxwell,	Royer,
Bentzel,	Gillette,	McClanaghan,	Sarge,
Boles,	Goodwin,	McClester,	Sarraf,
Boney,	Greenwood,	McDermott,	Schwab,
Boorse,	Gross,	McDowell,	Serrill,
Bower,	Gryskewicz,	McFall,	Shaffer,
Bradley,	Gyger,	McGrath,	Shaw,
Breth,	Habbyshaw,	McIntosh,	Shepard,
Bretherick,	Haberlen,	McLane,	Snyder,
Brown,	Haines,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hall,	Melchiorre,	Sorg,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chudoff,	Heatherington,	Moul,	Tate,
Cochran,	Helm,	Muir,	Taylor,
Cohen, M. M.,	Hering,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Nunemacher,	Thompson, R. L.,
Cooper,	Hersch,	O'Brien,	Trout,
Cordier,	Hirsch,	O'Connor,	Turner,
Corrigan,	Holland,	O'Dare,	Verona,
Croop,	Huntley,	O'Mullen,	Vincent,
Cullen,	Imbrie,	O'Neill,	Voldow,
Dennison,	James,	Owens,	Voorhees,
DiGenova,	Jefferson,	Petrosky,	Weiss,
Dolon,	Jones, G. E.,	Pettit,	Welsh, E. B.,
D'Ortona,	Jones, P. N.,	Polaski,	Welsh, M. J.,
Duffy,	Keenan,	Polen,	Williams,
Eckels,	Kenehan,	Powers,	Winner,
Elder,	Kline,	Prosen,	Wolf,
Elliott,	Kolankiewicz,	Rank,	Wood, L. H.,
Ely,	Komorofski,	Readinger,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reagan,	Woodring,
Finestone,	Leisey,	Reese, D. P.,	Wright,
Finnerty,	Leonard,	Reese, R. E.,	Yeakel,
Fisher,	Lesko,	Regan,	Yester,
Fiss	Levy,	Reynolds,	Young,
Fleming,	Leydic,		Kilroy, Speaker.

NAYS—18

Auker,	Hewitt,	Lichtenwalter,	Van Allsburg,
Cook,	Knoble,	McKinney,	Wagner,
Dalrymple,	Krise,	McMillen,	Weingartner,
Dix,	Lee, E. A.,	Rausch,	Woodside,
Hare,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1355, Printer's No. 609, was passed over at the request of Mr. GOODWIN.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 943, as follows:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing boards of county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 That section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred thirty-one (P. L. 401) is hereby reenacted and further amended to read as follows:

Section 441 Appropriations to Hospital The board of commisioners may appropriate county moneys for the support of any hospital located within or without the limits of such county which is engaged in charitable work and extends treatment and medical attention to the residents of such county and may also appropriate moneys for the support of any home or place of detention for dependent delinquent and neglected children located within the county Except in counties of the second class such appropriations may be made notwithstanding the fact that there may be no liability on the county or the institution district coextensive with or wholly within the limits of the county for the support care and maintenance of the residents of the county receiving medical attention in such hospitals or for the support of such dependent delinquent or neglected children cared for or maintained in such homes or places.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Fletcher,	Leydic,	Rhea,
Allmond,	Flynn,	Lichtenwalter,	Rooney,
Auker,	French,	Longo,	Rose, S.,
Baker,	Gallagher,	Lovett,	Rose, W. E.,
Balthaser,	Gates,	Lyons,	Rosenfeld,
Baugher,	Gerard,	Malloy,	Royer,
Bentley,	Gillette,	Marks,	Sarge,
Bentzel,	Goodwin,	Maxwell,	Sarraf,
Boles,	Greenwood,	McClanaghan,	Schwab,
Boney,	Gross,	McClester,	Serrill,
Boorse,	Gryskewicz,	McDermott,	Shaffer,
Bower,	Gyger,	McDowell,	Shaw,
Bradley,	Habbyshaw,	McFall,	Shepard,
Breth,	Haberlen,	McGrath,	Snyder,
Bretherick,	Haines,	McIntosh,	Sollenberger,
Brown,	Hall,	McKinney,	Sorg,
Brunner, C. H.,	Hamilton,	McLane,	Stank,
Brunner, P. A.,	Hare,	McMillen,	Stine,
Burns,	Harkins,	McSurdy,	Stockham,
Burris,	Harmuth,	Melchiorre,	Tarr,
Cadwalader,	Harris,	Mihm,	Tate,
Chudoff,	Heatherington,	Modell,	Taylor,
Cochran,	Helm,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Moul,	Trout,
Cook,	Hersch,	Muir,	Turner,
Cooper,	Hewitt,	Munley,	Van Allsburg,
Cordier,	Hirsch,	Nunemacher,	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Huntley,	O'Connor,	Voldow,
Cullen,	Imbrie,	O'Dare,	Voorhees,
Dalrymple,	James,	O'Mullen,	Wagner,
Dennison,	Jefferson,	O'Neill,	Weingartner,
	Jones, G. E.,	Owens,	Weiss,

Dietenova,	Jones, P. N.,	Petrosky,	Welsh, E. B.,
Dix,	Keenan,	Pettit,	Welsh, M. J.,
Doion,	Kenehan,	Polaski,	Williams,
D'Ortona,	Kline,	Polen,	Winner,
Duffy,	Knoble,	Powers,	Wolf,
Eckels,	Kolankiewicz,	Prosen,	Wood, L. H.,
Elder,	Komorofski,	Rank,	Wood, N.,
Elliott,	Krise,	Rausch,	Woodring,
Ely,	Lee, E. A.,	Readinger,	Woodside,
Falkenstein,	Lee, T. H.,	Reagan,	Wright,
Finestone,	Leisey,	Reese, D. P.,	Yeakel,
Finnerty,	Leonard,	Reese, R. E.,	Yester,
Fisher,	Lesko,	Regan,	Young,
Fiss,	Levy,	Reynolds,	Kilroy,
Fleming,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1166, entitled:

An Act to amend section two of the act, approved the twenty-sixth day of May one thousand nine hundred and twenty-one (P. L. 1172), entitled "A supplement to the act, approved the seventeenth day of May, one thousand nine hundred seventeen (P. L. 208), entitled 'An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words "drug" and "poison"; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity'; requiring permits to conduct pharmacies; providing for the revocation thereof; and prescribing penalties," further regulating the issuance of permits to conduct pharmacies.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. SAMUEL ROSE, Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to..

BILLS PASSED OVER

There being no objection House Bill No. 1070, Printer's No. 284, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 870, Printer's No 510, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 567, entitled:

An Act to reenact and amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 748) entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of investment advisers and their solicitors further defining "dealers" and further regulating dealers and salesmen providing for service on registrants under provisions of this act conferring additional jurisdiction upon the courts of common pleas further regulating the business of buying and selling securities and imposing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. LEVY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, unnumbered line 3 by placing light faced brackets before and after the words "an act", thus "[an act]".

Amend title, page 2, unnumbered line 7 by striking out at the end of the line the words "of in-" and striking out unnumbered lines 8, 9, 10, 11, 12, 13, 14 and inserting in lieu thereof the following: "of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities

Amend Section 1, page 2, line 1 by inserting after the word "title" the following: "of".

Amend Section 1, page 2, line 3 by placing light faced brackets before and after the words "(Pamphlet Laws 748)" thus "[(Pamphlet Laws 748)]".

Amend Section 1, page 3, line 11 by inserting before the word "For" the following: "relating to and regulating the purchase and sale of securities providing".

Amend Section 1, page 3, line 15 by striking out the following: "or dealing in any manner in securities".

Amend Section 1, page 3, line 20, by striking out the light faced strike-out brackets before and after the word "[or]".

Amend Section 1, page 3, line 21 by striking out the word "thereunder" and inserting in lieu thereof the following: "hereunder".

Amend Section 1, page 3 by striking out lines 22 and 23 to the word "pro-" at the end of line 23 and inserting in lieu thereof the following: or in the business of advising others as to the value or investment qualifications of securities and the management of investment accounts and the solicitors of such investment advisers

Amend Section 1, page 4, line 3 by inserting after the word "act" the following: "and to appoint receivers"

Amend Section 1, page 4, by striking out lines 5 and 6.

Amend Section 1, page 4, line 28 by strikinng out the light faced strike-out brackets before and after the words "[except that]".

Amend Section 1, page 4, line 28 by placing light faced brackets before and after the word "and" thus: "[and]"

Amend Section 1, page 4, line 29 by striking out light faced strike-out brackets before and after the words "[do not]".

Amend Section 1, page 4, line 29 by placing light faced brackets before and after the word "shall' thus: "[shall]"

Amend Section 1, page 4, line 29 by striking out light faced strike-out brackets before and after the words "[preliminary negotitations or]".

Amend Section 1, page 6, line 1 by inserting after the word "agent" the following: "who is not registered hereunder as a dealer".

Amend Section 1, page 6, line 2 by striking out light faced strike-out brackets before and after the words "[securities issued by another person]".

Amend Section 1, page 6, line 2 by striking out line 2 beginning with the word "offering" and striking out lines 3, 4, 5, 6, 7 through the word "entity".

Amend Section 1, page 6, line 27 by striking out the word "or' and inserting in lieu thereof the following: "of"

Amend Section 1, page 7, lines 19 and 20 by striking out the following: "national banks or to banks savings institutions".

Amend Section 1, page 7, lines 20 and 21 by striking out the following: "or trust companies created under the laws of this State" and inserting in lieu thereof the following: authorized by the Insurance Commissioner to carry on an insurance business within this State, banks"

Amend Section 1, page 7, lines 21 and 22 by striking out the light face strike-out brackets before and after the words "[or to persons registered hereunder]".

Amend Section 1, page 7, line 23 by striking out the word "unsecured".

Amend Section 1, page 8, line 22 by striking out the word "stock" and inserting in lieu thereof the following: securities"

Amend Section 1, page 9, lines 8 by striking out the light face strike-out bracket before the word "[or".

Amend Section 1, page 9, line 9 by inserting light face bracket before the word "or" "[or"

Amend Section 1, page 9, line 26 by inserting after the word "profit' the following: "(17) The sale to not more than three persons of subscriptions for shares of capital stock of a corporation prior to the incorporation thereof under the laws of this State when no expense is incurred and no commission, compensation or remuneration is paid or given for or in connection with the sale or disposition of such securities".

Amend Section 1, page 10, line 8 by inserting before "10)" the following: "or".

Amend Section 1, page 10, line 8 by striking out the following: "or (12)".

Amend Section 1, page 9, line 28 by inserting after "(9)" the following: "and"

Amend Section 1, page 9, line 28 by striking out the following "and (12)".

Amend Section 1, page 11, line 20 by striking out "(J.1)" and inserting in lieu thereof the following: "(k)".

Amend Section 1, page 11, line 26 by striking out the following "only to one client" and inserting in lieu the following: "to five ore less clients".

Amend Section 1, page 11, line 27 by striking out "(J.2)" and inserting in lieu thereof the following: "(1)".

Amend Section 1, page 12, line 3 by striking out the word "or" and inserting in lieu threof the following: "of"

Amend Section 1, page 12, line 4, by striking out "(k)" and inserting in lieu thereof the following: "(m)"

Amend Section 1, page 12, line 6, by striking out the following "other persons" and inserting in lieu thereof the following: "others"

Amend Section 1, page 12, by striking out line 9 beginning with the word "and" and continuing striking out lines 10, 11, 12 and 13 through the word "persons", and inserting in lieu thereof the following: "engages in the business of managing any investment or trading account in securities for other persons, or who, for compensation and as part of a regular business, issues or promulgates analyses"

Amend Section 1, page 12, line 14, by striking out the word "only".

Amend Section 1, page 12, line 15, by inserting after the word "intance" the following: "only"

Amend Section 1, page 12, line 17 by inserting after the word "commonwealth" the following: "(3) any registered dealer or registered salesman"

Amend Section 1, page 12, line 17 by striking out the following: "(3)" and inserting in lieu thereof the following: "(4)"

Amend Section 1, page 12, line 17 by striking out "any" and inserting in lieu thereof the following: "the"

Amend Section 1, page 12, line 19 by striking out the word "or" and inserting in lieu thereof the following: "(5) any person whose advice or analyses relate to securities or to certificates of deposit for securities issued or sold by any of the following: The United States or any territory or insular possession thereof the District of Columbia any state of the United States, or any political subdivision, public instrumentality, or agency of a State or territory or any board, agency or commission created by the joint action of two or more States or a person created and acting as an instrumentality of the Government of the United States pursuant to the authority of the Congress of the United States (6) any person whose only clients are investment companies, insurance companies, banks, investment advisers registered under this act, or fiduriaries of whom at least one co-fiduciary is a bank; (7) any person who has fewer than five clients and who does not hold himself out generally to the public as an investment advisor:"

Amend Section 1, page 12, line 19 by striking out "(4)" and inserting in lieu thereof the following: "(8)"

Amend Section 1, page 12, line 20 by striking out "clause" and inserting in lieu thereof the following: "subsection"

Amend Section 1, page 12 by striking out lines 22, 23, 24, 25, 26, 27, and 28 and inserting in lieu thereof the following: "(n) The term 'investment advisory contract' means any contract or agreement whereby a person agrees to act as investment advisor or to manage any investment or trading account for a person other than a dealer, investment company, insurance company, a bank, or fiduciaries of whom at least one co-fiduciary is a bank"

"(o) The term 'investment supervisory services' means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client"

"(p) The term 'assignment' includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor, but if the investment adviser is a partnership, no assignment of an investment advisory contract shall be deemed to result from the death or withdrawal of a minority of the members of the investment adviser having only a minority interest in the business of the investment adviser, or from the admission to the investment adviser of one or more members who, after such admission, shall be only a minority of the members and shall have only a minority interest in the business"

"(q) The term 'solicitor' means any individual employed, apointed, or authorized by an investment adviser to solicit persons to contract for or engage the service of such investment adviser"

"(r) the term 'general plan and character of business' as applied to an investment adviser, and to that part of the business of a dealer whose business includes that of an investment adviser, means (1) the manner of giving advice and rendering analyses; (2) the nature and scope of the authority of such person with respect to the funds and accounts of the clients to whom such person renders investment advisory services; (3) the basis or bases upon which such investment adviser or dealer is compensated of advising others as to the value of securities or as to the advisability of investing in purchasing or selling securities or for managing any investment or trading account in securities for others, or for issuing or promulgating analyses; (4) whether such person is engaged, or is to engage primarily in the business of rendering investment supervisory services; and (5) as applied to an investment adviser also means whether he sells securities of investment companies and, if so, how he complies with the provisions of Section 13 (b) hereof"

Amend Section 1, page 13, by striking out lines 1, 2 and 3.

Amend Section 1, page 13, line 4 by inserting before the word "Unless" the following: "(a)"

Amend Section 1, page 13, line 10 by inserting before the word "Unless" the following: "(b)"

Amend Section 1, page 13, line 19 by inserting after the word "hereunder" the following: "(c) Unless registered hereunder no investment adviser shall in this State for compensation engage in the business of advising others, either directly or through publications or writing, as to the value of securities, or as to the advisability of investing in, purchasing, or selling securities, or in the business of managing any investment or trading account in securities for other persons or, as part of a regular business, issue or promulgate analyses"

"(d) Unless registered hereunder as a solicitor of such investment adviser, no solicitor on behalf of any investment adviser shall engage, either directly or indirectly, in this State in the business of soliciting persons to contract for or engage the services of such investment adviser."

Amend Section 1, page 13, line 19 by inserting before the word "the" the following: "(e)"

Amend Section 1, page 13, line 20 by striking out the word "and"

Amend Section 1, page 13, line 20 by inserting after the word "salesman" the following: "investment advisers and solicitors."

Amend Section 1, page 13, by striking out lines 22, 23, 24, 25, 26, 27 and 28.

Amend Section 1, page 14 by striking out lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Amend Section 1, page 14, line 19 by inserting after the word "principals" the following: "partners."

Amend Section 1, page 14, line 21 by striking out the word "and" at the end of the line.

Amend Section 1, page 14, line 23 by inserting before the word "business" the following: "such"

Amend Section 1, page 15, by striking out line 5 beginning with the word "applications" and continuing striking out lines 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.

Amend Section, page 6, line 1 by striking out the word "or" at the end of the line

Amend Section 1, page 16, line 2 by inserting after the word "settlement" the following: "or equivalent documents"

Amend Section 1, page 16, line 4 by inserting light face bracket after the word "or", thus: "or]"

Amend Section 1, page 16, line 4 by inserting before the word "having" the following: "and"

Amend Section 1, page 16, line 5 by striking out light face strike-out bracket following the word ["it"].

Amend Section 1, page 16, line 7 by striking out the heavy face strike-out brackets before and after the word ["solicitor"].

Amend Section 1, page 16 lines 7 and 8 by striking out the word "representative" at the end of line 7 and beginning of line 8.

Amend Section 1, page 16, line 9 by striking out light face strike-out bracket before the word ["arising".

Amend Section 1, page 16, line 9 by inserting after the word "arising" the following: "out of doing the business in this State for which he is registered hereunder or"

Amend Section 1, page 16, line 10 by striking out the light face strike-out bracket after the word "act"].

Amend Section 1, page 16, line 10 by striking out the words "or it".

Amend Section 1, page 16, line 13 by striking out light face strike-out brackets before the word ["if" and after the word "State"].

Amend Section 1, page 16, line 16 by inserting light face bracket before "(b)" thus [(b)

Amend Section 1, page 16, line 12 by inserting light face bracket after "(c)" thus (c)]

Amend Section 1, page 16, line 18 by inserting before the word "in" the following: "(b)"

Amend Section 1, page 17, line 11 by striking out the heavy face brackets before and after the word ["solicitor"]

Amend Section 1, page 17, lines 11 and 12 by striking out the word "representative" at the end of line 11 and beginning of line 12.

Amend Section 1, page 17 by striking out all of lines 14, 15, 16, 17, 18, 19, 20 and inserting in lieu thereof the following: "Section 6. Except as hereinafter provided, unless the Commission shall have taken affirmative action at an earlier time, registration shall become effective thirty (30) days after receipt by the Commission of the complete application or renewal application as the case may be, and the Commission upon the expiration of such thirty (30) days shall register the applicant. The Commission after hearing may by order deny registration of an applicant if the Commission finds that the applicant is not of good repute, or that the proposed plan of business of the applicant is unfair, unjust or inequitable, or that the applicant is not of sufficient financial responsibility to deal safely with the public. The order fixing a hearing on said application shall operate to postpone the effective date of registration pending final decision by the Commission upon the application, but such postponement shall not operate to postpone the effective date of registration for more than one hundred twenty (120) days after receipt of the application, or such longer period as the Commission and the applicant agree to. Upon registration of an applicant, the Commission shall issue to him a registry."

Amend Section 1, page 17, line 24 by inserting after the word "principals" the following: "partners"

Amend Section 1, page 17, line 26 by inserting the word "dealer" the following: "in securities"

Amend Section 1, page 17, line 27 by inserting after the word "adviser" the following: "as the case may be"

Amend Section 1, page 17, line 27 by striking out the words "in securities".

Amend Section 1, page 18, line 6 by inserting before the word "plan" the following: "general"

Amend Section 1, page 18, line 6 by inserting after the word "plan" the following: "and character"

Amend Section 1, page 18, line 7 by striking out the word "or" and inserting in lieu thereof the following: "and every registered"

Amend Section 1, page 19, line 5 by inserting after the word "dealer" the following: "or investment adviser"

Amend Section 1, page 19, line 5 by striking out the word "their."

Amend Section 1, page 19, line 7 by inserting after the word "dealer" the following: "or as solicitors of such investment adviser"

Amend Section 1, page 19, line 8, by inserting after the word "dealer" the following: "or investment adviser"

Amend Section 1, page 19, line 14 by inserting after the word "salesmans 'he following: "or solicitors'

Amend Section 1, page 19 line 15 by inserting after the word "salesman" the following: "or the solicitor"

Amend Section 1, page 19, line 18 by inserting after the word "dealer" the following: "or investment adviser"

Amend Section 1, page 19, line 20 by inserting after the word "dealer" the following: "or solicitor of the investment adviser"

Amend Section 1, page 19, line 22 by inserting after the word "salesman" the following: "or the solicitor"

Amend Section 1, page 19, line 23 by inserting after the word, "dealer" the following: "or investment adviser"

Amend Section 1, page 19, line 24 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 19, line 26 by inserting after the word "salesman" the following: "or investment adviser and solicitor"

Amend Section 1, page 19, line 27 by inserting after the word "dealer" the following: "or investment adviser"

Amend Section 1, page 19, line 28 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 20, line 1 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 20, line 1 by inserting after the word "dealer" the following: "or investment adviser"

Amend Section 1, page 20, line 2 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 20, line 3 by inserting after the word "dealer" the following: "or such investment adviser"

Amend Section 1, page 20, line 4 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 20 by striking out all of lines 6 to 29 both inclusive.

Amend Section 1, page 21 by striking out all of the lines 1 to 9 both inclusive.

Amend Section 1, page 21, line 10 by striking out the following: "or fails".

Amend Section 1, page 21, line 13 by removing the heavy face brackets before and after the word ["solicitor"].

Amend Section 1, page 21, line 13 by striking out the word "representative".

Amend Section 1, page 21, line 22 by striking out the word "registration" and inserting in lieu thereof the following: "registrations"

Amend Section 1, page 22, line 16 by striking out light face strike out brackets before and after the word ["any"].

Amend Section 1, page 22, line 17 by inserting before the word "business" the following: "the"

Amend Section 1, page 22, line 18 by inserting after the word "salesman" the following: "or solicitor"

Amend Section 1, page 22, line 18 by striking out the word "dealer" and inserting in lieu thereof the following: "person"

Amend Section 1, page 22, line 20 by inserting before the word "or" the following: "investment adviser, solicitor"

Amend Section 1, page 22, line 20 by inserting after the word "times" the following: "when acting on the business for which he is registered hereunder"

Amend Section 1, page 22, line 20 by striking out the words "so engaged".

Amend Section 1, page 22, line 23 by striking out the word "any" and inserting in lieu thereof the following: "a"

Amend Section 1, page 22, line 23 by inserting after the word "customer" the following: "or client"

Amend Section 1, page 22, line 23 by inserting after the word "customer's" the following: "or client's"

Amend Section 1, page 23 by striking out all of lines 1 to 19 both inclusive, and inserting in lieu thereof the following: "No investment adviser or solicitor shall use the fact of his registry by public display or advertisement except as hereinafter expressly provided, or the registry certificate, or any certified copy thereof, in connection with any effort to induce a prospective client or subscriber to subscribe to his services, except to a prospective client or subscriber upon such client's or subscriber's request."

Amend Section 1, page 24, line 17 by inserting before the word "unless" the follwing: "or analyiis'

Amend Section 1, page 25, line 2 by inserting before the word "section" the following prefix: "sub"

Amend Section 1, page 25, by striking out lines 3 to 15 both inclusive and inserting in lieu thereof the following: "(b) No person registered hereunder, unless so registered as a dealer or salesman, shall as such engage in the issuance, underwriting or promotion of securities except as hereinafter otherwise provided. No person registered hereunder, unless so registered as a dealer or salesman, shall purchase securities from or sell securities to his clients or subscribers without fully disclosing to such client or subscriber his interest, if any, in the securities so sold or purchased. No investment adviser shall issue or publish within this State any analysis after notice in writing given to him by the Commission (stating fully the grounds therefor) that in the Commission's opinion the same is fraudulent or contains any statement that is false, misleading, or otherwise likely to deceive the reader thereof. Provided: That the provisions of this subdivision shall not prevent the sale by any investment adviser to his clients, subscribers, or others, or the underwriting or promotion by an investment adviser of the securities of an investment company if (1) such investment adviser is registered as an investment adviser under this act and is engaged principally in the business or rendering investment supervisory services: (2) no sales load is charged on securities issued by such investment company: (3) any premium over net asset value charged by such company upon the issuance of any such security plus any discount from net asset value charged on redemption thereof shall not, in the aggregate, exceed two per cent: (4) no sales or promotion expenses are incurred by such company, but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expenses: (5) such investment adviser is the only investment adviser to such investment company and such investment adviser does not receive a management fee exceeding one per cent per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year: (6) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser: (7) such investment company has only one class of stock outstanding each share of which has equal voting right with every other share'.

Amend Section 1, page 27, line 3 by striking out the word "and" and inserting in lieu thereof the following: "with"

Amend Section 1, page 27, line 7 by inserting before the word "securities' he following: "the"

Amend Section 1, page 27, line 20 by striking out the word "if" and inserting in lieu thereof the following: "of"

Amend Section 1, page 29, line 5 by inserting before the word "The" the following: "(a)"

Amend Section 1, page 29, line 10 by striking out "(a)" and inserting thereof the following: "(1)"

Amend Section 1, page 29, line 11 by striking out "(b)" and inserting in lieu thereof the following: "(2)"

Amend Section 1, page 29, line 12 by striking out "(c)" and inserting in lieu thereof the following: "(3)"

Amend Section 1, page 29, line 13 by striking out "(d)" and inserting in lieu thereof the following: "(4)"

Amend Section 1, page 29, line 15 by inserting after the word "may" the following: "in addition to its other powers"

Amend Section 1, page 29, by striking out all of lines 17 to 29 both inclusive and inserting in lieu thereof the following: " b) The Commission may at any time require an investment adviser or dealer to submit to the Commission copies of all analysis, or any portion thereof, issued by such investment adviser, dealer, or dealer's salesman to clients or prospective clients within the preceding one year and thereupon, if it shall appear that any analyses of the investment adviser, dealer or dealer's salesman either (1) have not been made honestly: (2) have not been made in good faith: (3) have been made with intent to deceive or defraud, or (4) have been made without the investment adviser, dealer or dealer's salesman having a reasonable amount of information concerning the subject matter thereof, the Commission may, in addition to its other powers, prohibit the investment adviser, dealer, or dealer's salesman from further issuing any analyses in this State so found to be in violation of this section".

Amend Section 1, page 30 by striking out all of lines 1, 2, 3, 4.

Amend Section 1, page 31, line 8 by striking out the strike-out brackets before and after the word "[solicitors]".

Amend Section 1, page 31, line 8 by striking out the word "representatives".

Amend Section 1, page 31, line 10 by inserting after the word "or" the following: "solicitors"

Amend Section 1, page 31, line 10 by striking out "registration" and inserting in lieu thereof the following: "registrations".

Amend Section 1, page 31, line 10 by striking out the word "representative's".

Amend Section 1, page 31, line 12 by striking out the strike-out brackets before and after the word "[solicitors]".

Amend Section 1, page 31, line 12 by striking out the word "representatives".

Amend Section, 1, page 31, line 19 by striking out the strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 31, lines 19 and 20 by striking out the word "representatives" at the end of line 19 and beginning of line 20.

Amend Section 1, page 31, line 25 by striking out the strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 31, line 25 by striking out the word "representative".

Amend Section 1, page 31, line 26, by inserting before the word "revoke" the following: "refuse to renew or"

Amend Section 1, page 31, line 26 by striking out the strike-out brackets before and after the word "[solicitor's]".

Amend Section 1, page 31, line 26 by striking out the word "representative's".

Amend Section 1, page 31, line 28 by inserting after the word "dealer" the following: "or investment adviser".

Amend Section 1, page 31, line 28, by inserting after the word "salesman" the following: "or solicitor".

Amend Section 1, page 31, lines 28 and 29 by striking out the following "or to such investment adviser and to such [solicitor] representative."

Amend Section 1, page 32, line 2 by striking out the heavy face strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 32, lines 2 and 3 by striking out the word "representative" at the end of line 2 and beginning of line 3.

Amend Section 1, page 32, line 5 by striking out heavy face strike-out brackets before and after the word "[solicitor's]".

Amend Section 1, page 32, line 5 by striking out the word "representative's".

Amend Section 1, page 32, line 5 by striking out the word "such".

Amend Section 1, page 32, line 6 by striking out the word "hearing".

Amend Section 1, page 32, line 6 by inserting before the word "In" the following: "the Commission's final order."

Amend Section 1, page 32, line 6, by striking out "In" and inserting in lieu thereof the following: "in".

Amend Section 1, page 32, line 6 by striking out the word "either" and inserting in lieu thereof the following: "the."

Amend Section 1, page 32, line 6 by inserting after the word "event" the following: "of the refusal to renew, revocation, or suspension of a salesman's or solicitor's registration."

Amend Section 1, page 32 line 6 by striking out the heavy face strikeout brackets before and after the word "[solicitor]".

Amend Section 1, page 32, line 7 by striking out the word "representative".

Amend Section 1, page 32, line 11 by inserting before the word "revocation" the following: "refusal to renew."

Amend Section 1, page 32, line 11 by striking out heavy face strike-out brackets before and after the word "[solicitor's]".

Amend Section 1, page 32, line 12 by striking out the word "representative's."

Amend Section 1, page 32, line 13 by inserting before the word "revocation" the following: "refusal to renew."

Amend Section 1, page 32, line 14 by striking out the heavy strike-out brackets before and after the word "[solicitor's]".

Amend Section 1, page 32, line 16 by striking out the word "either." and inserting in lieu thereof the following: "any."

Amend Section 1, page 32, line 18 by striking out heavy strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 32, line 18 by striking out the word "representative."

Amend Section 1, page 32, line 26 by striking out the heavy face strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 32, lines 26 and 27 by striking out the word "representative" at the end of line 26 and beginning of line 27.

Amend Section 1, page 33, line 7 by striking out heavy strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 33, line 7 by striking out the word "representative".

Amend Section 1, page 33, line 9 by inserting before the word "to" the following: "analyses or".

Amend Section 1, page 33, line 20 by inserting after the word "specified" the following: "and no grounds for such decision not stated therein".

Amend Section 1, page 34, line 1 by striking out the words "if any".

Amend Section 1, page 34, line 2 by inserting after the word "testimony" the following: "exceptions if any".

Amend Section 1, page 34, line 24 by inserting after the word "ustaining" the following: "a revocation of or".

Amend Section 1, page 34, line 24 by striking out the word "the" before the word "refusal".

Amend Section 1, page 35, lines 15 and 16 by striking out the following: "unless made available to the public by other provisions of this act."

Amend Section 1, page 35, line 26 by inserting after the word "clients' the following: "subscribers".

Amend Section 1, page 35, line 27 by inserting after the word "person" the following: "and provided further that no provision of this act shall be construed to require or authorize the Commission to require any investment adviser engaged in rendering investment supervisory services and not having the custody of clients' funds or securities to disclose the identity, investments or affairs of any client of such investment adviser, except insofar as such disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act".

Amend Section 1, page 35, line 2 by inserting before the word "dealer" the following: "investment adviser".

Amend Section 1, page 36, line 2 by inserting after the word "dealer" the following: "solicitor".

Amend Section 1, page 36, line 6 by striking out the words "an order" and inserting in lieu thereof the following: "its subpoena".

Amend Section 1, page 36, line 7 by striking out the words "obey the subpoena" and inserting in lieu thereof the following: "appear before it and there".

Amend Section 1, page 37, line 1 by inserting before the word "In" the following: "(a)"

Amend Section 1, page 37, line 7 by inserting before the word "In" the following: "(b)"

Amend Section 1, page 38, line 10 by striking out the word "an".

Amend Section 1, page 38, line 16 by inserting after the word "date" the following: "or to prohibit an oral investment advisory contract not in violation of this section and terminable at will by the client or subscriber".

Amend Section 1, page 39, line 15 by inserting after the word "adiveser the following: "or solicitor".

Amend Section 1, page 39, line 17 by striking out the word "provision" and inserting in lieu thereof the following: "provisions".

Amend Section 1, page 39, lines 23 and 24 by striking out the following: "and any person violating Section 21 of this act".

Amend Section 1, page 39, by striking out all of lines 28 and 29.

Amend Section 1, page 30 by striking out all of lines 1 to 17 both inclusive.

Amend Section 1, page 41, line 14 by inserting after the word "dealers" the following: "or of investment advisers with respect to the respective members or proposed members thereof. Provided: That no divulgement shall be made of lists of security holders, customers, subscribers, or clients of any person and that no divulgement shall be made of the identity, investments, or affairs of any client of any investment adviser engaged in rendering investment supervisory services and not having the custody of clients' funds or securities, except insofar as such disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act".

Amend Section 1, page 42, line 21 by striking out the word "violations" and inserting in lieu thereof the following: "violation".

Amend Section 1, page 42, line 29 by inserting after the

word "State" the following: "Provided: That the Commission may make such examinations of any investment adviser engaged in rendering investment supervisory services and not having custody of client's funds or securities, except insofar as such examination may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act which the Commission has reasonable grounds to believe may have been violated".

Amend Section 1, page 43, line 11 by striking out the word "suitable" and inserting in lieu thereof the following: "equitable".

Amend Section 1, page 44 by striking out lines 5, 6, 7, 8, and 9, beginning with the word "for" in line 5.

Amend Section 1, page 44, line 13 by striking out heavy face strike-out brackets before and after the word "[solicitors]".

Amend Section 1, page 44, line 13 by striking out the word "representatives".

Amend Section 1, page 44, line 26 by striking out the heavy face strike-out brackets before and after the word "[solicitor]".

Amend Section 1, page 44, line 26 by striking out the word "representative".

Amend Section 1, page 45, line 5 by inserting after the word "dealer's" the following: "or investment adviser's".

Amend Section 1, page 45, line 7 by inserting after the word "dealer" the following: "or investment adviser".

Amend Section 1, page 45, by adding the following between lines 7 and 8: "(h) For each duplicate of an amended registration certificate of a dealer or investment adviser five dollars ($5)".

Amend Section 1, page 45, line 14 by striking out "prescribe" and inserting in lieu thereof the following: "prescribe".

Amend Section 1, page 45, line 18 by striking out the light face strike-out bracket before the word ["Section".

Amend Section 1, page 45, line 29 by striking out the light face strike-out bracket after the word "conferring]".

Amend Section 1, page 46, line 1 by striking out the light face strike-out bracket before the word "[powers".

Amend Section 1, page 46, line 29 by striking out the light face strike-out bracket after the word "conferring]".

Amend Section 1, page 47, line 1 by striking out light face strike-out bracket before the word "[powers".

Amend Section 1, page 47, line 8 by striking out light face strike-out bracket after the word "repealed]".

Amend Section 2, page 47, line 9 by striking out lines 9 to 15 both inclusive.

Amend Section 3, page 47, by striking out lines 16 to 29 both inclusive.

Amend Section 3, page 48 by striking out lines 1 to 7 both inclusive, and inserting in lieu thereof the following:

Section 2. The provisions of this re-enactment and amendment shall be effective ninety (90) days after the final enactment hereof, except immediately upon the final enactment of this act the Commission may receive applications for and register applicants for registration as investment advisers and solicitors which registration shall take effect ninety (90) days after final enactment hereof.

Section 3. All registrations of dealers and salesmen made under this act prior to the effective date of this re-enactment and amendment shall be effective for the remainder of the registration year for which made unless sooner revoked or suspended.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 1454, Printer's No. 516, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1455, Printer's No. 515, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1188, entitled:

An Act to amend section six hundred ninety-nine and four-tenths of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," increasing the penalties for performing worldly employment, games or diversion on Sunday.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of a public hearing.

On the question,

Will the House agree to the motion?

Mr. O'BRIEN. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. O'BRIEN. Mr. Speaker, inasmuch as this bill has been reported out of the Law and Order Committee, I would like to have the gentleman from Monroe, Mr. Achterman, tell me why it is being referred to the Committee on Judiciary Special.

Mr. ACHTERMAN. Mr. Speaker, a bill similar to this, I believe introduced by Mr. Nagel and Mr. Gates,—incidentally introduced prior to this bill, was referred to the Committee on Judiciary Special. It happens to be an amendment to the Penal Code. The only difference between the other bill and this one is the amount of the fine. Since the penal code has in the past been handled by the Judiciary Special committee, I feel that this measure should be recommitted to the committee which considers that particular type of legislation. In that connection I understand that the parties interested in measures or bills involving this particular subject have requested a hearing before the Law and Order committee of the Senate, who have a measure of this nature and at the same time desired a hearing on the measure in the House. I believe in view of that fact it would be wise for the committee that is going to have a hearing in conjunction with the Senate to have all measures on the subject in order that they can act intelligently and expeditiously on the matter after the hearing.

Mr. O'BRIEN. Mr. Speaker, the gentleman from Monroe, Mr. Achterman, pointed out the fact that a certain bill which is not before this House, with an earlier number was submitted to the Judiciary Special committee. I assume from the fact it is not on the floor of the House

that the Judiciary Special committee never even considered this particular bill. Further, the gentleman from Monroe, Mr. Achterman, mentioned the fact that the Law and Order committee of the Senate was considering a similar bill to the bill which I sponsored. It seems rather strange to me that in the Senate of this great Commonwealth of Pennsylvania, they should refer a bill dealing with the same problem to Law and Order committee, when House Bill 1188 was submitted to the Law and Order committee, and the Law and Order committee after due consideration submitted it to the floor of this House for a vote.

The Judiciary Special Committee from my knowledge has never acted on this bill referred to by the gentleman from Monroe, Mr. Achterman, and I rise to oppose this bill being recommitted to Judiciary Special Committee, inasmuch as the Law and Order Committee of the House had considered this bill, and even should it be recommitted for the purpose of a public hearing, in due respect to the Law and Order Committee it should be recommitted to that committee for the purpose of a public hearing.

Mr. ACHTERMAN. Mr. Speaker, I have just conferred with the Chairman of the Judiciary Special Committee of this House, and he advises me to the contrary. They had considered the particular legislation that I mentioned is similar to this bill except as to the amount of fine involved. As a matter of fact he has entered into an agreement with Chairman of the Law and Order Committee of the Senate, Mr. Letzler, who has made arrangements for a public hearing. It would therefore seem that the proper thing to do, would be to refer the bill to the committee that is going to have a public hearing on the subject.

As far as referring this particular bill to the Law and Order Committee of the House is concerned, I am not going to offer any excuse or explanation as to why this particular bill went to the Law and Order Committee instead of the Judiciary Special, except to point out one particular fact, that amendments to the penal code have been consistently sent to the Judiciary Special Committee. The gentleman thinks that this bill should be sent to the Committee on Law and Order. The Senate may follow a different procedure. That is of little moment to the Members of this House; the question is what is the procedure in this House, and my motion now is in confromity with the procedure in this House, and the committee that has made arrangements for the hearing is the committee that ought to receive this particular legislation for its study and for a public hearing, and I therefore ask the members to vote for the motion.

Mr. O'BRIEN. Mr. Speaker, I would ask the opportunity of interrogating the Chairman of the Committee on Judiciary Special.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Cohen, permit himself to be interrogtaed?

Mr. REUBEN E. COHEN. I shall, Mr. Speaker.

Mr O'BRIEN Mr. Speaker, I would like to ask the gentleman how and on whose authority the Chairman of the Judiciary Special Committee met with the Chairman of the Law and Order Committee of the Senate in order to arrange for a public hearing on a bill that was not submitted to his committee.

Mr. REUBEN E. COHEN. Mr. Speaker, the question has four points, and I will endeavor to take them up separately. First, the bill was taken up with the committee, and upon the request of the Chairman of the Law and Order Committee of the Senate who sent word to me that he would like to have a public hearing. I then was requested to consult with Senator Letzler, which I did about a week ago, and gave him authority to set a time for interested people to come before the body, and asked him to advise when the meeting would be set and my committee would be delighted to sit with him.

Mr. O'BRIEN. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. Cohen, to explain how he could meet with the chairman of the Law and Order Committee of the Senate to discuss a public hearing on a bill that was not in his committee.

Mr. REUBEN E. COHEN. Mr. Speaker, we only discussed, as far as I was concerned, House Bill No. 792, which was in my committee, and when I received word that the gentleman wanted to speak with me, I went over to the Senate, and there he was, and we met.

Mr. O'BRIEN. Mr. Speaker, you know, I always wanted to be a lawyer. I always had great admiration for the Philadelphia lawyers, but I shudder to think that all I am asking is a simple question in relation to House Bill 1188, Printer's No. 511, which is No. 7 on page 41 of today's calendar. This is the bill that we are discussing. The gentleman from Monroe, Mr. Achterman, has pointed out the fact that the chairman of the Judiciary Special Committee has got together with the chairman of the Law and Order Committee of the Senate in relation to a bill that emanated from the Law and Order Committee of the House to hold a public hearing on that particular bill.

Now, there is no question in my mind that maybe I cannot follow the procedure of this House; it seems funny to me that a bill that is before the Law and Order Committee would be discussed by the chairman of the Judiciary Special Committee in relation to a public hearing, and it is for that reason that I oppose the motion of the gentleman from Monroe, Mr. Achterman, to have this bill recommitted to the Judiciary Special Committee.

On the question,

Will the House agree to the motion?

It was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 543, as follows:

An Act authorizing cities boroughs incorporated towns and townships to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements prohibiting the sale of real property for the nonpayment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unpaid interest charges and penalties added to any and all delinquent municipal claims imposed or assessed on any parcel or parcels of real estate in the year one thousand nine hundred and thirty-six and all previous years filed by any city borough incorporated town or township to recover for the grading guttering macadamizing or otherwise improving the cartways of any public highway for grading curbing recurbing paving repaving constructing or repairing the footways thereof for laying water pipes gas pipes culverts sewers branch sewers or sewer connection therein for assessments for

benefits in the opening widening or vacation thereof or in the changing of water-courses or the construction of sewers through private lands or in the acquisition of sewers and drains constructed and owned by individuals or corporations and of rights in and to use the same may be abated by such city boroughs incorporated towns or townships upon the payment of the entire face amount of such delinquent claims imposed or assessed on any parcel or parcels of real estate and the costs of filing or of any proceedings thereon on or before December thirty-first one thousand nine hundred and forty-one

Section 2 This act shall be construed to apply to all such claims whether or not liens for such claims have been filed in the office of the prothonotary of the county or proceedings for the collection of such claims have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a judicial sale for the nonpayment of such claim and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at any such sale and where the period of redemption has not expired and the person liable for the payment of such claim shall be liable for the payment of all costs incurred in such proceedings except the solicitor's fees

Section 3 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above-mentioned claims have been imposed or assessed and levied

Section 4 Any taxpayer shall have the right to pay the delinquent claims imposed or assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent claims imposed or assessed and levied against any other parcel or parcels of real estate in the same ward district or other political subdivision

Upon application either in person or in writing by any person liable for the payment of any such delinquent claims the authorities imposing or assessing and levying such claims or the person or person charged with the collection of such delinquent claims or the person or persons in whose custody the records of such delinquent claims are kept shall furnish to the person liable for the payment of such claims a statement of the delinquent claims owed by him to such political subdivision showing the face amount the interest charges penalties expenses and fees and costs or other charges in detail against such real property as shown by the records in his custody

Section 5 In order to enable the taxpayer to receive the full benefits of this act no real property shall be sold for nonpayment of such municipal claims before January first one thousand nine hundred and forty-two and any such sale shall be adjourned or readjourned as often as may be necessary for this purpose If any sale is adjourned or readjourned after advertisement no additional advertisement or notice shall be necessary for the adjourned or readjourned sale No such adjournment or readjournment failure to advertise or hold any such sale shall invalidate the lien of any municipal claim due and unpaid but the lien of all such claims shall be fully preserved until February first one thousand nine hundred and forty-two in order to give the city borough incorporated town or township authorities an opportunity to revive any such liens when payment is not made under the provisions of this act Provided however That in every case where a person avails himself of the privileges or benefits of this act the period during which payment of the said delinquent claim is postponed or continued under this act shall not be included in computing and determining whether or not any right of the authority which imposed or assessed such claim has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said authority to file preserve or maintain the lien of the said claim

Section 6 The provisions of this act shall not apply to or in any manner effect any assessments which are the sole basis of improvement bonds issued by any political subdivision and which are the security for the payment thereof or to any assessments which have heretofore been assigned by any political subdivision to any contractor in payment of the amount due him under terms of the contract for the improvement for which the assessment was levied

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 8 All acts and parts of acts general local and special inconsistent with the provisions of this act are hereby suspended during the time this act shall be in effect

Section 9 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrie,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
Ely,	Krise,	Readinger,	Woodside,
Falkenstein,	Lee, E. A.,	Reagan,	Wright,
Finestone,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finnerty,	Leisey,	Reese, R. E.,	Yester,
Fisher,	Leonard,	Regan,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1524, Printer's No. 534, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1459, Printer's No 529, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 11, Printer's No. 633, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 53, as follows:

An Act providing for the acquisition of the Admiral Peary Memorial Park and for its management and development by the Pennsylvania Historical Commission and making an appropriation

Whereas There is located in Cresson Township Cambria County Pennsylvania the birthplace of Admiral Robert Edwin Peary which should be preserved as a historical place and park for the benefit of the people of this Commonwealth therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of property and Supplies is hereby authorized to take over the title from the Historical Society of Cambria County the tract of land at the birthplace of Admiral Robert Edwin Peary which is located and described as follows

All that piece or parcel of land situate in Cresson Township Cambria County Pennsylvania bounded and described as follows

Beginning at a point where the center line of the State Highway Route No. 22 (known as the William Penn Highway) intersects with the Western boundary line of said property and in line of property of Mt. Aloysius Academy thence North by said Western boundary line two (2) degrees eleven (11) minutes East for seven hundred ninety-five and five-tenths (795.5) feet to a point in the center line of the State Highway Route No. 45 leading from Cresson to Loretto thence along said center line of State Highway Route No. 45 South twenty-one (21) degrees fifty-eight (58) minutes East for six hundred forty-three (58) minutes East for six hundred forty-three and three-tenths (643.3) feet to a point in the center line of the said State Highway Route No. 45; thence along the center line of said State Highway Route No. 45 by an eight (8) degree curve to the left for three hundred twenty-five (325) feet to a point in the center line of said State Highway Route No. 45 thence South twenty-five (25) degrees thirty-one (31) minutes West a distance of eighty-six and five tenths (86.5) feet to a point in the center line of State Highway Route No. 22 thence North seventy-three (73) degrees West two hundred fifty-eight and three-tenths (258.3) feet to a point in the center line of said State Highway Route No. 22 and thence by the center line of State Highway Route No. 22 North sixty-five (65) degrees twenty-four (24) minutes West one hundred eighty-one and one-tenth (181.1) feet to the place of beginning containing four and twelve one-hundredths (4.12) acres more or less

Said grant is to be made subject to the following covenants and conditions

1 That the property hereby conveyed shall never be used for any other purpose than for a park surrounding the proposed monument to be erected as a memorial to Admiral Peary

2 That the grantee shall take all proper measures to prevent the use of the park for camping ground or other objectionable purposes or for any other purpose than for use as a park

3 That no building other than the proposed monument of Admiral Peary in such form as may be approved by the Art Commission of the Commonwealth of Pennsylvania shall be erected upon the premises hereby granted and conveyed

4 That the Commonwealth shall at its own expense and at all times maintain and provide for the upkeep of the said park and all improvements intended to be made thereon

5 That the property hereby conveyed shall be maintained as a wooded area and planted with trees as an ornamental background to the Peary Memorial

6 That no driveway shall be laid out over the premises hereby granted and conveyed

The Commonwealth for itself its successors and assigns does hereby covenant and agree that in the event of any violation of any of the above mentioned covenants and conditions the title to the said land shall revert to Mary Thaw Thompson of Pittsburgh Pennsylvania her heirs and assigns and that the Commonwealth will thereupon on demand of Mary Thaw Thompson her heirs and assigns execute a deed of special warranty in favor of said Mary Thaw Thompson her heirs and assigns granting and reconveying the said property hereby conveyed to either the said Mary Thaw Thompson or her heirs or assigns with covenant of special warranty

The title to said property before acquisition shall be approved by the Department of Justice

Section 2 Upon the acquisition of the property aforesaid the same shall be transferred to the Pennsylvania Historical Commission which shall have full control management and supervision thereof and shall have power to adopt and carry into effect plans for the restoration improvement and maintenance of the park and to make and enforce rules and regulations for the preservation of the property and the visitation thereof by the public

Section 3 The sum of five thousand dollars ($5,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment of the cost of acquiring said tract of land and for all expenses in connection therewith including the expense of investigating the title

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. P.

Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrie,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
Ely,	Krise,	Readinger,	Woodside,
Falkenstein,	Lee, E. A.,	Reagan,	Wright,
Finestone,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finnerty,	Leisey,	Reese, R. E.,	Yester,
Fisher,	Leonard,	Regan,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1415, as follows:

An Act validating certain acts of county commissioners county treasurers tax collectors and other officials in giving to delinquent taxpayers the advantages of various acts of Assembly abating penalties and interest on county city borough town township school district poor district and institution district taxes contrary to the requirements of said acts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore the penalties and interest or any of them have been abated on county city borough town township school district poor district or county institution district taxes by any act of Assembly and said act provided for the payment of such taxes by installment payments at periods designated therein and the county commissioners county treasurer tax collector or other official authorized by law to certify such taxes for collection or to collect or receive such taxes has contrary to the provisions of said abatement act given to any taxpayer the advantages of said act by certifying such taxes or the initial installment payment thereof for collection or by accepting the initial installment payment thereof at a date later than the date fixed by said act for such payment or has certified for collection or has accepted any installment payment of such taxes on a date later than the date fixed by said act for the payment of such installment or has certified for collection or has accepted any installment payment of such taxes from any taxpayer when such taxpayer was in default in the payment of his current taxes contrary to the requirements of said act the acts of said county commissioners county treasurer tax collector or official in extending to such delinquent taxpayer the advantages of said abatement act by certifying for collection or by accepting the initial installment payment of such taxes at a date later than the date fixed by said act for such payment or in certifying for collection or accepting any installment payment on a date later than the date fixed by said act for such payment or in certifying for collection or accepting any installment payment from a taxpayer who was in default in the payment of his current taxes contrary to the requirements of said act are hereby ratified confirmed and validated with the same force and effect as if the provisions of said abatement act had been strictly complied with and any such taxpayer who is not otherwise in default under the terms and conditions of said act may continue to make the installment payments on such taxes as provided by said act if any and receive the further benefits thereof

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrie,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
Ely,	Krise,	Readinger,	Woodside,
Falkenstein,	Lee, E. A.,	Reagan,	Wright,
Finestone,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finnerty,	Leisey,	Reese, R. E.,	Yester,
Fisher,	Leonard,	Regan,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1510, as follows:

An Act to further amend section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369) entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county" by increasing the compensation of the chief county detective

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369) entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county" as amended by the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (P. L. 352) is hereby further amended to read as follows

Section 2 The said chief county detective shall receive a salary of [five thousand ($5,000)] six thousand five hundred ($6,500) dollars per annum the said assistant chief county detective shall receive a salary of three thousand five hundred ($3,500) dollars per annum and ten of the special county detectives shall receive a salary of two thousand five hundred ($2,500) per annum each and ten of the special county detectives shall receive a salary of two thousand three hundred ($2,300) dollars per annum each together with all necessary traveling expenses which said salary and expenses having been verified by affidavit of the chief county detective assistant chief county detective or special county detective incurring the same and approved by the district attorney shall be paid out of the treasury of the county on a certificate issued by the district attorney directed to the controller of the county who shall order warrants for said amounts according to law In the event of the appointment of a less number of special county detectives than twenty the district attorney shall have the power to determine in which class as to salaries the appointee or appointees shall be placed

Section 2 The provisions of this act shall become effective the first day of January one thousand nine hundred and forty-two

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. CULLEN. Mr. Speaker, I would like to interrogate the sponsor of this bill, Mr. Voorhees.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. VOORHEES. Mr. Speaker, I yield to the gentleman from Philadelphia, Mr. Thomas H. Lee.

Mr. CULLEN. Mr. Speaker, will the gentleman kindly explain this bill and what the purpose of it is?

Mr. THOMAS H. LEE. The purpose of the bill, Mr. Speaker, is to increase the pay of the county detective of the City of Philadelphia.

Mr. CULLEN. How many county detectives in Philadelphia, Mr. Speaker?

Mr. THOMAS H. LEE. One chief County Detective, Mr. Speaker.

Mr. CULLEN. Is that all it increase, Mr. Speaker, just the salary of the chief?

Mr. THOMAS H. LEE. That is correct, Mr. Speaker.

Mr. CULLEN. All right, Mr. Speaker, I thank the gentleman.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	French,	Lichtenwalter,	Rooney,
Allmond,	Gallagher,	Longo,	Rose, S.,
Auker,	Gates,	Lovett,	Rose, W. E.,
Baker,	Gerard,	Lyons,	Rosenfeld,
Balthaser,	Gillette,	Malloy,	Royer,
Baugher,	Goodwin,	Marks,	Sarge,
Bentley,	Greenwood,	Maxwell,	Sarraf,
Bentzel,	Gross,	McClanaghan,	Schwab,
Boles,	Gryskewicz,	McClester,	Serrill,
Boney,	Gyger,	McDermott,	Shaffer,
Boorse,	Habbyshaw,	McDowell,	Shepard,
Bower,	Haberlen,	McFall,	Snyder,
Bradley,	Haines,	McGrath,	Sollenberger,
Breth,	Hall,	McIntosh,	Sorg,
Bretherick,	Hamilton,	McKinney,	Stank,
Brunner, C. H.,	Hare,	McLane,	Stine,
Brunner, P. A.,	Harkins,	McMillen,	Stockham,
Burns,	Harmuth,	McSurdy,	Tarr,
Burris,	Harris,	Melchiorre,	Tate,
Cadwalader,	Heatherington,	Mihm,	Taylor,
Chudoff,	Helm,	Modell,	Thompson, E. F.,
Cochran	Hering,	Mooney,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Moran,	Trout,
Cohen, R. E.,	Hersch,	Moul,	Turner,
Cook,	Hewitt,	Muir,	Van Allsburg,
Cooper,	Hirsch,	Munley,	Verona,
Cordier,	Holland,	Nunemacher,	Vincent,
Corrigan,	Huntley,	O'Brien,	Vollow,
Croop,	Imbrie,	O'Connor,	Voorhees,
Dalrymple,	James,	O'Dare,	Wagner,
Dennison,	Jefferson,	O'Mullen,	Weingartner,
DiGenova,	Jones, G. E.,	O'Neill,	Weiss,
Dolon,	Jones, P. N.,	Owens,	Welsh, E. S.,
Duffy,	Keenan,	Petrosky,	Welsh, M. J.,
Eckels,	Kenehan,	Pettit,	Williams,
Elder,	Kline,	Polaski,	Winner,
Elliott,	Knoble,	Polen,	Wolf,
Ely,	Kolankiewicz,	Powers,	Wood, L. H.,
Falkenstein,	Komorofski,	Prosen,	Wood, N.,
Finestone,	Krise,	Rank,	Woodring,
Finnerty,	Lee, E. A.,	Rausch,	Woodside,
Fisher,	Lee, T. H.,	Readinger,	Wright,
Fiss,	Leisey,	Reagan,	Yeakel,
Fleming,	Leonard,	Reese, D. P.,	Yester,
Fletcher,	Lesko,	Regan,	Young,
Flynn,	Levy,	Reynolds,	Kilroy,
	Leydic,	Rhea,	Speaker.

NAYS—7

Brown,	Dix,	Reese, R. E.,	Shaw,
Cullen,	D'Ortona,	Rush,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1035, as follows:

An Act to further amend clause ten of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty three (P. L. 858), entitled "An act establishing a State employers' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and

the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining "new member"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause ten of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section one of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 683) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meaning

* * * * *

10 "New member" of the retirement association shall mean a State employe who shall have become [a State employe and] a member of the retirement association at a date subsequent to the thirty-first day of December one thousand nine hundred twenty-four or who upon becoming a member subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elects not to make back payments and in the case of a judge shall mean any judge who was not an original member and who is elected reelected or appointed to the office of judge subsequent to the second Monday of January one thousand nine hundred and thirty Any person who became a State employe as herein defined subsequent to December thirty-first one thousand nine hundred and twenty-four may become a "New member" as of the date when he or she became such "State employe" upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a member at the date of becoming a "State employe" Any person who became a State employe as herein defined prior to January first one thousand nine hundred and twenty-five may become a "New member" as of January first one thousand nine hundred and twenty-five upon payment to the retirement association of a sum equal to all back payments which such person would have made had be or she become a State employe and a member on January first one thousand nine hundred and twenty-five Such back payments may be spread over a period of years by having the regular payroll deduction of such person increased for not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing which shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boies,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrie,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
Ely,	Krise,	Readinger,	Woodside,
Falkenstein,	Lee, E. A.,	Reagan,	Wright,
Finestone,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finnerty,	Leisey,	Reese, R. E.,	Yester,
Fisher,	Leonard,	Regan,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1043, as follows:

An Act to add section six hundred ninety-three and one-tenth to article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P.. L. 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" imposing penalties for the throwing of refuse garbage or trash alongside highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended by adding thereto after section six hundred ninety-three a new section to read as follows

Section 693.1 Throwing Refuse Garbage or Trash Alongside Highways Whoever throws or causes to be thrown or assists by transportation in the throwing of any glass metal paper garbage refuse or other trash alongside any highway shall upon conviction in summary proceeding be sentenced to pay a fine not exceeding twenty-five dollars ($25.00) and in default of the payment of the fine and costs shall be sentenced to imprisonment not exceeding ten (10) days

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Flynn,	Lichtenwalter,	Rooney,
Allmond,	French,	Longo,	Rose, S.,
Auker,	Gallagher,	Lovett,	Rose, W. E.,
Baker,	Gates,	Lyons,	Rosenfeld,
Balthaser,	Gerard,	Malloy,	Royer,
Baugher,	Gillette,	Marks,	Sarge,
Bentley,	Goodwin,	Maxwell,	Sarraf,
Bentzel,	Greenwood,	McClanaghan,	Schwab,
Boles,	Gross,	McClester,	Serrill,
Boney,	Gryskewicz,	McDermott,	Shaffer,
Boorse,	Gyger,	McDowell,	Shaw,
Bower,	Habbyshaw,	McFall,	Shepard,
Bradley,	Haberlen,	McGrath,	Snyder,
Breth,	Haines,	McIntosh,	Sollenberger,
Bretherick,	Hall,	McKinney,	Sorg,
Brown,	Hamilton,	McLane,	Stank,
Brunner, C. H.,	Hare,	McMillen,	Stine,
Brunner, P. A.,	Harkins,	McSurdy,	Stockham,
Burns,	Harmuth,	Melchiorre,	Tarr,
Burris,	Harris,	Mihm,	Tate,
Cadwalader,	Heatherington,	Modell,	Taylor,
Cochran,	Helm,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Moul,	Trout,
Cook,	Hersch,	Muir,	Turner,
Cooper,	Hewitt,	Munley,	Van Allsburg,
Cordier,	Hirsch,	Nunemacher,	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Huntley,	O'Connor,	Voldow,
Cullen,	Imbrie,	O'Dare,	Voorhees,
Dalrymple,	James,	O'Mullen,	Wagner,
Dennison,	Jefferson,	O'Neill,	Weingartner,
DiGenova,	Jones, G. E.,	Owens,	Weiss,
Dix,	Jones, P. N.,	Petrosky,	Welsh, E. B.,
Dolon,	Keenan,	Pettit,	Welsh, M. J.,
D'Ortona,	Kenehan,	Polaski,	Williams,
Duffy,	Kline,	Polen,	Winner,
Eckels,	Knoble,	Powers,	Wolf,
Elder,	Kolankiewicz,	Prosen,	Wood, L. H.,
Elliott,	Komorofski,	Rank,	Wood, N.,
Ely,	Krise,	Rausch,	Woodring,
Falkenstein,	Lee, E. A.,	Readinger,	Woodside,
Finestone,	Lee, T. H.,	Reagan,	Wright,
Finnerty,	Leisey,	Reese, D P.,	Yeakel,
Fisher,	Leonard,	Reese, R. E.,	Yester,
Fiss,	Lesko,	Regan,	Young,
Fleming,	Levy,	Reynolds,	Kilroy,
Fletcher,	Leydic,	Rhea,	Speaker.

NAYS—1

Chudoff,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1110, (Senate Bill No. 232), entitled,

An Act to validate and quiet the title to lands and buildings heretofore sold by boards of school directors at public auction without full compliance with provisions of law authorizing such sales.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrie,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
Ely,	Krise,	Readinger,	Woodside,
Falkenstein,	Lee, E. A.,	Reagan,	Wright,
Finestone,	Lee, T. H.,	Reese, D P.,	Yeakel,
Finnerty,	Leisey,	Reese, R. E.,	Yester,
Fisher,	Leonard,	Regan,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1588, as follows:

An Act to amend and reenact section five hundred and twenty-four of the act approved the eighteenth day of

May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylva ia together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred and twenty-four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), titled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section one of the act approved the first day of December one thousand nine hundred and thirty-eight (P. L. 103) as last amended by section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-nine (P. L. 182) is hereby further amended to read as follows

Section 524 In all school districts of the first class the school taxes for the following fiscal year shall be levied annually by the board of school directors thereof on or after the second Monday of November and before the first Monday of December following The board of school directors thereof shall annually levy a tax on each dollar of the total assessments of all property assessed and certified for taxation in said district which said tax shall be ascertained determined and fixed by adding together the following

(a) An amount which with all moneys received from the Commonwealth applicable thereto shall be sufficient to pay the minimum salaries and increments of the teaching and supervisory staff thereof as fixed and provided by law and to pay the contributions of said district to the teachers' retirement system

Provided however That for the purpose of computing the amount required to pay the minimum salaries and increments fixed by law but without otherwise limiting the rights of the district to employ teachers or other employes the number of teachers on the salary schedule of the elementary schools shall not exceed one for every thirty-two pupils in average daily attendance in such schools the number of teachers on the salary schedule of the junior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools the number of teachers on the salary schedule of the senior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools and the number of teachers with salaries and increments fixed by law on any salary schedule now established or hereafter established and not specially mentioned in this act shall not exceed one for every twenty-five pupils in average attendance

The number of principals in the elementary schools and the principals in charge of all other character of schools now established or hereafter established and not specially mentioned in this act shall not exceed one for every six hundred pupils in average daily attendance in such schools and the number of principals in the junior and senior high schools shall not exceed one for every twelve hundred pupils in average daily attendance in such schools

The number of supervisors in all schools shall not exceed one for every fifteen hundred pupils in average daily attendance

The number of attendance officers and home and school visitors shall not exceed one for every two thousand pupils in average daily attendance in all elementary and secondary schools

In all adult and extension school classes the number of teachers shall not exceed one for every twenty pupils in average daily attendance in such schools

The salary and increments fixed by law of members of the teaching and supervisory staff whose number is not in some manner limited by the preseni proviso shall not be construed or considered as within item (a) of this section five hundred twenty-four of the act here amended but shall be construed and regarded as constituting expenses within the following item (c) of said section

Average daily attendance as used herein shall be based upon attendance during the preceding school term

(b) An amount sufficient to pay the interest on and retire at maturity the principal of the indebtedness of said district [at maturity] incurred as authorized by law

(c) An amount sufficient to pay all other expenses and requirements of said school district which amount [for] the tax years one thousand nine hundred and thirty and one thousand nine hundred and thirty-one shall be equivalent to not less than two and three-quarter nor more than three and one-quarter mills on the dollar of the total assessment of all property assessed and certified for taxation therein and for the tax year one thousand nine hundred and thirty-two and thereafter an amount which] shall be equivalent to not less than three nor more than [three and one-half] five mills on the dollar of the total assessment of all property assessed and certified for taxation therein

The total annual school tax levy for all purposes in any school district of the first class shall not be more than [as follows for the years one thousand nine hundred and forty and one thousand nine hundred and forty-one] eleven and three-quarter (11-¾) mills on the dollar of the total assessment of all property assessed and certified for taxation in the territory constituting the district [and for each subsequent year the levy shall not be more than eleven and one-half (11½) mills on the dollar of such assessment]

Section 2 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
	Harris,	Modell,	Taylor,

Cadwalader,	Heatherington,	Mooney,	Thompson, E. F.,
Chudoff,	Helm,	Moran,	Thompson, R. L.,
Cochran,	Hering,	Moul,	Trout,
Cohen, M. M.,	Herman,	Muir,	Turner,
Cohen, R. E.	Hersch,	Munley,	Van Allsburg,
Cook,	Hewitt,	Nunemacher,	Verona,
Cooper,	Hirsch,	O'Brien,	Vincent,
Cordier,	Holland,	O'Connor,	Voldow,
Corrigan,	Huntley,	O'Dare,	Voorhees,
Croop,	Imbrie,	O'Mullen,	Wagner,
Cullen,	James,	O'Neill,	Weingartner,
Dalrymple,	Jefferson,	Owens,	Weiss,
Dennison,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
DiGenova,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dix,	Keenan,	Polaski,	Williams,
Dolon,	Kenehan,	Polen,	Winner,
D'Ortona,	Kline,	Powers,	Wolf,
Duffy,	Knoble,	Prosen,	Wood, L. H.
Eckels,	Kolankiewicz,	Rank,	Wood, N.,
Elder,	Komorofski,	Rausch,	Woodring,
Elliott,	Krise,	Readinger,	Woodside,
Ely,	Lee, E. A.,	Reagan,	Wright,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finestone,	Leisey,	Reese, R. E.,	Yester,
Finnerty,	Leonard,	Regan,	Young,
Fisher,	Lesko,	Reynolds,	Kilroy,
Fiss,	Levy,	Rhea,	Speaker.
Fleming,	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1444, Senate Bill No. 315, Printer's No. 184, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 900, as follows:

An Act to promote interestate cooperation for the conservation and protection of water resources in the Delaware River Basin

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

(1) Whereas The States of New York New Jersey Pennsylvania and Delaware have each created and now maintain a Commission (or Committee) on Interstate Cooperation for the purpose of establishing and maintaining governmental machinery to facilitate communication negotiation understanding and cooperation between said states respectively and other states of the Union both regionally and nationally with power to establish such committees sub-committees and advisory boards as are deemed advisable to conduct conferences and to formulate proposals concerning subjects of intergovernmental cooperation to study the laws of the several states hold public or private hearings make findings and recommendations and to submit drafts of legislation to promote uniform laws for the elimination of the confusion and conflict between the several states of the Union and the Federal government in the matter of laws and administrative practices concerning conservation prevention abatement and control of pollution water supply public welfare flood control and other subjects and

(2) Whereas said Commissions (or Committees) on Interstate Cooperation of said states have organized and established and are now maintaining as an instrument of governmental machinery a joint advisory board known as "The Interstate Commission on the Delaware River Basin" as a regional commission composed of standing subcommittees of said Commissions (or Committees) on Interstate Cooperation respectively for the purpose of entering upon a program to study the conservation water supply pollution and other potential uses and benefits of and to develop integrated plans to conserve and protect the waters and other resources of the Delaware River Basin in the following specified particulars

A To serve as a fact-coordinating body and to develop the means and procedure by which the general plans and policies proposed for the development of the region may be carried out

B To sponsor the carrying out of properly developed plans which result from surveys and research concerning population land and water resources and uses and other related subjects

C To coordinate the activities of the Commission and Committees on Interstate Cooperation and their joint agency the Council of State Governments with the work of the appropriate state and federal agencies for the prevention and abatement of pollution for flood control and for the proper general use and control of the waters of the Delaware River

D To encourage interstate compacts and the enactment of uniform state laws for the abatement of water pollution for flood control and the proper general use and control of the waters of the Delaware River

E To advance perpetuate and outline the work recommended by its conferences and to develop and propose new objectives and

(3) Whereas it is the purpose of the Commissions (or Committees) on Interstate Cooperation of said four states acting through said Interstate Commission on the Delaware River Basin to eliminate confusion and conflict among said States by the promotion and enactment of uniform laws in said states to preserve in a safe and sanitary condition the waters and watershed of said Delaware River Basin and to provide uniform concurrent regulations for the control and the enforcement of the elimination of pollution in the waters thereof in said states respectively and

(4) Whereas said Interstate Commission on the Delaware River Basin in cooperation with the state health departments of said states respectively has made a study for the purposes above cited of said Delaware River and its tributaries in said Delaware River Basin and has formulated proposals for the intergovernmental cooperation of said states in the correction and control of pollution of the waters thereof which have been formally approved ratified and accepted by the health departments of said states respectively in the following form

"A Reciprocal Agreement as drafted and negotiated by the Interstate Commission on the Delaware River Basin with subsequent formal ratification by the State Departments of Health of Delaware New Jersey New York Pennsylvania For the Conservation and Control of Pollution of the Waters of the Interstate Delaware River

Whereas a substantial part of the territory of the States of New York New Jersey Pennsylvania and Delaware is situated within the Delaware River drainage basin and

Whereas the increase in population of the various municipal areas situated within the Delaware River Basin and the growth of industrial activity within the Basin have resulted in increasingly serious pollution of the waters of the Interstate Delaware River and its tributaries and

Whereas such pollution constitutes a grave menace to the health welfare and recreational facilities of the people living in the Delaware River Basin and occasions great economic loss and

Whereas the control of future pollution and the correction of existing pollution of the waters of the interstate Delaware River and its tributaries is of prime importance to the people living in the Delaware River Basin and can best be accomplished through the cooperation of the representatives of the people in the basin in the States of New York New Jersey Pennsylvania and Delaware

Now therefore the State of New York and the State of New Jersey and the Commonwealth of Pennsylvania and the State of Delaware agree and are bound as follows

Article I

Each of the signatory states pledges to each of the other signatory states faithful cooperation in the control of future pollution and in the correction of existing pollution of the waters of the interstate Delaware River and its West Branch from the New York-Pennsylvania boundary line down to the Atlantic Ocean In order to effect such objects each of the states agrees to enact adequate legislation if necessary to enable each such state so to require the treatment of sewage industrial waste or other artificial polluting matter as to place and maintain the waters of the aforesaid interstate Delaware River and of the tributaries thereof just above the confluence with the Delaware River in the clean and sanitary condition required by the provisions of this agreement Furthermore each such state agrees so to enforce the provisions of these requirements and other supplementary applicable legislation if any as to bring about the attainment of the objectives of pollution control and correction in accordance with such reasonable and effective programs as may be determined from time to time by the states in the manner prescribed herein

Article II

It is recognized by the signatory states that due to such variable factors as location size character and flow and of the many varied uses of the waters of the inter- in Zone 1 are expected to be for wate supply after such as water supply recreation navigation industrial developments maintenance of fish life, shell-fish culture agriculture and other purposes that no single standard of sewage and waste treatment and of quality of receiving waters is practical for all parts of the river Therefore in order to apply minimum requirements for the attainment of correction and control of pollution which will be appropriate to the varied factors including the existing and potential quality and uses of the waters the interstate Delaware River is hereby divided into four zones to wit

Zone I Zone 1 is that part of the Delaware River and its West Branch extending from the New York-Pennsylvania boundary line to the head of tidewater at Trenton New Jersey and Morrisville Pennsylvania

The drainage basin contributary to this zone excepting part of the Lehigh River Basin is relatively sparsely inhabited and contains few sewered communities and relatively few industrial establishments producing waste water The streams draining this area being in general relatively clean and of high elevation are well adapted as sources of public water supplies after treatment or purification

The principal uses of the waters of the Delaware River in Zone 1 are expected to be for water supply after such treatment or purification as may be necessary and for recreation bathing maintenance of fish and acquatic life agriculture and for other related purposes

Zone II Zone 2 is that part of the Delaware River extending from the head of tidewater at Trenton New Jersey and Morrisville Pennsylvania to a line drawn perpendicular to the channel of the Delaware River from the mouth of Pennypack Creek in Philadelphia Pennsylvania to the corresponding point on the New Jersey shore

The drainage basin contributary to this zone is somewhat more densely populated than that of Zone 1 and it contains more sewered communities and industrial establishments

The principal uses of the waters of the Delaware River in Zone 2 are expected to be for water supply after treatment or purification and for recreation navigation maintenance of fish and aquatic life agricultural industrial and other purposes

Zone III Zone 3 is that part of the Delaware River extending from the aforesaid line connecting the mouth of Pennypack Creek in Philadelphia and the corresponding point in New Jersey to the Pennsylvania-Delaware boundary line

The drainage basin contributary to this zone contains populous metropolitan areas including Philadelphia Pennsylvania and Camden New Jersey

The principle uses of the waters of the Delaware River in Zone 3 are expected to be for navigation industrial water supply and other purposes

The water in this zone however should be of such sanitary quality that it will not be unfit for use as sources of water supply will not be harmful to fish life and will not adversely affect the quality of the waters of the tidal tributaries

Zone IV Zone 4 is that part of the Delaware River extending from the Pennsylvania-Delaware boundary line to the Atlantic Ocean

The principal uses of the waters of the Delaware River in Zone 4 are expected to be for navigation industrial water supplies commercial fishing shell-fish culture recreation and other purposes

In order to attain conditions of cleanliness and sanitation of the waters of the Delaware River which will be consistent with the appropriate existing and future quality and uses of such waters the following minimum requirements shall apply to the several zones herein provided It is the purpose and intent of such requirements to apply to artificial (not natural) causes of pollution

Article III

In order to put and maintain the waters of the interstate Delaware River and its West Branch as aforesaid in a clean and sanitary condition no sewage industrial wastes or other polluting matter shall be discharged into or be permitted to flow or fall into or be placed in any respective zone of the interstate Delaware River as herein established unless such sewage industrial waste or other artificial polluting matter shall first have been so treated as to produce an effluent which will meet the following minimum requirements

Zone 1 (1) Such effluent shall be free of noticeable floating solids color oil grease or sleek and practically free of suspended solids

(2) Such effluent shall be sufficiently free of turbidity that it will not cause noticeable turbidity in the water of the Delaware River

(3) Such effluent shall show a reduction of organic substances of at least eighty-five (85) per cent as measured by the bio-chemical oxygen demand and furthermore such effluent in no case shall exceed a bio-chemical oxygen demand of fifty (50) part per million and furthermore the discharge of such effluent after dispersion in the water of the river shall not cause a reduction of the dissolved oxygen content of such water of more than five (5) per cent The aforesaid reduction in dissolved oxygen content shall be determined by the average results obtained from dissolved oxygen tests made upon samples collected on not less than six (6) consecutive days from points in the river above and below the point or points of effluent discharge

(4) Such effluent shall be of such quality that the most probable number of organisms of the Coli Aerogenes group shall not exceed one (1) per milliliter in more than ten (10) per cent of the samples of sewage effluent tested by the confirmed test and provided further that no single sample shall contain more than one hundred (100) organisms of the Coli Aerogenes group in one (1) milliliter

(5) Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of waters of the Delaware River for public water supplies for recreation bathing agriculture and other purposes nor be inimical to fish animal or aquatic life

(6) Such effluent shall be free of offensive odors and also be free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River at any place below the discharge of such effluent

Zone 2 (1) Such effluent shall be free of noticeable

floating solids color oil or grease and practically free of both suspended solids and sleek

(2) Such effluent shall be sufficiently free of turbidity that it will not cause noticeable turbidity in the water of the Delaware River

(3) Such effluent shall show a reduction of organic substance of at least eighty-five (85) per cent as measured by the bio-chemical oxygen demand and furthermore such effluent in no case shall exceed a bio-chemical and furthermore the discharge of such effluent after dispersion in the water of the river shall not cause a reoxygen demand of one hundred (100) parts per million duction of the dissolved oxygen content of such water of more than ten (10) per cent The aforesaid reduction in dissolved oxygen content shall be determined by the average results obtained by dissolved oxygen tests made upon samples collected on not less than six (6) consecutive days from points in the river above and below the point or points of effluent discharge

(4) Such effluent shall be of such quality that the most probable number of organisms of the Coli Aerogenes groups shall not exceed one (1) per milliliter in more than twenty-five (25) per cent of the samples of sewage effluent tested by the confirmed test and provided further that no single sample shall contain more than one hundred (100) organisms of the Coli Aerogenes group in one (1) milliliter

(5) Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of the water of the Delaware River for public water supplies [for recreation industrial and other purposes nor be mimical to fish animal or aquatic life

(6) Such effluent shall be free of offensive odors and also be free of substances capable of producing offensive tastes and odors in public water supplies derived from the Delaware River at any place above or below the discharge of such effluent

Zone 3 (1) Such effluent shall be free of noticeable floating solids oil or grease and substantially free of both settleable solids and sleek

(2) Such effluent shall be sufficiently free of turbidity that it will not cause substantial turbidity in the water of the Delaware River after dispersion in the water of the river

(3) Such effluent shall show a reduction of at least fifty-five (55) per cent of the total suspended solids and a reduction of not less than thirty-five (35) per cent of the bio-chemical oxygen demand (It is the intent of this requirement to restore the dissolved oxygen content of the river water in this zone to at least fifty (50) per cent saturation To accomplish this it may be necessary in the case of certain wastes to obtain reductions greater than those required under this item)

(4) Such effluent if it be discharged within two miles of a public water works intake or within prejudicial influence thereof shall at all times be effectively treated with a germicide

(5) Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of the waters of the Delaware River for public water supplies or render such waters unfit for industrial and other purposes or cause the water of the Delaware River to be harmful to fish life

(6) Such effluent shall be practically free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River

Zone 4 (1) Such effluent shall be free of noticeable floating solids oil or grease and substantially free of both settleable solids and sleek

(2) Such effluent shall be sufficiently free of turbidity that it will not cause substantial turbidity in the waters of the Delaware River after disperson in the water of the river

(3) Such effluent shall show a reduction of at least fifty-five (55) per cent of the total suspended solids and shall be subject to such further treatment as may be needed to prevent a nuisance

(4) Such effluent if it be discharge within prejudicial influence of a public water works intake or of recreational areas or of shellfish grounds shall at all times be effectively treated with a germicide except that in the case of recreational area influence such treatment need not be provided during the period from October 15 to May 15 of each year

(5) Such effluent shall be sufficiently free of acids alkalis and other toxic or deleterious substances that it will not create a menace to the public health through the use of the waters of the Delaware River for public water supplies or render such waters unfit for commercial fishing shell-fish culture recreational industrial or other purposes

(6) Such effluent shall be practically free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River

It is further recognized by the signatory states that the quality of the waters of the intrastate tributaries of the Delaware River and its aforesaid West Branch are of interstate concern at their points of confluence with the Delaware River and its West Branch Therefore it is also agreed that sewage industrial waste or other artificial polluting matter discharged into or permitted to flow or to fall into or be placed in any intrastate tributary of the aforesaid Delaware River shall be treated to that degree if any necessary to maintain the waters of such intrastate tributary immediately above its confluence with the aforesaid Delaware River in a condition at least equal to the clean and sanitary condition of the waters of the Delaware River immediately above the confluence of such tributary

Analyses and tests regarding the minimum requirements herein prescribed shall be determined in accordance with the provisions contained in the American Public Health Association's latest edition on "Standard Methods for the Examination of Water and Sewage"

The aforesaid requirements as to treatment of sewage industrial wastes or other artificial polluting matter and as to the sanitary quality of receiving waters are minima It is the intent and the purpose of these requirements to accomplish reasonable and adequate control and correction of pollution Due to the many variable factors involved however and to the responsibility of forecasting future developments with certainty it may be necessary in the future to impose additional requirements particularly in Zones 2 and 3

The minima herein prescribed therefore shall be considered the first steps toward attaining the objectives sought and if necessary may be required to be supplemented in the case that the general application of such minimum requirements does not adequately improve and maintain the sanitary quality of the waters of the Delaware River

Section 1 That part of the area of the Delaware River Basin lying within this state is hereby established and declared to be a component part of an interstate region for intergovernmental cooperation by said states in the conservation protection and development of the water resources thereof by means of integrated plans and said Interstate Commission on the Delaware River Basin is hereby recognized as the duly established regional commission or agency of this state for intergovernmental cooperation in effectuating the purposes described in paragraph (2) of the above preamble with the full and complete authority to exercise for the accomplishment of said purposes the governmental machinery powers and duties conferred by this state upon the Pennsylvania Commission on Interstate Cooperation

Section 2 The reciprocal agreement set forth in paragraph (4) of the above preamble is hereby ratified and applied to the waters and watershed of said Delaware River Basin within the territorial limits of this State Provided That said agreement shall not be construed so as to prohibit acid mine drainage or silt from coal mines from being discharged into or permitted to flow or fall into or to be placed in the interstate Delaware River or its tributaries unless the Sanitary Water Board shall at any time find that practical means for the removal of the

polluting properties of such drainage and silt shall have become known The terms and provisions of said agreement as so construed shall supersede the terms and provisions of any existing laws and regulations applicable to that area to the extent only that the terms and provisions of such existing laws and regulations are inconsistent with the terms and provisions set forth in said reciprocal agreement

Section 3 The Sanitary Water Board is hereby empowered and directed to apply and carry into effect the proposals terms and provisions of said reciprocal agreement in the several zones therein prescribed respectively within the territorial limits of this state and to enforce the same by the exercise of such administrative and legal authority and the institution and prosecution of such actions suits or other proceedings as may be necessary or appropriate as are now or may hereafter be provided under the laws and practice of this state

Section 4 The Sanitary Water Board is hereby authorized and directed to cooperate with said Interstate Commission on the Delaware River Basin in the further study of the sanitary condition of the waters of Delaware River and its tributaries in said Delaware River Basin and to improve adopt and enforce within this state such reasonable modifications changes or alterations in the zones or standards of quality of water in said river and tributaries as may from time to time be recommended by said Interstate Commission on the Delaware River Basin and approved by the departments of health of the other states constituent to the Delaware River Basin

Section 5 The terms and provisions of said reciprocal agreement shall become effective upon receipt by the Secretary of the Commonwealth of a certificate from the Executive Secretary of the Interstate Commission on the Delaware River Basin that an act in substantially the same form as this act has been passed by the legislature and approved by the Governor of one of the other three states constituent to said Delaware River Basin together with a certified copy of said act of said state and thereupon the Secretary of the Commonwealth shall advise the Department of Health of this State accordingly

Section 6 This act shall take effect immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Alisburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
	Holland,	O'Connor,	Voldow,
Corrigan,	Huntley,	O'Dare,	Voorhees,
Croop,	Imbrie,	O'Mullen,	Wagner,
Cullen,	James,	O'Neill,	Weingartner,
Dalrymple,	Jefferson,	Owens,	Weiss,
Dennison,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
DiGenova,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dix,	Keenan,	Polaski,	Williams,
Dolon,	Kenehan,	Polen,	Winner,
D'Ortona,	Kline,	Powers,	Wolf,
Duffy,	Knoble,	Prosen,	Wood, L. H.,
Eckels,	Kolankiewicz,	Rank,	Wood, N.,
Elder,	Komorofski,	Rausch,	Woodring,
Elliott,	Krise,	Readinger,	Woodside,
Ely,	Lee, E. A.,	Reagan,	Wright,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finestone,	Leisey,	Reese, R. E.,	Yester,
Finnerty,	Leonard,	Regan,	Young,
Fisher,	Lesko,	Reynolds,	Kilroy,
Fiss,	Levy,	Rhea,	Speaker.
Fleming,	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 744, as follows:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's accumulated deductions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section one of the act approved the twenty-third day of April one thousand nine hundred and thirty-five (P. L. 49) is hereby further amended to read as follows

Exemption From Execution

Section 17 The right of a person to a member's annuity a State annuity or retirement allowance to the return of contributions any benefit or right accrued or accruing to any person under the provisions of this act and the moneys in the fund created under this act are hereby exempt from any State or municipal tax and ex-

empt from levy and sale garnishment attachment or any other process whatsoever except as hereafter otherwise provided in this section and shall be unassignable except as in this act specifically otherwise provided and with the further exception that the assignment of any or all such rights as security for a loan not in excess of three hundred dollars ($300) the interest on which loan shall not exceed six per centum per annum discounted by a person to a credit union now or hereafter organized and incorporated under the laws of this Commonwealth the membership of which credit union is limited soley to officers and employes of the Commonwealth of Pennsylvania shall be valid In any case where a member of a credit union which is organized under the laws of the Commonwealth of Pennsylvania the membership of which credit union is limited solely to officers and employes of the Commonwealth has assigned any or all such rights in the Retirement Fund not exceeding however three hundred dollars ($300) for a loan from such a credit union and whose note to such a credit union or payments on account thereof is in default and payable for a period of ninety days or more then in such a case the officers of such a credit union shall certify to the State Employes' Retirement Board the amount owing on such note After the receipt by the board of such certification from the credit union the board shall make payment to the credit union from said member's accumulated deductions the amount so certified The amount so paid out of the member's accumulated deductions shall be restored thereto by the member or the board may collect the same by payroll deductions in the same manner as contributions to the fund are collected under the provisions of this act The amount of such additional payroll deductions shall not be greater than the amount of the regular payroll deductions unless the member agrees to the deduction of a greater amount Said deduction increase shall be credited to the repayment of the amount paid to such credit union and shall be continued until the amount thereof shall be repaid in full unless said member is retired or leaves the service of the Commonwealth under the provisions of this act before such amount has been liquidated

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Fletcher,	Leydic,	Rhea,
Allmond,	Flynn,	Lichtenwalter,	Rooney,
Baker,	French,	Longo,	Rose, S.,
Balthaser,	Gallagher,	Lovett,	Rose, W. E.,
Baugher,	Gates,	Lyons,	Rosenfeld,
Bentley,	Gerard,	Malloy,	Royer,
Bentzel,	Gillette,	Marks,	Sarge,
Boles,	Goodwin,	Maxwell,	Sarraf,
Boney,	Greenwood,	McClanaghan,	Schwab,
Boorse,	Gross,	McClester,	Serrill,
Bower,	Gryskewicz,	McDermott,	Shaffer,
Bradley,	Gyger,	McDowell,	Shaw,
Breth,	Habbyshaw,	McFall,	Shepard,
Bretherick,	Haberlen,	McGrath,	Snyder,
Brown,	Haines,	McIntosh,	Sollenberger,
Brunner, C. H.,	Hall,	McKinney,	Sorg,
Brunner, P. A.,	Hamilton,	McLane,	Stank,
Burns,	Hare,	McMillen,	Stine,
Burris,	Harkins,	McSurdy,	Stockham,
Cadwalader,	Harmuth,	Melchiorre,	Tarr,
Chudoff,	Harris,	Mihm,	Tate,
Cochran,	Heatherington,	Modell,	Taylor,
Cohen, M. M.	Helm,	Mooney,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Moran,	Thompson, R. L.,
Cook,	Herman,	Moul,	Trout,
Cooper,	Hersch,	Muir,	Turner,
Cordier,	Hewitt,	Munley,	Van Allsburg,
	Hirsch,	Nunemacher,	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Huntley,	O'Connor,	Voldow,
Cullen,	Imbrie,	O'Dare,	Voorhees,
Dalrymple,	James,	O'Mullen,	Wagner,
Dennison,	Jefferson,	O'Neill,	Weingartner,
D'Genova,	Jones, G. F.,	Owens,	Weiss,
Dix,	Jones, P. N.,	Petrosky,	Welsh, E. B.,
Dolon,	Keenan,	Pettit,	Welsh, M. J.,
D'Ortona,	Kenehan,	Polaski,	Williams,
Duffy,	Kline,	Polen,	Winner,
Eckels,	Knoble,	Powers,	Wolf,
Elder,	Kolankiewicz,	Prosen,	Wood, L. H.,
Elliott,	Komorofski,	Rank,	Wood, N.,
Ely,	Krise,	Rausch,	Woodring,
Falkenstein,	Lee, E. A.,	Readinger,	Woodside,
Finestone,	Lee, T. H.,	Reagan,	Wright,
Finnerty,	Leisey,	Reese, D. P.,	Yeakel,
Fisher,	Leonard,	Reese, R. E.,	Yester,
Fiss,	Lesko,	Regan,	Young,
Fleming,	Levy,	Reynolds,	Kilroy,
			Speaker.

NAYS—1

Auker,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1406, Senate Bill No. 588, Printer's No. 260, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1139, as follows:

An Act to amend section one hundred twenty of the act approved the fourteenth day of April one thousand eight hundred thirty-four (P. L. 333) entitled "An act relative to the organization of the Courts of Justice" prescribing procedure permitting the service of jurors as petit jurors or general jurors or both except in counties of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one hundred twenty of the act approved the fourteenth day of April one thousand eight hundred thirty-four (P. L. 333) entitled "An act relative to the organization of the Courts of Justice" is hereby amended to read as follows

Section 120 Whenever writs of venire for a grand jury and petit jury in the court of Quarter Sessions and also a writ of venire from the court of Common Pleas in any county except the county of Philadelphia shall be in the hands of the sheriff and commissioners at the same time for execution the required number of names first drawn shall be annexed in a panel to the venire for a grand jury and the required number of names next drawn shall be annexed in a panel to the venire for a petit jury in the court of Quarter Sessions and thereupon the said sheriff and commissioners shall proceed to draw and annex the panel required to be returned into the court of Common Pleas Provided however That it shall be lawful for the judges of the courts of Common Pleas Oyer and Terminer and Quarter Sessions of any county other than a county of the second class by agreement at any time to direct the sheriff and the commissioners of any such county to annex and return one and the same panel of names to the venires issuing as aforesaid for the summoning and returning of petit and general jurors in the said courts and said jurors may thereupon serve as petit or general jurors or both as the need for such services may arise

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrie,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
Ely,	Krise	Readinger,	Woodside,
Falkenstein,	Lee, E. A.,	Reagan,	Wright,
Finestone,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finnerty,	Leisey,	Reese, R. E.,	Yester,
Fisher,	Leonard,	Regan,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 892, as follows:

An Act authorizing a commission to study recreational facilities available in first class cities imposing powers and duties on said commission and making an appropriation

Whereas The City of Philadelphia has various agencies administering recreation and

Whereas The present national emergency requires a recreation program and

Whereas It is deemed desirable to make a thorough study of the recreational facilities available in said city and county in order to ascertain where new facilities can be secured if the same becomes necessary at a minimum cost therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 A commission is hereby created which shall be composed of five members two of which are to be appointed by the President of the Senate and three of which are to be appointed by the Speaker of the House of Representatives The two members selected by the President of the Senate shall consist of a member of the Senate and a citizen of the Commonwealth of Pennsylvania to be selected by the President of the Senate from a list of eligibles furnished him by the board of education of such first class city The three members appointed by the Speaker of the House of Representatives shall consist of two members of the House of Representatives and a citizen of the Commonwealth of Pennsylvania selected by the Speaker of the House of Representatives from a list of eligibles furnished him by the mayor of such first class city The speaker of the House of Representatives shall appoint the Chairman It shall be the duty of the commission to make a careful thorough and impartial study of each and every agency expending public moneys raised by taxation for recreational purposes to ascertain the business and activities of the various governmental agencies and the present allocation of such business among such agencies in such first class cities and to ascertain whether such present facilities are sufficient to take care of a recreation program and further to devise ways and means and methods of raising revenue and of effecting savings in cost of government to carry out a recreation program under a unified system

Section 2 The said commission if it deems necessary and proper is hereby authorized to employ a staff to secure the necessary information statistics and data on this subject

Section 3 The said commission shall have the power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions concerning matters properly being inquired into by the commission and to produce such books papers records and documents as the commission may deem necessary such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said commission shall have the power to administer oaths and affirmations to witnesses appearing before the commission Any person who shall wilfully neglect or refuse to testify before said commission or to produce any books papers records or documents shall be subject to penalties provided by the laws of the Commonwealth in such cases

Section 4 The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the expenses of said commission in carrying out the provisions of this act

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,

Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrie,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
Ely,	Krise,	Readinger,	Woodside,
Lichtenstein,	Lee, E. A.,	Reagan,	Wright,
Finestone,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finnerty,	Leisey,	Reese, R. E.,	Yester,
Fisher,	Leonard,	Regan,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 726, as follows:

An Act authorizing and directing the Department of Highways to erect construct and maintain a free bridge over the Susquehanna River in or near the Borough of Plymouth Luzerne County and to provide the necessary approaches and connections with state highways providing for the acceptance of Federal aid empowering counties to pay certain damages and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Highways is hereby authorized and directed to erect and construct a three lane bridge over the Susquehanna River at a convenient point in or near the Borough of Plymouth in Luzerne County to a point on the opposite side of said river in the said County of Luzerne to connect the state highways on both sides of said river and to acquire the necessary land for approaches thereto

In the construction of said bridge and the approaches thereto and connections with existing state highways the Department of Highways shall have all of the powers and authority conferred with respect to the relocation widening or construction of state highways Any damages sustained by reason of taking property in the relocation widening or construction of any such bridge the approaches thereto and connections with state highways shall be ascertained in accordance with laws applicable to the ascertainment of damages in relocating widening or constructing state highways and such damages when ascertained shall be paid by the Commonwealth or county or counties as may be agreed upon in accordance with the laws relating to state highways

Section 2 The Department of Highways is hereby authorized to accept grants of funds from any Federal agency for the construction of such bridge and the approaches thereto and connections with state highways Any such moneys shall be held by the State Treasurer as custodian for the Department of Highways and the same shall be paid out on requisition of the department without further appropriation

Section 3 If such bridge is to be constructed under contract and to be paid for wholly or in part from Federal funds and the project involves additional work to be contracted and paid for by a county or counties the advertisement by the Department of Highways shall be the only advertising necessary any other acts or requirements to the contrary nowithstanding

Section 4 The Department of Highways shall have authority to make and carry out contracts and to do every other act necessary to carry out the project herein authorized and is authorized to conform to the requirements and rules and regulations of the proper Federal authorities with respect to such projects if Federal moneys are advanced for such project Nothing herein contained shall in anywise diminish any authority or powers now or hereafter conferred on the Department of Highways by any other act of Assembly

Section 5 The Department of Highways shall after the completion of such bridge maintain the same free of tolls for the use of the public

Section 6 The sum of one million dollars ($1,000,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund in the State Treasury to the Department of Highways for the construction of such bridge the approaches thereto the connections with state highways and for the payment of damages for property taken injured or destroyed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrie,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Weingartner,
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
	Krise,	Readinger,	Woodside,

Ely,	Lee, E. A.,	Reagan,	Wright,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finestone,	Leisey,	Reese, R. E.,	Yester,
Finnerty,	Leonard,	Regan,	Young,
Fisher,	Lesko,	Reynolds,	Kilroy,
Fiss,	Levy,	Rhea,	Speaker.
Fleming,	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 232, as follows:

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 51) is hereby further amended to read as follows

Section 23 That every railroad company pipe line company conduit company steamboat company canal company slack water navigation company transportation company and every other company association joint-stock association or limited partnership now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every copartnership person or persons owning operating or leasing to or from another corporation company association jointstock association limited partnership copartnership person or persons any railroad pipe line conduit steamboat canal slack water navigation or other device for the transportation of freight passengers baggage or oil except taxicabs motor buses and motor omnibuses and every limited partnership association joint-stock association corporation or company engaged in or hereafter engaged in the transportation of freight or oil within this State and every telephone company telegraph company express company electric light company water-power company hydro-electric company palace car company and sleeping car company now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every limited partnership association joint-stock association copartnership person or persons engaged in telephone telegraph express electric light and power waterpower hydro-electric palace car or sleeping car business in this Commonwealth shall pay to the State Treasurer through the Department of Revenue a tax of fourteen mills for the six months' periods ending June thirtieth one thousand nine hundred thirty-five December thirty-first one thousand nine hundred thirty-five and June thirtieth one thousand nine hundred thirty-six and twenty mills for the six months periods ending December thirty-first one cember thirty-first one thousand nine hundred thirty-seven June thirtieth and December thirty-first one thousand nine hundred thirty-eight June thirtieth and December thirty-first one thousand nine hundred thirty-nine [and] June thirtieth and December thirty-first one thousand nine hundred forty June thirtieth and December thirty-first one thousand nine hundred forty-one and June thirtieth and December thirty-first one thousand nine hundred forty-two and eight mills thereafter upon the dollar of the gross profits of said corporation company or association limited partnership joint-stock asociation copartnerhip person or persons received from passengers baggage and freight transported wholly within this State from telegraph or telephone messages transmitted wholly within the State from express palace car or sleeping car business done wholly within this State or from electric light and power water-power and hydro-electric business and from the transportation of oil done wholly within the State The said tax shall be paid within the time prescribed by law for the payment of taxes settled by the Department of Revenue and for the purpose of ascertaining the amount of the same it shall be the duty of the treasurer or other proper officer of the said company copartnership limited partnership association joint-stock association or corporation or person or persons to transmit to the Department of Revenue on or before the first days of February and August of each year a statement under oath or affirmation of the amount of gross receipts of the said companies copartnerships corporations associations joint-stock associations limited partnerships person or persons derived from all source and of gross receipts from business done wholly within the State the period of six months immediately preceding the first days of January and July of each year The time for filing reports may be extended estimated settlements may be made by the Department of Revenue if reports are not filed and the penalties for failing to file reports and pay the tax shall be as prescribed by the laws defining the powers and duties of the Department of Revenue Provided That in any case where the works of any corporation company copartnership association joint-stock association limited partnership person or person are operated by another corporation company copartnership association joint-stock association limited partnership person or persons the taxes imposed by this section shall be apportioned between the said corporations companies copartnerships associations joint-stock associations limited partnerships person or persons in accordance with the terms of their respective leases or agreements but for the payment of the said taxes the Commonwealth shall first look to the corporation company copartnership association joint-stock association limited partnership person or persons operating the works and upon payment by the said company corporation copartnership association joint-stock association limited partnership person or persons of a tax upon the receipts as herein provided derived from the operation thereof no other corporation company copartnership association joint-stock association limited partnership person or persons shall be held liable under this section for any tax upon the proportion of said receipts received by said corporation company copartnership association joint-stock association limited partnership person or persons for the use of said works

This act shall be construed to apply to municipalities and to impose a tax upon the gross receipts derived from any municipally owned and operated public utility or from any public utility service furnished by any municipality to the extent of such gross receipts as are derived from business done outside the limits of the municipality operating the public utility service

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire from the gentleman whether he is willing to make an estimate of the amount of revenue that will be realized by the end of the biennium by this bill.

Mr. ACHTERMAN. I am, Mr. Speaker.

The estimated revenue under this bill, the gross receipts tax, is $11,900,000.

Mr. WOODSIDE. Mr. Speaker, will the gentleman from Monroe repeat that amount?

Mr. ACHTERMAN. Mr. Speaker, $11,900,000. I have reference to just the emergency tax.

Mr. WOODSIDE. Mr. Speaker, will the gentleman please advice the House how he arrives at that estimate?

Mr. ACHTERMAN. The amount, Mr. Speaker, is arrived at by determining the amount of business anticipated for the biennium. We have ascertained what the average percentage of income is in Pennsylvania in relation to the national income. We have ascertained from accurate figures that the national income for 1940 is, $73,800,000,000.

Using our percentage in Pennsylvania we ascertained the income for Pennsylvania for 1940 at $6,036,000,000. The national income for 1941 has been estimated at $90,000,000,000. I am speaking of the United States, which would make the amount, if the percentage remains the same in Pennsylvania as the average percentage over the last ten years, of $7,300,000,000 which indicates an increase in Pennsylvania income for 1941 of some twenty odd per cent.

We have used as our figure a basis of twenty per cent. Now, Mr. Speaker, in connection therewith, we have ascertained the amount for the last year under this particular tax. I mean on a basis of the last payment, which would be $9,942,760. That is on the basis of the last quarterly payment, and twenty per cent would be $1,988,552.

It would therefore make, Mr. Speaker, an income for the coming biennium, assuming that the rate remains the same during the two-year period, as a matter of fact, I think we are modest and conservative in that, for I believe that the increase will be greater over 1941 and 1942 than it has been in 1940, which makes it $11,900,000 plus.

May I state in conjunction therewith that we have also checked with the various companies paying gross receipts tax, and we find, their increase in business is in excess of twenty per cent, and their increase in tax payments is over twenty per cent, which would seem to verify and confirm the figures used by the Appropriations Committee.

Mr. WOODSIDE. Mr. Speaker, I would like to have the gentleman from Monroe state the amount of revenue that has been realized out of this tax during the present biennium, if he has it.

Mr. ACHTERMAN. I do have it, Mr. Speaker. I will give it to him in a moment, if he will bear with me.

Mr. WOODSIDE. Mr. Speaker, I wonder if the gentleman will agree that the amount received up until the first of this month was $9,534,225?

Mr. ACHTERMAN. Mr. Speaker, I do agree with that particular amount.

Mr. WOODSIDE. Mr. Speaker, does the gentleman from Monroe expect any substantial amount to be realized during the month of May?

Mr. ACHTERMAN. No substantial amount, Mr. Speaker I point out however that the average realized in the last quarter has been $2,485,690.

If I may complete my answer Mr. Speaker, I desire to point out that the increase due to the national defense is now first being felt in Pennsylvania, as a matter of fact, in the last six months, as every one knows, it has helped business, it has increased income, has increased transportation has increased general income of all companies of the particular type that pays this tax.

Mr. WOODSIDE. Mr. Speaker, the gentleman is talking about quarterly payments. He realizes these payments are made semi-annually and not quarterly, does he not?

Mr. ACHTERMAN. True, Mr. Speaker, but in the biennium we have quarterly payments, that is four payments in the biennium.

Mr. WOODSIDE. Mr. Speaker, the gentleman realizes, I think, that the amount paid in during April was only $4,625, that the payments are made on the first of February and the first of August, and that between those dates there are practically no payments so that therefore, comparatively there will be no income received during the month of May. We can then figure that during the biennium at the very outset there will be realized the sum of $9,550,000. I think the gentleman will agree with that, will he not?

Mr. ACHTERMAN. Mr. Speaker, I have already agreed with that amount. The amount to date is $9,534,225, according to my figures. I do point out to the gentleman from Dauphin, however, that in the last quarter, in other words, in the last six months period, the amount of payment was $2,485,690.

Mr. WOODSIDE. Mr. Speaker, for the entire year 1940-1941, the amount is $4,900,000. Therefore, that does not show any substantial increase, and as a matter of fact, it shows that the quarterly payment is about in balance with the other quarterly payments, is that not correct?

Mr. ACHTERMAN. Mr. Speaker, I disagree with that. It is materially more by some four or five hundred thousand dollars.

Mr. WOODSIDE. Mr. Speaker, the amount realized during the biennium 1939-1940, which represents the first two payments of this biennium, was $4,655,185; the amount estimated for the second year of the biennium at the present time, which represents practically the total amount received during the biennium, is $4,900,000. The total amount received and expected for this biennium is, roughly $9,550,000; actually the figure would be $9,534,225, with practically no hope of any aditional amount being received during this biennium. But assuming there will be some small dribbles coming in during the month of May, we can figure as the outside amount to be realized during this biennium the sum of $9,550,000. The amount during the last biennium showed $8,707,000, and there was an increase during the biennium of $843,000, which is an increase during this biennium of approximately 9 per cent.

Mr. Speaker, if you take that increase that was realized during the past biennium and use [illegible] the present

amount received you will find that it will be a sum less than the $10,500,000 which is estimated in the budget. The gentleman, therefore, has not only taken the normal increase that has occurred during the last two years but he has more than doubled the normal increase which has taken place in the last two years.

May I call the attention of the gentleman from Monroe to the fact that there is a considerable difference in the amount of business which was in existence during the two years prior to this biennium and the two years of this biennium, and to take the total amount received in this biennium and the increase that occurred between the last biennium and this biennium would certainly be a reasonable and fair method of measuring the amount of increase to be expected during the next biennium.

May I also call the gentleman's attention to the fact that it is notoriously true that public utilities go up more slowly in days of an up-market and go down more slowly in days of a bear market than other businesses. Therefore, the gentleman is not right in assuming that public utilities would go up as fast as some of the other businesses would, nor in the days of depression go down as rapidly and as far as some other businesse would.

I think it is interesting to note that in 1939-1940 there was $4,655,185 realized; that in 1940-1941, with all the supposed increase in business, there was only $4,900,000 realized.

May I call the gentleman's attention to the fact that the revenues at the present time are falling below the estimates. As a matter of fact, the gross receipts tax on the thirtieth day of April according to the budget was estimated to bring in $10,204,685, whereas the actual collections amounted to $9,534,225, or there was an amount realized under the estimate of $670,460. In other words, the department that has made the estimates for the coming biennium of $10,500,000 was too optimistic in making the estimates for this biennium. Now the gentleman says, in spite of the fact that we are $670,000 plus short in the estimates of the present biennium, the estimate for the coming biennium, made by the same department and using practically the same method, is one hundred per centum too low in its estimated increase. I think that the gentleman's reasoning is not very good in connection with these figures as backed up by the figures as presented by the Department of Revenue.

Mr. ACHTERMAN. Mr. Speaker, I desire to interrogate the minority floor leader, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, the particular tax collected on the gross receipts tax for this biennium was on 1940 business, was it not?

Mr. WOODSIDE. That is correct, Mr. Speaker.

Mr. ACHTERMAN. In other words, Mr. Speaker, the emergency taxes cease at the end of the year, or did cease at the end of the year?

Mr. WOODSIDE. That is correct, Mr. Speaker, the emergency tax.

Mr. ACHTERMAN. We are speaking of the emergency tax only?

Mr. WOODSIDE. That is right.

Mr. ACHTERMAN. Now, Mr. Speaker, the gentleman just mentioned that the increase was only nine per centum. Bearing in mind he is talking about 1940 taxes, let me point out how the method used by the Appropriations Committee sustained that particular nine per centum that he is talking about. This is not guess work, but the income in Pennsylvania in 1939 was $5,678,000,000; in the 1940 biennium the figures are not available but we used our average income in Pennsylvania as applied to the national income of $7,380,000,000 that I spoke about. That made the income in Pennsylvania $6,036,000,000, if you please, an increase of eight per centum; and with the increase of income of eight per centum, the income of taxes as stated by Mr. Woodside, really should be nine per centum. Now then projecting further into the field of anticipated income, I point out to you that with the national income of ninety billion dollars, and with our income of $7,380,000,000, and assuming the percentage of increase to be just as it was in 1940, then your twenty per centum will apply to the figure I have submitted to you of $11,900,000 which is modest and is not over estimated. In other words, the gentleman from Dauphin has given you the proof that the Appropriations Committee is correct in its estimate, and I thank the gentleman.

Mr. WOODSIDE. Mr. Speaker, the gentleman is assuming, of course, that his estimate of national income for the next biennium is sound, but Mr. Speaker there is no way of determining and comfirming an estimate of national income during the next biennium or during the next year. There is nothing in the past that we can well base it on, but on the question of a specific tax in which you have had specific experience you certainly can have some basis upon which to estimate the amount of income which will be received from that tax.

The gentleman from Monroe is very optimistic as to what the amount of income will be during the next biennium. He says that the income during the next biennium will be increased twenty per cent; that is the total income of all people, and therefore the public utilities' income is going to increase about twenty per cent also. Of course, the stock market does not bear that out. I do not believe that any of the people buying stocks will give credit to that story. The gentleman says the increase in business for the next biennium or for the next two years is going to be twenty per cent over the increase of business during the past two years. Again I call the gentleman's attention to his famous faith, hope, and charity speech made just a few months ago on the floor of the House, in which he called the attention of the Members of this House to the fact that this budget was a budget full of hope. What was he refering to when he made that remark about hope in the budget? The hope that the revenue would be far in excess of what he thought it would be. In other words, he said that the Governor's budget was full of hope. What hope? The hope of increased revenue which was not justified. He made a long speech on the floor of the House about the hope shown in this budget particularly in the estimates. Now, two months later, he comes before this House and says, "Oh, no, this is not hope, this is all pessimistic in the estimates of revenue, the increase is not going to be normal, the increase is not going to be just the increase over what it was in the prior biennium, but it is going to be more than twice what it was the last biennium, and what that biennium was over the biennium before, a one hundred per cent increase, even in spite of the fact that the estimates of the department have not been realized by $670,000. It is interesting to note, Mr.

Speaker, how the gentleman changes his tune to support a situation which he desires to bring about.

Mr. ACHTERMAN. We do not just happen to use fanciful figures nor do they happen to be our own. When I speak of the national income for the coming year as being ninety billion dollars I have not picked it out of thin air; it happens to represent figures now estimated by federal authorities, and I assume that the federal authorities are in a position to make an estimate. They are the same authorities that must of necessity estimate the revenues of the United States just as the Revenue Department of the state of Pennsylvania is supposed to make estimates. Now then am I in error about the percentage? As a matter of fact, the percentage of increase that I have used has been substantiated not by me, but by the actual revenue collectors, according to the gentleman's own figures, as told to the Members of the House by the minority floor leader. The percentage, it seems to me, for some unknown reason, figures out accurately, although the figures were given in the first instance for the purpose of having you believe that we were in error. When we come back to the money involved at the time it was paid, covering the business period, you will find that the figures are substantiating the results of the study of the Appropriations Committee. I know of no other manner by which I can submit to the Members of the House with certainty and accuracy the method under which your comittee has proceeded in determining these revenues, and I submit to the Members of this House and to the Republican minority that the taxes in the next two years will justify the figures which we are now giving to the Members of the House. The fact that the Revenue Department in the past two years was in error in its efforts to estimate, is of little moment to me. Apparently, they did not know how to approach the subject and I am saying that the figures we have used have conclusively shown to the Members of the House that we are proceeding on safe and sound ground.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boles,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
	Holland,	O'Connor,	Voldow,
Corrigan,	Huntley,	O'Dare,	Voorhees,
Croop,	Imbrie,	O'Mullen,	Wagner,
Cullen,	James,	O'Neill,	Weingartner,
Dalrymple,	Jefferson,	Owens,	Weiss,
Dennison,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
DiGenova,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dix,	Keenan,	Polaski,	Williams,
Dolon,	Kenehan,	Polen,	Winner,
D'Ortona,	Kline,	Powers,	Wolf,
Duffy,	Knoble,	Prosen,	Wood, L. H.,
Eckels,	Kolankiewicz,	Rank,	Wood, N.,
Elder,	Komorofski,	Rausch,	Woodring,
Elliott,	Krise,	Readinger,	Woodside,
Ely,	Lee, E. A.,	Reagan,	Wright,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finestone,	Leisey,	Reese, R. E.,	Yester,
Finnerty,	Leonard,	Regan,	Young,
Fisher,	Lesko,	Reynolds,	Kilroy,
Fiss,	Levy,	Rhea,	Speaker.
Fleming,	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 235, as follows:

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six—P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as previously reenacted and amended by extending the provisions thereof for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six—P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as last reenacted and amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 46) are hereby reenacted and further amended to read as follows

An Act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That the following words terms and phrases used in this act are for the purposes hereof defined as follows

'Liquor' Any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drink or drinkable liquids preparations or mixtures intended for beverage purposes which contain more than one-half of one per centum of alcohol by volume except alcohol and malt or brewed beverages

"Department" The Department of Revenue of this Commonwealth.

"Board" The Pennsylvania Liquor Control Board of this Commonwealth

"Fiscal Month" The monthly period established from time to time by the Pennsylvania Liquor Control Board for the purpose of conducting its business

Section 2 Until the first day of June one thousand nine hundred [forty-one] "forty-three" an emergency State tax is hereby imposed and assessed at the rate of ten per centum of the net price of all liquors sold by the board The tax herein imposed shall be collected by the board from the purchasers of the liquor from the board The amount of such ten per centum so collected by the board under the provisions of this act shall be paid into the State Treasury through the department in the manner and within the times herein specified and shall be credited to the General Fund

Section 3 It shall be the duty of the board to transmit to the department on or before the fifteenth day of each calendar month a statement of its receipts from sales of liquor and taxes collected during the preceding fiscal month and such other information as may be necessary to effectuate the provisions of this act at which time it shall also be the duty of the board to pay to the department the tax imposed upon such liquor by the provisions of this act Provided however That the board may in its discretion add the tax imposed by this act to the wholesale and retail price at which liquors are sold and eliminate any accounting of such tax separate from sale prices and in such case the amount of the tax for any calendar month shall be ascertained by dividing the entire gross receipts derived from sales at Pennsylvania liquor stores during such month by eleven and the quotient thus obtained shall be deemed the amount of the tax for such month payable over under this section.

Section 4 This act shall become effective immediately upon its final enactment

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. I would like to know, Mr. Speaker, whether this estimate as it was made by the Department of Revenue is full of hope or full of pessimism.

Mr. ACHTERMAN. Mr. Speaker, I presume the gentleman is serious in his question and is not facetious. I have no doubt that the Republican administration is hoping that we might accept these figures, with the thought in mind that perhaps sometime in the future they might be able to make political capital out of them, in the hope, Mr Speaker, that we would swallow it hook, line and sinker. I presume now it is full of pessimism, since they have learned we have not allowed that hope to materialize.

Mr WOODSIDE. Mr Speaker, will the gentleman state whether the figures are too high or too low today? I know now what the gentleman thought about it the day the budget was given out, but I would like to know what the gentleman thinks about it today?

Mr ACHTERMAN. Too low, Mr Speaker.

Mr WOODSIDE. Mr Speaker, will the gentleman tell us what he thinks today it ought to be?

Mr ACHTERMAN. Will the gentleman make up his mind, Mr Speaker? Will he repeat the question?

Mr WOODSIDE. Will the secretary read the question as it was put the second time? Will the gentleman state today what he thinks the estimate will be?

Mr. ACHTERMAN. Our estimate, Mr. Speaker, is $18,260,000.

Mr. WOODSIDE. Mr. Speaker, one million over the estimated revenue. Will the gentleman please advise the House how he arrived at that figure?

Mr. ACHTERMAN. Mr. Speaker, that again brings up the problem of the income or profits derived from the liquor stores. May I point out to the gentleman that we differ very materially in the estimates of the liquor store profits. It is a subject on page 40 of the green book; we differ very materially from those estimates. As a matter of fact, Mr. Speaker, I see that the Governor's office estimates those profits for the coming biennium at $36,000,000. Our estimates are about $40,800,000. Now, Mr. Speaker, the business of the liquor stores in the last year has indicated a profit of $18,730,716. Incidentally, in the preceding year there is an increase of $3,377,979. The preceding year showed a profit of $15,352,737, thereby showing a twenty-two per cent increase.

Our figures would indicate that as a matter of fact we used only a twenty per cent increase, and that our computation of the profits of the liquor stores would be considerably in excess of the approximately $40,800,000 that I mentioned. Projecting that into the tax yield, it will give to you the amount that the tax would yield on the necessary sales to produce that profit.

Mr. WOODSIDE. Mr. Speaker, does the gentleman mean that he bases his estimates of the emergency liquor tax on the profits of the State stores?

Mr. ACHTERMAN. Oh no, Mr. Speaker, the gentleman is mistaken. I am referring to sales.

Mr. WOODSIDE. The gentleman referred to profits, as I understood him, Mr. Speaker.

Mr. ACHTERMAN. I am sorry, Mr. Speaker, that the gentleman misunderstood me. I was trying to point out what the sales were in the past and what contemplated sales we expect in the future in relation to profits and in relation to general business. General business will be reflected in the amount of taxes to be collected. In other words, Mr. Speaker, I have disclosed to the gentleman not one item, but two items on the increase in the budget as we figure it.

Mr. WOODSIDE. Mr. Speaker, I appreciate the gentleman's advising me of those figures, but I may have misunderstood him. It is sometimes difficult to hear what he says. It seems the sound goes right over the top of you and it is often difficult to hear what is said over the loud speaker, but I had understood that the gentleman was giving the figures on profits made by the stores during the last year and the last biennium. If I was wrong about that I am going to ask the gentleman whether he will not repeat the figures of business done by the Liquor stores during the last year and the last biennium or whatever he gave before.

Mr. ACHTERMAN. I am sorry, Mr. Speaker, I will have to ask the gentleman to repeat his question, as part of it I was unable to hear.

Mr. WOODSIDE. Mr. Speaker, I want to know what figures the gentleman quoted and whether he would kindly repeat them; not those of profits but those relating either

to taxes or gross sales.

Mr. ACHTERMAN. The gross sales in 1940, Mr. Speaker? I think I gave the gentleman those figures. The gross sales in 1940 amounted to $83,977,305.

Mr. WOODSIDE. May I interrupt, Mr. Speaker, to ask whether that is the calendar year?

Mr. ACHTERMAN. This is the calendar year, Mr. Speaker. It represents, however, the most available figures against the preceding year 1939, of $74,572,241. That represented an increase in gross sales of twelve and one half per cent. Your profit, however, was the twenty-two per cent that I mentioned.

Mr. WOODSIDE. Mr. Speaker, the liquor tax of ten per cent ought to reflect rather accurately your sales during the biennium, and we find there that for the biennium of 1937-1939 there was $15,147,718.94, which of course would have made the sales $151,000,000 plus. In the present biennium up to and including April 30, 1941 the total receipts were $15,027,863.

Now, assuming that during the Month of May the amount realized would be $700,000 which was larger than that received during April and March of 1941 and larger than March, April and May of 1940, but reasonably close to the figure, that would make the total amount during this biennium of $16,443,609.98. That means that the increase of this biennium over the last biennium would be approximately eight per cent. I am wrong about that. The present amount really is $15,027,863. The total expected for the biennium would be $15,677,863, or an increase of $530,000 over the figure of the last biennium. That would be an increase of only four and six tenths per cent over the last biennium.

The estimate of revenues made for the next biennium by the Department is $17,260,000. Assuming the actual and estimated revenue for this biennium to arrive at the sum of $15,677,000 by the end of the biennium would mean that the next biennium would be $1,583,000 or over ten per cent. It seems to me that is a pretty optimistic estimate, inasmuch as it is considerably larger than the increase estimated for the past biennium. In spite of that the gentlemen is optimistic about the revenues to estimate an additional million dollars on top of it. I think that is not warranted.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rooney,
Allmond,	Flynn,	Longo,	Rose, S.,
Auker,	French,	Lovett,	Rose, W. E.,
Baker,	Gallagher,	Lyons,	Rosenfeld,
Balthaser,	Gates,	Malloy,	Royer,
Baugher,	Gerard,	Marks,	Sarge,
Bentley,	Gillette,	Maxwell,	Sarraf,
Bentzel,	Goodwin,	McClanaghan,	Schwab,
Boies,	Greenwood,	McClester,	Serrill,
Boney,	Gross,	McDermott,	Shaffer,
Boorse,	Gryskewicz,	McDowell,	Shaw,
Bower,	Gyger,	McFall,	Shepard,
Bradley,	Habbyshaw,	McGrath,	Snyder,
Breth,	Haberlen,	McIntosh,	Sollenberger,
Bretherick,	Haines,	McKinney,	Sorg,
Brown,	Hall,	McLane,	Stank,
Brunner, C. H.,	Hamilton,	McMillen,	Stine,
Brunner, P. A.,	Hare,	McSurdy,	Stockham,
Burns,	Harkins,	Melchiorre,	Tarr,
Burris,	Harmuth,	Mihm,	Tate,
Cadwalader,	Harris,	Modell,	Taylor,
Chudoff,	Heatherington,	Mooney,	Thompson, E. F.,
Cochran,	Helm,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Voldow,
Croop,	Huntley,	O'Dare,	Voorhees,
Cullen,	Imbrie,	O'Mullen,	Wagner,
Dalrymple,	James,	O'Neill,	Weiss,
Dennison,	Jefferson,	Owens,	Weingartner,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
Ely,	Krise,	Readinger,	Woodside,
Falkenstein,	Lee, E. A.,	Reagan,	Wright,
Finestone,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finnerty,	Leisey,	Reese, R. E.,	Yester,
Fisher,	Leonard,	Regan,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No 849, Printer's No. 639, was passed over at the request of the SPEAKER.

PERMISSION TO ADDRESS HOUSE

Mr SHEPARD asked and obtained unanimous consent to address the House.

Mr Speaker, I just want to call the attention of the Members of the House to something that was related by Mr. Brown in his fine speech a few minutes ago, and I call your attention to two specific instances that should claim our attention for the moment. We are going to vote for an appropriation to the Jefferson Hospital and Medical College of Philadelphia in the sum of $395,000 for the biennium. A young negro physician called me the other day and told me of his experiences in trying to enter the Jefferson Medical College and said that he was told frankly that he could not be admitted because of his race.

Mr. Speaker, I think that is a betrayal of the trust of the people of this Commonwealth when a great medical institution will take State money and then at the same time refuse to admit the citizens of the state on account of race, creed, or color.

Some few sessions ago, the Legislature passed a bill that became a law, authorizing the establishment of a separate batallion of negro soldiers in the National Guard of Pennsylvania. That is a law in this Commonwealth, and yet the Governor of this Commonwealth refuses to exercise that right and permit negroes to join the National Guard of Pennsylvania, either in a separate batallion or as members of the regular National Guard.

We are in a great campaign engaged in a program of national defense. We are told that there are not enough doctors graduated from our medical schools to meet the needs of this nation in this time of emergency, and yet here is a hospital and medical college receiving State

funds and refusing to admit negroes to their training courses to enable them to serve their nation at a time like this. Here in the Commonwealth of Pennsylvania State moneys are being appropriated for the National Guard of Pennsylvania, and the Governor of this state refuses absolutely to turn his hand in any way to accord negroes equal opportunities in the defense forces as related to the Commonwealth of Pennsylvania.

I here and now call upon the Governor of this Commonwealth to exercise his power as the chief executive of this state to insure negroes an opportunity to participate and join the National Guard forces of Pennsylvania, that this democracy may not be a farce, but so far as Pennsylvania is concerned, it may be for all the people alike, regardless of race, creed, or color. I thank you.

MR. ACHTERMAN IN THE CHAIR

RECONSIDERATION OF HOUSE BILL NO. 1094

Mr. MARSHALL M. COHEN. Mr. Speaker, I move that the vote by which House Bill No. 1094, Printer's No. 559, entitled:

"An Act to protect the public health and safety by requiring registration with and the securing of permits from the State Board of Pharmacy by persons, copartnerships, associations and corporations engaged in the manufacture, producing and dealing in drugs and medical supplies, regulating the manufacture of drugs and medical supplies, prescribing permit, providing for inspections and the suspension and revocation of permits, conferring powers on the State Board of Pharmacy; and courts and providing penalties", was defeated on final passage on May 14, 1941, be reconsidered.

Mr. SHAW. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Lancaster, Mr. Cohen, vote on the final passage of this bill?

Mr. MARSHALL M. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER pro tempore. How did the gentleman from Allegheny, Mr. Shaw, vote on the final passage of this bill?

Mr. SHAW. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore declared the "nays" appeared to have it,

Whereupon, a division was called for eighty-eight members having voted in the affirmative and sixty-eight in the negative, the question was determined in the affirmative and the motion was agreed to.

BILL POSTPONED

Mr. MARSHALL M. COHEN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Monroe, Mr. Achterman, for presiding.

PERMISSION TO ADDRESS THE HOUSE

Mr McKINNEY asked and obtained unanimous consent to address the House.

Mr Speaker, in view of the very able remarks made this evening by the gentleman from Allegheny, Mr. Brown, and the gentleman from Philadelphia, Mr. Shepard, I would like to call to the attention of the Rules Committee a resolution introduced by me on April 22, 1941, Resolution No. 86, Serial No. 158. This resolution had the indorsement of the American Legion and the Veterans Organizations, and I would ask that the Rules Committee give that resolution consideration.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, the gentleman from Philadelphia, Reverend Shepard, made a statement on the floor of the House to the effect that Governor James had made no effort whatsoever to obtain a colored unit in the National Guard, and as a matter of fact I think he made it even stronger than that and said that the Governor had refused to attempt to establish a colored unit in the National Guard.

Mr. Speaker, I would like to set the gentleman straight on the facts of the matter. As a matter of fact, after a delegation had called upon the Governor he sent for General Martin, and after a conference with General Martin he wrote to Washington asking for permission to establish such a unit. He was referred to a letter which had previously been written to this Commonwealth by the President of the United States in which he had refused definitely to establish such a unit in the Commonwealth of Pennsylvania and said that such a unit could not be established in the Commonwealth of Pennsylvania. Thereafter General Martin had four other conferences with the delegation concerning the establishing of such a unit, and on three separate occasions at the request of the Governor made trips to Washington in order to attempt to establish such a unit and each time he was told by the army officials and the officials of the Federal Government in Washington that no such unit could be established.

I think the record should be straightened out on that matter, so that it will show that an effort was made on the part of the Governor to establish such a unite and that he was prevented from doing so by the Federal Government in Washington.

PERMISSION TO ADDRESS HOUSE

Mr. SHEPARD asked and obtained unanimous consent to address the House.

Mr. Speaker, I hope that the gentleman from Dauphin is correct in the information that he has received, but I received some information from that conference also, that when this committee waited on the Governor and called his attention to this failure to include negroes in the National Guard of Pennsylvania and called his attention to the fact that it was against the law of the Commonwealth, that the Governor replied there were some customs that were so time honored that they were above the law. That was the statement he gave out to the newspapers at the time, and members of the same committee told me that was what the Governor said. Anyway I know that no negro has been admitted to the National Guard of Pennsylvania, and whose fault it is is a matter between the Governor and the officials in Washington, but the fact remains.

BILL ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. FINESTONE.

The House resumed the consideration on third reading of House Bill No. 1254, as follows:

An Act regulating in cities of the first class the enforcement of any provisions in any ordinance relating to building codes in connection with the erection enlargement alteration repair moving removal demolition and inspection of buildings and other structures and the erection encroachment extension repair inspection and use of party walls as provided for in any ordinance and providing penalties

The General Assembly of the Commonwealth of Pennsylvania enacts as follows

Section 1 Powers of Chief The Chief of the Bureau of Building Inspection shall have authority to enforce the provisions of any building code provided for by ordinance of cities of the first class in the form and manner herein provided

Section 2 Right of Entry The Chief of any inspector attached to the Bureau of Building Inspection on producing the necessary credentials or proofs of identity shall have the right of entry upon any premises for the purpose of making any inspection during daylight hours and at such other times only as might be required in an emergency as provided in Section 4 of this Act

Section 3 Approval of Materials and Construction The Chief shall have the right at any time to require tests of any materials used in building construction for the purpose of determining their suitability and to make regulations for the testing of all new building materials or types of construction as may be provided for in any ordinance of cities of the first class

Section 4 Protection or Demolition of Dangerous Structures In any case where a wall or building is found to be in such a dangerous condition as to constitute an immediate menace requiring instant action and where because of such emergency the mode of procedure prescribed in Section 5 of this Act is ineffective the Bureau shall have the right to order the premises vacated and if necessary to secure the co-operation of the police authorities in the execution of such vacating order and to temporarily shore up any dangerous wall or walls or tear same down the cost to be collected as provided in Section 5 of this Act

Section 5 Violations In the event of failure to obtain a permit or in any case where final decision of an inspector or of the Chief or of any examining commission is rendered such decision or order or certificate indicating that no permit has been issued or that violations have occurred after issuance of permit may be at once certified to any Court of Common Pleas The court shall upon application of such bill of complaint against the registered owner of the premises involved duly verified by affidavit of the Director of Public Safety the Chief any inspector or any member of an examining commission issue a mandatory injunction requiring compliance with such order or decision within five days or within a shorter time if the relief sought is the removal of a dangerous wall ceiling chimney or other structure or unsafe portion thereof Should the court deem proper to fix a shorter time then all petitions bills or complaints to compel compliance with the provisions of this Act or any ordinance relating to building code shall be given priority over other business or cases by any Court of Comon Pleas to which the final decision of an inspector the Chief or an examining commission appointed by the Director of Public Safety shall be certified If said injunction is not complied with within the time specified by the Court or if it cannot for any reason be served upon the registered owner the court shall have power to enforce its order by attachment or to issue an order to the Chief of the Bureau of Building Inspection commanding him to remove the wall building or structure condemned by the building inspectors (either as contrary to the provisions of any ordinance or as dangerous) under the supervision of the Bureau of such inspector as the Chief may designate The Chief of the Bureau of Building Inspection shall have power to employ such competent builders riggers and workmen as shall be necessary to carry out the order of the court He shall certify to the court when he has performed the work required to be done and the costs incurred and such bill being approved by the court and not being paid by the owner of the premise the court shall have power to compel the city to pay such costs by warrant The City shall thereupon issue a warrant to pay the costs of the said work and shall proceed to enter a lien for the costs thereof including the court costs as may be necessary to constitute the aggregate of said costs and expenses and the said lien shall not be discharged by any judicial sale until paid and the said city paying such costs may also by action of assumpsit recover the same from the owners of said premises.

Section 6 Penalties Any person or persons firm corporation or other legal entity whether owner architect builder contractor or workman who shall make or cause to be made any alteration construction or removal of any building or structure whatsoever without permit therefor first issued or in violation of any of the provisions of this Act or any ordinance relating to building code or who shall have become the owner thereof after the same has been so done and who shall omit neglect or refuse to remove the same if dangerous or in violation of this Act or any ordinance relating to building code or to make the same safe and secure and in all respects conform to the requirements of this Act or any ordinance relating to building code within one week after notice to that effect shall forfeit and pay for each offense the sum of One Hundred ($100) Dollars and the further sum of fifty ($50) dollars for every period of one week for which the said person or persons shall omit neglect or refuse to remove the same or make it comply with this Act or any ordinance after the expiration of the notice aforesaid and any person or persons firm corporation or other legal entity who shall contract for the erection or construction of any building addition alteration or other thing in violation of any of the provisions of this Act or any ordinance relating to building code shall be subject to the same penalties as aforesaid All of the aforesaid penalties to be recovered as penalties of equal amount are or shall be recoverable in the name and for the use of the City and when collected shall be paid into the treasury thereof

Section 7 Board of Appeals The Zoning Board of Adjustment shall constitute the Board of Appeals The decision of a majority of the members shall constitute the decision of the board The board shall hear all appeals as hereinafter provided for and after hearing shall render decision or issue such orders as to them may seem proper Notice of any such decision or order shall be given forthwith to the aplicant or the party or parties affected thereby and the time within which an appeal may be taken from such decision or order shall be set forth in said notice

Section 8 Appeals (a) Any applicant for a permit from the Bureau of Building Inspection whose application has been refused or any person who has been ordered by an inspector to incur any expense may appeal by giving notice in writing of such appeal If the appeal shall be from an order refusing a permit it shall be taken within fifteen days from the refusal of such permit If the appeal is from an order to take down and remove a dangerous building or structure or a dangerous wall or walls it shall be taken within five days from the issuing of such order

(b) Any person the value of whose property may be affected by work done or to be done under any permit granted by the Bureau of Building Inspection may within five days from the commencement of the work appeal by giving notice in writing that he does so appeal (c) In Computing the time within which an appeal may be taken if the last day shall fall on Saturday Sunday or on a legal holiday the appeal shall be taken on the next succeeding full business day Notice of appeal may be given either by leaving such notice in writing with the Chief or the chief clerk at the office of the Bureau of Building Inspection or it may be mailed addressed to the Bureau If mailed the date of the postmark shall be taken as the date of the appeal

Section 9 Further Appeal to Examining Commission

Should any party aggrieved object to the decision of the Board of Appeals he may further appeal in writing to the Director of the Department of Public Safety within three (3) days of the decision of the Board of Appeals specifying in such appeal the reasons and ground therefor and accompanying the same by the sum of forty-five dollars ($45) The Directors of the Department of Public Safety shall thereupon appoint an examining commission to consist of three experts who shall be either practical builders engineers or architects one of whom shall be named by the Chief one by the party taking the appeal and the third by the first two who shall within such time as the Director shall specify carefully consider the said appeal and make decision thereon The decision of any two shall be the decision of the commission They shall be paid for their services fifteen dollars ($15) each out of the aforesaid sum of forty-five dollars ($45)

Section 10 Finality of Decisions (a) The decision of a building inspector or of the Board of Appeals unappealed from shall be final and conclusive in any subsequent proceeding on the matter in question in court or otherwise

(b) The decision of an examining commission in case of appeal to such commission shall be final and conclusive when certified to the building inspectors Provided however That no commission named in accordance with this Act in cities of the first clas shall have any power or authority to set aside or nulify or alter any of the provisions herein or order or require any permit to be issued for a building to be constructed otherwise than as is herein required

Section 11 In the event that any provision of this Act should be judicially declared unconstitutional and invalid such invalidity shall be restricted to the sentence paragraph or section containing such provision and shall in no way affect the validity of the remainder of this act

Section 12 This Act shall become effective immedately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fletcher,	Lichtenwalter,	Rose, S.,
Allmond,	Flynn,	Longo,	Rose W. E.,
Auker,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Royer,
Balthaser,	Gates,	Malloy,	Sarge,
Baugher,	Gerard,	Marks,	Sarrat,
Bentley,	Gillette,	Maxwell,	Schwab,
Bentzel,	Goodwin,	McClanaghan,	Serrill,
Boles,	Greenwood,	McClester,	Shaffer,
Boney,	Gross,	McDermott,	Shaw,
Boorse,	Gryskewicz,	McDowell,	Shepard,
Bower,	Gyger,	McFall,	Snyder,
Bradley,	Habbyshaw,	McGrath,	Sollenberger,
Breth,	Haberlen,	McIntosh,	Sorg,
Bretherick,	Haines,	McKinney,	Stank,
Brown,	Hall,	McLane,	Stine,
Brunner, C. H.,	Hamilton,	McMillen,	Stockham,
Brunner, P. A.,	Hare,	McSurdy,	Tarr,
Burns,	Harkins,	Melchiorre,	Tate,
Burris,	Harmuth,	Mihm,	Taylor,
Cadwalader,	Harris,	Modell,	Thompson, E. F.,
Chudoff,	Heatherington,	Mooney,	Thompson, R. L.,
Cochran,	Helm,	Moran,	Trout,
Cohen, M. M.,	Hering,	Moul,	Turner,
Cohen, R. E.,	Herman,	Muir,	Van Allsburg,
Cook,	Hersch,	Munley,	Verona,
Cooper,	Hewitt,	Nunemacher,	Vincent,
Cordier,	Hirsch,	O'Brien,	Voldow,
Corrigan,	Holland,	O'Connor,	Voorhees,
Croop,	Huntley,	O'Dare,	Wagner,
Cullen,	Imbrie,	O'Mullen,	Watkins,
Dalrymple,	James,	O'Neill,	Weingartner
Dennison,	Jefferson,	Owens,	Weiss,
DiGenova,	Jones, G. E.,	Petrosky,	Welsh, E. B.,
Dix,	Jones, P. N.,	Pettit,	Welsh, M. J.,
Dolon,	Keenan,	Polaski,	Williams,
D'Ortona,	Kenehan,	Polen,	Winner,
Duffy,	Kline,	Powers,	Wolf,
Eckels,	Knoble,	Prosen,	Wood, L. H.,
Elder,	Kolankiewicz,	Rank,	Wood, N.,
Elliott,	Komorofski,	Rausch,	Woodring,
Ely,	Krise,	Readinger,	Woodside,
Falkenstein,	Lee, E. A.,	Reagan,	Wright,
Finestone,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Finnerty,	Leisey,	Reese, R. E.,	Yester,
Fisher,	Leonard,	Regan,	Young,
Fiss,	Lesko,	Reynolds,	Kilroy,
Fleming,	Levy,	Rhea,	Speaker.
	Leydic,	Rooney,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECONSIDERATION OF HOUSE BILL NO. 891

Mr. O'BRIEN. Mr. Speaker, I move that the vote by which House Bill No. 891, Printer's No. 483, entitled:

"An Act to amend the act approved th third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled 'An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto' by requiring the Department of Revenue to establish a system for the permanent registration of hunters revising the provisions of id act relating to the issuance of lic nses and eliminating the power of justices of the peace magistrates and notaries public to receive applications therefore"

was defeated on final passage Tuesday, May 13, 1941, be reconsidered.

Mr MIHM. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. O'Brien vote on the final passage of this bill?

Mr. O'BRIEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Mihm, vote on the final passage of this bill?

Mr. MIHM. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER declared the "ayes" appeared to have it,

Whereupon, a division was called for ninety-five members having voted in the affirmative and fifty in the negative, the question was determined in the affirmative and the motion was agreed to.

BILL POSTPONED

Mr. O'BRIEN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. SHAW asked and obtained unanimous consent to address the House.

Mr. Speaker, you will all recall that on the third day of the session this House appointed a special committee to investigate the trouble between the W.P.A. and the State administration over the sewing project. Your committee has to report this evening that on last Friday the agreement under which the sewing project will be continued for one year from today was signed and sent to Washington. We will make a formal report a little later. Thank you.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 692, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by making further provision for the granting of easements or rights-of-way upon across over under or along lands and waters of the Commonwealth making further provision for the granting of commissions to certain air pilots authorizing the Pennsylvania Historical Commission to charge certain admission fees conferring power upon the Department of Property and Supplies to control and supervise certain buildings devised to the Commonwealth authorizing the micro filming of records in the various administrative departments boards or commissions and authorizing the leasing of Indiantown Gap Military Reservation and certain other real estate of the Commonwealth to the United States

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 692.

The SPEAKER. The Chair appoints as a Committee of Conference Messrs. Readinger, Reuben E. Cohen and Habbyshaw.

Ordered, That the Clerk inform the Senate accordingly

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 19, 1941

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, May 26, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, May 26, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. LOVETT, from the Committee on Welfare, reported as committed, House Bill No. 1521, entitled:

An Act to amend section two and clause (b) of section four of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, an to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended; eliminating from said act the provisions requiring milk to be furnished as a necessary part of assistance.

Mr. HERING, from the Committee on Welfare, reported as committed, House Bill No. 1512, entitled:

An Act to improve the condition of the blind in the Commonwealth of Pennsylvania by providing for vending and refreshment stands in public and private buildings to be operated by blind persons; empowering the State Council for the Blind to do all things necessary for the establishment, maintenance and supervision of such stands and to select and provide for the compensation of suitable blind operators therefor; authorizing the State Council for the Blind to designate persons to operate stands in Federal buildings under authority of any act of Congress; authorizing officers and agencies in charge of State, county or municipal buildings to allow the establishment and operation of stands therein; creating a revolving fund in the State Treasury to be used for the purposes of the act; and making an appropriation.

Mr. LOVETT, from the Committee on Rules, reported as committed, House Resolution No. 94.

CONDOLENCE RESOLUTION

Mr. GERARD offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, May 19, 1941.

Whereas, The House of Representatives often pauses in its deliberations to note with sorrow of the passing of one of the distinguished citizens of this Commonwealth; and

Whereas, One of the flower of its young manhood was cut down suddenly on Friday, May 16, 1941, when Lieutenant James Criswell was killed in the crash of his plane; and

Whereas, The family of Lieutenant Criswell are well known and universally respected in their community and in the City of Pittsburgh; and

Whereas, Lieutenant James Criswell died in line of duty,

exhibiting to the end those traits of character and manhood which go so much into making up our true American tradition; and

Whereas, It is fitting that the House of Representatives salute one of our Commonwealth's peace time heroes; therefore be it

Resolved, That the House of Representatives mourns the passing of Lieutenant James Criswell and directs the Clerk of the House of Representatives to mail a copy of this resolution to the parents of the deceased, as a token of the House of Representative's heartfelt and sincere sympathy to them in their great bereavement.

RESOLUTIONS

CONGRATULATORY

Messrs. SCANLON and TATE offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted.

In the House of Representatives, May 19, 1941.

Whereas, A certain Mr. Smith went to Washington; and

Whereas, The said Mr. Smit' on Saturday, May 17, 1941, took unto him in vinculo matrimonii Miss Regina Dorsey in the City and County of Philadelphia; and

Whereas, The nuptials of Congressman Francis R. Smith of the Fifth Congressional District of Philadelphia and his bride were attended by several members of the House, therefore be it

Resolved, That the House of Representatives felicitates Congressman Smith and his wife and wishes them a long, successful and happy married life; and be it further

Resolved, That the Chief Clerk of the House of Representatives is hereby directed to mail a copy of this resolution to the happy couple.

RECALLING HOUSE BILL No. 610 FROM THE GOVERNOR

Mr. WEINGARTNER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 19, 1941.

Resolved (if the Senate concur), that House Bill No. 610, Printer's No. 503, entitled "An act to amend clause forty-seven, of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty one (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' changing the qualifications of historical societies to receive appropriations," be recalled from the Governor for the purpose of amending.

Ordered, That the Clerk present the same to the Senate for concurrence.

CONDOLENCE RESOLUTION

Messrs O'CONNOR and OWENS offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 19, 1941.

It is with deep regret we learned of the death of the brother of our fellow member, the Honorable Michael C. Chervenak, Jr., John Andrew Chervenak, a veteran of the World War, a member of the American Legion, John Moyer Post No. 430, died May 16 at his home in Portage Township, Cambria County.

Resolved, That this House extends its heartfelt sympathy to his widow and his brothers and sisters and directs that the Chief Clerk transmit a copy of this resolution to his widow, and to our fellow member, the Honorable Michael C. Chervenak, Jr., Portage, Pennsylvania.

ANNOUNCEMENT

Mr. TARR. Mr. Speaker, the meeting that was scheduled for tomorrow of the Game Committee, announced at the last meeting of that Committee will not be held until some later date. I make this announcement, due to the fact that the meeting was announced at the last meeting of the committee.

COMMITTEE MEETINGS

EASTERN STANDARD TIME

Aeronautics, Tuesday, May 20 at 11:30 a. m. in Room 331.

Agriculture, Tuesday, May 20 at 1[illegible] a. m. in Room 329.

Congressional & Judicial Apportionment, Tuesday, May 20 at 11 a.m. in Room 323.

Judiciary General, Tuesday, May 20 at 9 a. m. in Room 246.

State Government, Tuesday, May 20 at 11 a. m. in Room 325.

PUBLIC HEARING

There will be a second Public Hearing before the Committee on Judiciary Special on House Bill No. 365 on Wednesday, May 21, 1941 at 6:30 p. m., E.S.T. in the New Caucus Room

The Steering Committee will meet Tuesday, May 20 at 10 a. m. in the New House Caucus Room.

ADJOURNMENT

Mr. MALLOY. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 20, 1941, at 12 m.

The motion was agreed to, and (at 11:10 p. m. the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941. 135th of the General Assembly.

Vol. 25. HARRISBURG, PA., TUESDAY, MAY 20, 1941. No. 56,

SENATE

TUESDAY, May 20, 1941.

The Senate met at 1:00 o'clock, p, m, E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, the prayer was offered by the Senator from Berks, Doctor RUTH.

O, Most High God, Father of all mankind, we stand before Thee today to acknowledge the greatness of Thy power and the depth of Thy love; we pray that Thou wilt fill us with Thy holy spirit that in these troublous times we might give more than our share of unity so that the great ideals of American life, liberty, justice and happiness for all may continue here and permeate to the ends of the earth so that all men everywhere shall acknowledge Thee as the only true God. In Thy holy name we ask it. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. COLEMAN and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Cavalcante asked and obtained leave of absence for the Senator from Washington, Mr. REED, for the balance of the week.

Mr. Geltz asked and obtained leave of absence for the Senator from Bucks, Mr. JAMES.

He also asked and obtained leave of absence for the Senator from McKean, Mr. THOMAS B. WILSON.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 20, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Margaret C. Nedamyer, 1414 Oliver Bldg., Pittsburgh.

John Olshesky, Chartiers Ave. and Greenway Drive Sheraden, Pittsburgh.

Miss Ursula M. Serenco, McKeesport.

ARMSTRONG COUNTY

Bert W. Fleming, Ford City.

DELAWARE COUNTY

Miss Myrtle L. MacDougall, Catalytic Development Co., Linwood, Lower Chichester Twp.

PHILADELPHIA COUNTY

George F. Bencker, 415 North 63d Street, Philadelphia.

John H. Brigerman, 2206 W. Columbia Ave., Philadelphia.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 20, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Mildred L. Grazier, 130 Heister Street, State College, Centre County, for reappointment as a Notary Public in the Borough of State College, Centre County, for a term of four years to compute from May 25, 1941.

ARTHUR H. JAMES.

NOMINATION OF NOTARIES PUBLIC

A motion was made by Mr. EDMONDS and Mr. EALY,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as folows, viz:

YEAS—42

Barr,	DiSilvestro,	Mallery,	Stevenson,
Bartlett,	Ealy,	McCreesh,	Stiefel,
Becker,	Edmonds,	McGinnis,	Tallman,
Carr,	Farrell,	McQuiddy,	Taylor,
Cavalcante,	Frey,	Miller,	Thomas,
Chapman,	Geltz,	Mundy,	Tyler,
Coleman,	Haluska,	Ruth,	Wade,
Cox,	Heyburn,	Scarlett,	Walker,
Crider,	Homsher,	Shapiro,	Watkins,
Crowe,	Kephart,	Snowden,	Ziesenheim,
Deitrick,	Letzler,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS JUSTICE OF PEACE IN CLEARFIELD COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John E. Boyer, Penfield, Clearfield County, for appointment as Justice of the Peace in and for the Township of Huston, Clearfield County, until the first Monday in January, 1942, vice J. T. Spotts, resigned.

ARTHUR H. JAMES.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, May 19, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvenes on Monday, May 26, 1941, at 3:30 o'clock, p. m., Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, at 8:00 o'clock, p.m., Eastern Standard Time.

HOUSE RESOLUTION RECALLING HOUSE BILL No. 610 FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as folows, considered and agreed to:

In the House of Representatives, May 20, 1941.

Resolved (if the Senate concur), That House Bill No. 610, entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act, approved the twenty-third of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," changing the qualifications of historical societies to receive appropriations.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE BILL NO. 232

He also returned to the Senate, Senate Bill No. 232, entitled:

An Act to validate and quiet the title to lands and buildings heretofore sold by boards of school directors at public auction without full compliance with provisions of law authorizing such sales

with the information that the House has passed the same without amendments.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 53, (Senate Bill No. 914), entitled:

An Act providing for the acquisition of the Admiral Peary Memorial Park and for its management and development by the Pennsylvania Historical Commission and making an appropriation

Which was committed to the Committee on Appropriations.

House Bill No. 124, (Senate Bill No. 915), entitled:

An Act to reenact and amend the title and the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "Milk Control Law," by substituting the term "handler" for the term "milk dealer;" defining the terms "handle" and "handler;" extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase and by giving certain additional rights to producers' and farmers' unions or organizations producing milk.

Which was committed to the Committee on Agriculture.

House Bill No. 232, (Senate Bill No. 916), entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, copartnerships and persons.

Which was committed to the Committee on Finance.

House Bill No. 235, (Senate Bill No. 917), entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six, Pamphlet Laws thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

Which was committed to the Committee on Finance.

House Bill No. 543, (Senate Bill No. 918), entitled:

An Act authorizing cities, boroughs, incorporated towns and townships to abate certain interest charges and penalties added to municipial claims imposed or assessed for certain improvements; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims; and providing for the extension thereof.

Which was committed to the Committee on Municipal Government.

House Bill No. 726, (Senate Bill No. 919), entitled:

An Act authorizing and directing the Department of Highways to erect, construct and maintain a free bridge over the Susquehanna River in or near the Borough of Plymouth, Luzerne County, and to provide the necessary approaches and connections with state highways providing for the acceptance of Federal aid, empowering counties to pay certain damages; making an appropriation.

Which was committed to the Committee on Highways.

House Bill No. 744, (Senate Bill No. 920), entitled:

An Act to further amend section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "State Employes Retirement Law," authorizing payment by the board to a credit union where rights have been assigned and the note is unpaid and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account.

Which was committed to the Committee on State Government.

House Bill No. 892, (Senate Bill No. 921), entitled:

An Act authorizing a commission to study recreational facilities available in first class cities; imposing powers and duties on said commission; and making an appropriation.

Which was committed to the Committee on Municipal Government.

House Bill No. 900, (Senate Bill No. 922), entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 943, (Senate Bill No. 923), entitled:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 278), entitled "General County Law," by authorizing boards of county commissioners to appropriate county moneys for the support of charitable hospitals.

Which was committed to the Committee on County Government.

House Bill No. 1035, (Senate Bill No. 924), entitled:

An Act to further amend clause ten of section one of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employes Retirement Law," further defining "new member."

Which was committed to the Committee on State Government.

House Bill No. 1043, (Senate Bill No. 925), entitled:

An Act to add section six hundred ninety-three and one-tenth to article six of the act, aproved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," imposing penalties for the throwing of refuse, garbage or trash alongside highways.

Which was committed to the Committee on Judiciary General.

House Bill No. 1139, (Senate Bill No. 926), entitled:

An Act to amend section one hundred twenty of the act, approved the fourteenth day of April, one thousand eight hundred thirty-four (P. L. 333), entitled "An act relative to the organization of the Courts of Justice," prescribing procedure permitting the service of jurors as petit jurors or general jurors or both.

Which was committed to the Committee on Judiciary General.

House Bill No. 1254, (Senate Bill No. 927), entitled:

An Act regulating, in cities of the first class, the enforcement of any provisions in any ordinance relating to building codes, in connection with the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures and the erection, encroachment, extension, repair, inspection and use of party walls, as provided for in any ordinance, and providing penalties.

Which was committed to the Committee on Municipal Government.

House Bill No. 1450, (Senate Bill No. 928), entitled:

An Act requiring public utilities engaged in the transportation of passengers for hire in this Commonwealth, to charge only half-fare for all school children transported by such companies; imposing duties on the heads of certain schools in this Commonwealth; and imposing penalties.

Which was committed to the Committee on County Government.

House Bill No. 1510, (Senate Bill No. 929), entitled:

An Act to further amend section two of the act, approved the third day of June, one thousand nine hundred and nineteen (P. L. 369), entitled "An act providing for the appointment by the district attorney, in counties having a population of over one million five hundred thousand inhabitants, of a chief county detective, an assistant chief county detective, and special county detectives; defining their duties; defining their authority; fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county," by increasing the compensation of the chief county detective.

Which was committed to the Committee on County Government.

House Bill No. 1588, (Senate Bill No. 930), entitled:

An Act to amend and reenact section five hundred and twenty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended, by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class; and prescribing the method of fixing the levy of school taxes in such districts.

Which was committed to the Committee on Education.

SENATE BILL No. 294 (HOUSE BILL No. 481) TAKEN FROM TABLE

Mr. EALY. Mr. President, I now call up from the table Senate Bill No. 294 (House Bill No. 481), entitled:

An Act to amend sections eighteen and nineteen of the act aproved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products, conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties," requiring the filing of local ordinances, rules and regulations with the Dairy Advisory Council; requiring local ordinances, rules and regulations in certain cases to be consistent requiring inspectors employed by municipalities to be approved inspectors, eliminating the power of the Advisory Health Board to make rules and regulations, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon and providing for appeals to the Court of Common Pleas.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 294

The PRESIDENT announces the appointment as said committee on the part of the Senate, the Senator from Chester, Mr. Scarlett; the Senator from Philadelphia, Mr. Kephart, and the Senator from Philadelphia, Mr. Shapiro.

SENATE BILL No. 402 (HOUSE BILL No. 376), CALLED UP FROM TABLE

Mr. EALY. Mr. President, I now call up from the table Senate Bill No. 402 (House Bill No. 376), entitled:

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the sale, exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser and the disguising and camouflaging of equipment used for marketing liquid fuels, lubricating oils and similar products.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

MOTION THAT THE SENATE INSISTS UPON ITS AMENDMENTS TO THE FOREGOING BILL

Mr. EALY. Mr. President, I move that the Senate insist upon its amendments, non-concurred in by the House.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. HOMSHER, from the Committee on Banking, reported as amended, Senate Bill No. 839, entitled:

An Act to further amend Section 7 of the act, approved the fifth day of May, one thousand nine hundred twenty-one (P. L. 374), entitled "An act providing for the licensing and regulation of corporations, copartnerships, associations, and individuals, engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment, or of issuing, negotiating, offering for sale or selling any certificates, securities, contracts, or other choses in actions evidenced by writing on the partial payment or instalment plan, or of assuming fixed obligations, or issuing, in connection therewith, a contract based upon payments being made upon instalments or single payments, under which all or part of the total amount received is to be repaid at some future time, with or without profit; and imposing penalties," requiring corporations and persons licensed under said act to deposit additional security with the Commission for the fulfillment of their contracts.

Mr. EDMONDS, from the Committee on Banking, reported as committed, Senate Bill No. 803, entitled:

An Act to further amend section one of the act, approved the eighteenth day of April, one thousand nine hundred and thirty-five (P. L. 48), entitled "An act requiring banks, trust companies, bank and trust companies, private bankers, and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances," making the said information available to county institution districts and city departments of welfare.

Mr. WALKER, from the Committee on Senatorial Apportionment, reported as amended, Senate Bill No. 776, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into Senatorial districts, as provided by the Constitution; and to regulate the election of, and terms of office of, the present and future elected Senators.

Mr. FARRELL, from the Committee on State Government, reported as committed, Senate Bill No. 843, entitled:

An Act to further amend section two hundred nine of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for the reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, board, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further prescribing the compensation of the Lieutenant Governor of the Commonwealth

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 838, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth, the site of Fort Zeller in Lebanon County and land adjacent thereto, as a recreational spot for the people of the Commonwealth.

with the request that after two readings, it be re-referred to the Committee on Appropriations.

Mr. CARR, from the Committee on Law and Order, reported as committed, Senate Bill No. 599, entitled:

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

Mr. THOMAS, from the Committee on County Government, reported as amended, Senate Bill No. 55, entitled:

An Act to add clause twenty-two to section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations.

He also, from the Committee on County Government, reported as amended, Senate Bill No. 54, entitled:

An Act to add clause forty-seven to section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 46, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing the county treasurer to appoint a solicitor and providing for his salary payable by the county.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 8, entitled:

An Act to amend article three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing the formation of a State Association of County Treasurers and imposing certain expenses on counties.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 818, (House Bill No. 1324), entitled:

An Act to further amend section thirty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further providing for ascertaining the change of classification of counties.

He also, from the Committee on County Government, re-reported as committed, Senate Bill No. 292, (House Bill No. 382), entitled:

An Act authorizing counties cities boroughs incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein and to borrow money and issue bonds for said purpose

Mr. WADE, from the Committee on Banking, reported as committed, Senate Bill No. 387, entitled:

An Act to further amend clause (8) of subsection A of section one thousand two hundred eight and section one thousand two hundred nine of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations; of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further changing provisions relating to authorized investments of savings banks not under special charter and special charter savings banks.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 213, entitled:

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania, to acquire by gift from the owner thereof, Pottsgrove Mansion with tract of land situate in the Ninth ward of the Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof; and creating an advisory board to assist in such functions.

Mr. MALLERY, from the Committee on Law and Order, reported as amended, Senate Bill No. 619, entitled:

An Act to further amend section two of the act, approved the tweny-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys, authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by permitting clubs to waive or reduce dues payable by members in military service.

He also, from the Committee on Law and Order, reported as amended, Senate Bill No. 618, entitled:

An Act to further amend section two of the act, approved the sixteenth day of June, one thousand nine hundred thirty-three (P. L. 252, 1933-34), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by permitting clubs to waive or reduce dues payable by members in military service.

Mr. KEPHART, from the Committee on Agriculture, reported as amended, Senate Bill No. 748, (House Bill No. 218), entitled:

An Act to further amend section three and to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded Paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by imposing additional duties on the Secretary of Agriculture and further regulating the sale manufacture and transportation of insecticides and fungicides

JOINT LEGISLATIVE INDUSTRIAL TAX STUDY COMMISSION CONTINUED

Mr. STIEFEL, from the Committee on State Government, to which was referred resolution offered by Mr. DENT, on February 18, 1941, reported the same without amendment as follows:

In the Senate, February 18, 1941.

Whereas, Pursuant to a Concurrent Resolution adopted by the Senate of the General Assembly of Pennsylvania on March 8, 1937, and concurred in by the House of Representatives on March 15, 1937, a Joint Legislative Committee was created to ascertain the tenability of then prevalent assertions pertaining to migratory trends of Pennsylvania's industries and to survey the industrial taxes of this Commonwealth; and

Whereas, Said Joint Legislative Committee, also known as the Industrial Tax Survey Committee, completed after two years of continuous and arduous work only one phase of its two-fold task, namely, the ascertainment of existence or non-existence of migratory industrial trends, but was prevented from undertaking the survey of Pennsylvania's industrial taxes because of the expiration of its term; and

Whereas, Both the Dent Report submitted by the Joint Legislative Committee to the General Assembly of Pennsylvania in March of 1939, and the Supplemental Report submitted on May 25, 1939, recommended the creation of a State Tax Commission conducive to a further study of our State Tax System and an eventual revision thereof; and

Whereas, Said recommendation about the creation of a State Tax Commission has not been heretofore carried out by the General Assembly of Pennsylvania, thus leaving the archaic status quo in Pennsylvania's State taxation and the study thereof undisturbed and menacing; and

Whereas, The leading position of Pennsylvania among the States in the use of industrial taxes indicates the importance of these taxes to business and to the community, and clearly establish the urgent need for a scientific approach in the study thereof; and

Whereas, In the absence of any attempts to undertake a thorough, exhaustive and scientific survey and study of Pennsylvania's industrial taxes, it would be to the advantage of our Commonwealth to recreate the Joint Legislative Industrial Survey Committee, in order to thus enable it to complete the second phase of its work, namely, to prepare a survey of the industrial taxes of Pennsylvania, possibly in the form of several monographs containing multifaceted studies of the origin of said taxes, their role in the revenue system of Pennsylvania as compared to other States and the Federal Government, the revenue potentialities, thereof and future outlook therefor from view-points of bases of taxation, tax rates, incidence, equality or inequality of their distribution and above all, the possibility of their elimination, together with formulae aiming at the development of a tax system which will strive to attain the objective of obtaining maximum revenues with the minimum disturbance and costs to industry and the community; now be it

Resolved (if the House of Representatives concur), that the General Assembly of Pennsylvania recreate the Joint Legislative Industrial Tax Study Committee, in order that same may complete the above-stated second phase of its two-fold task heretofore assigned thereto; and be it further

Resolved, That the said Joint Legislative Industrial Tax Study Commission be and same is hereby authorized and empowered to apply the balance of the fund formerly appropriated thereto toward the completion of the survey and studies above mentioned.

Resolution will lie over one day.

HOUSE MESSAGE

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL NO. 692

The Clerk of the House of Representatives being introduced, informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 692, entitled:

An Act to amend clauses (k) and (l), and to add clause (n) to section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," authorizing the leasing of Indiantown Gap Military Reservation to the United States.

APPOINTMENT OF CONFERENCE COMMITTEE

The PRESIDENT. The President Pro Tempore announces the appointment as said committee on the part of the Senate: The Senator from Luzerne, Mr. Miller; the Senator from Lycoming, Mr. Snowden; and the Senator from Allegheny, Mr. Cox.

BILLS INTRODUCED

Messrs. CAVALCANTE and DENT read in their places and presented to the Chair Senate Bill No. 931, entitled:

An Act to further amend section two hundred and twenty-two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative departments, boards, commissions, and officers thereof, including the the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing

the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further defining leave of absences of State employes.

Which was committed to the Committee on State Government.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 932, entitled:

An Act to further amend section eight hundred and six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay licenses fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by changing and restricting the right of the Commonwealth to impose interest on unpaid tax and bonus when such tax and bonus are not settled within a certain period of time.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 933, entitled:

An Act to further amend clause (a) of section five hundred and three of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

Which was committed to the Committee on State Government.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 934, entitled:

An Act requiring recorders of deeds to accept and record prior to registry, where registry is required, and to have the same registered; and fixing fees therefor.

Which was committed to the Committee on County Government.

Mr. TAYLOR read in his place and presented to the Chair Senate Bill No. 935, entitled:

An Act to amend sections six hundred four, six hundred five, and six hundred seven and to further amend section two thousand four hundred seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further defining the duties of the Department of Internal Affairs.

Which was committed to the Committee on State Government.

REPORT FROM COMMITTEE

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Law and Order, reported, amended, Senate Bill No. 658, (House Bill No. 510), entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound, motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during

certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws" by changing the method and time whereby future referendums be initiated and held.

RESOLUTION URGING APPOINTMENT OF COMMITTEE TO INQUIRE INTO PROVISION GOVERNING MID-WIFERY

Mr. CAVALCANTE. Mr. President, I am about to introduce a resolution but I think I owe it to the Chair and the members of this body to make a short statement in order that I may ask unanimous consent for its adoption.

The PRESIDENT. If there is no objection, the gentleman from Fayette may proceed.

Mr. CAVALCANTE. Mr. President, some time during the early part of this year there was brought to my attention a situation that prevails in the set up of the Department of Public Assistance. The situation is merely this: we have here in the State of Pennsylvania duly licensed and registered nurses who are also licensed by the State of Pennsylvania to practice mid-wifery. In the Department of Public Assistance there is an appropriation made every year to the medical program of the Department of Public Assistance.

This case that I have in mind, of this duly licensed and registered nurse, with also a license to practice mid-wifery, arose in my county; but there are many such cases throughout this state. It seems that the Department of Public Assistance in this set-up of its medical program excludes these nurses from practicing mid-wifery, or to participate in the program. The situation seems rather odd, that here in this State of Pennsylvania, we will give one of these duly licensed and registered nurses a license to practice mid-wifery and yet we will not permit them to participate in the program of the Department of Public Assistance on that subject.

Now, Mr. President, I do not know why they are excluded but I think it is a very unfair situation and it seems to me since the state itself grants licenses to nurses of this kind to practice mid-wifery on all the other citizens of this Commonwealth, that they should be permitted to participate in the program which is set up by the Department of Public Assistance. I am offering this resolution in order to obtain some light.

Mr. CAVALCANTE offered the following resolution which was twice read:

Whereas, The duly licensed and registered nurses who are also by law licensed to practice mid-wifery in this Commonwealth are now excluded from participating in the Medical Program of the Department of Public Assistance; and

Whereas, It appears unjust to exclude such duly licensed and registered mid-wives from participation in the art of mid-wifery set up by such Medical Program of the Department of Public Assistance; now be it

Resolved, That the President pro tempore of the Senate do now appoint a committee consisting of three members of the Senate to inquire into this premise and as soon as possible report their findings to the Senate at this present session.

MOTION TO SUSPEND RULE 39

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on Public Health.

On the question,

Will the Senate agree to the resolution?

Mr. CHAPMAN. I object, Mr. President.

The PRESIDENT. There has been objection and the resolution is referred to the Committee on Public Health.

BILL POSTPONED

Mr. CROWE. Mr. President, I move that further consideration of House Bill No. 524 on concurrence in House Amendments recalled from the Governor, entitled:

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by prohibiting the purchase sale or exposure for sale of striped bass or rock fish under eighteen inches in length

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 207, entitled:

An Act to further amend subsections (a) and (b) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the employment, suspension, and retirement of professional employes

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 207

Mr. HOMSHER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 207, passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. HOMSHER. Mr. President, I voted "aye".

Mr. EDMONDS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator Vote?

Mr. EDMONDS. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The first section was reconsidered.

On the question,

Will the Senate agree to the section?

Mr. HOMSHER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 1, subsection (b), page 5, line 27, by inserting after the word "district" and before the word "shall" the following: "in which the minimum salary prescribed by law is equal to or exceeds that of the district making the suspension"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. DEITRICK. Mr. President, I move that further consideration of Senate Bill No. 316 on third reading, entitled:

An Act to amend clause (b) of section five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergenry Relief Board," by providing that the judge of the court of common pleas, the president of the board of county commissioners, and the coroner shall constitute the county board of assistance in certain cases

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 362, entitled:

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," changing the required proportion of mine foremen to other persons to be employed in bituminous mines.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I ask unanimous consent to offer the following amendments.

Amend, Title by adding at the end thereof the following: "and providing for the issuance of limited mineforeman's certificates;" Amend, page 3, line 4, by inserting after the word "authorize" and before the word "the" the following: "and require;" Amend, page 3, line 5, by inserting after the word "the" and before the word "duties" the following: "legal.'

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 374, as follows:

An Act to provide for the settlement of disputes among states with respect to domiciliary death taxes and imposing certain duties upon the Department of Revenue the Attorney General and executors and administrators

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions As used in this act

(a) The term "executor" means any executor of the will or administrator of the estate of a decedent except an ancillary administrator

(b) The term "taxing official" means the Department of Revenue in this State and the officer or body in any other reciprocal state designated in the statute of such state substantially similar to this act

(c) The term "death tax" means any tax levied by a state on account of the transfer of or shifting of economic benefits in property at death or in contemplation thereof or intended to take effect in possession or enjoyment at or after death whether denominated an "inheritance tax" "transfer tax" "succession tax" "estate tax" "death duty" "death dues" or otherwise

(d) The term "interested person" means any person who may be entitled to receive or who has received any property or interest which may be required to be considered in computing the death tax of any state involved

(e) The term "state" means any state Commonwealth territory or possession of the United States and the District of Columbia

Section 2 Election Where this State and one or more other states each claims that it was the domicile of a decedent at the time of his death and no judicial determination of domicile for death tax purposes has been made in any of such states any executor or the taxing official of any such state may elect to invoke the provisions of this act Such election shall be evidenced by the sending of a notice by registered mail receipt requested to the taxing officials of each such state and to each executor ancillary administrator and interested person Any execu-

tor may reject such election by sending a notice by registered mail receipt requested to the taxing officials involved and to all other executors within forty days after the receipt of such notice of election If such election be rejected no further proceedings shall be had under this act If such election be not rejected the dispute as to the death taxes shall be determined solely as hereinafter provided and any proceedings that may have been theretofore taken in this State to determine or assess such death taxes in the courts or otherwise shall be annulled and of no effect

Section 3 Compromise In any case in which an election is made as provided in section two hereof and not rejected the Secretary of the Department of Revenue may enter into a written agreement with the other taxing officials involved and with the executors to accept a certain sum in full payment of any death tax together with interest and penalties that may be due this State Such agreement shall not be effective unless approved by the Attorney General If an agreement cannot be reached and the arbitration proceeding specified in section four is commenced and thereafter an agreement is arrived at a written agreement may be entered into at any time before such proceeding is concluded notwithstanding the commencement of such proceeding Upon the filing of such agreement or duplicate thereof with the authority which would have jurisdiction to assess the death tax of this State if the decedent died domiciled in this State an assessment shall be made as therein provided and such assessment shall finally and conclusively fix and determine the amount of death tax due this State

Section 4 Board of Arbitration If in any such case it shall appear that an agreement cannot be reached as provided in the foregoing section or if one year shall have elapsed from the date of the election the domicile of the decedent at the time of his death solely for death tax purposes shall be determined as follows

(a) Where only this State and one other state is involved the Secretary of the Department of Revenue with the approval of the Attorney General and the taxing official of such other state shall each appoint a member of a board of arbitration and the members so appointed shall select the third member of the board If this State and more than one other state are involved the taxing officials thereof shall agree upon the authorities charged with the duty of administering death tax laws in three states not involved each of which shall appoint a member of the board The members of the board shall elect a chairman

(b) Such board shall hold hearings at such places as are deemed necessary upon reasonable notice to the executors ancillary administrators all interested persons and the taxing officials of the states involved all of whom shall be entitled to be heard

(c) Such board shall have power to administer oaths take testimony subpoena and require the attendance of witnesses and the production of books papers and documents and issue commissions to take testimony Subpoenas may be issued by any member of the board Failure to obey a subpoena may be punished by a judge or justice of any court of record in the same manner as if the subpoena had been issued by such judge or justice or by the court in which such judge or justice functions

(d) Such board shall apply whenever practicable the rules of evidence which prevail in federal courts under the federal rules of civil procedure at the time of the hearing

(e) Such board shall by majority vote determine the domicile of the decedent at the time of his death Such determination shall be final and conclusive and shall bind this State and all of its judicial and administrative officials on all questions concerning the domicile of the decedent for death tax purposes

(f) The reasonable compensation and expenses of the members of the board and employes thereof shall be agreed upon among such members the taxing officials of the states involved and the executors In the event an agreement cannot be reached such compensation and expenses shall be determined by such taxing officials and if they cannot agree by the appropriate probate court of the state determined to be the domicile Such amount shall be borne by the estate and shall be deemed an administration expense

(g) The determination of such board and the record of its proceeding shall be filed with the authority having jurisdiction to assess the death tax in the state determined to be the domicile of the decedent and with the authorities whcih would have had jurisdiction to assess the death tax in each of the other states involved if the decedent had been found to be domiciled therein

Section 5 In any case where it is determined by the board of arbitration that decedent died domiciled in this State penalties and interest for nonpayment of the tax between the date of the election and the final determination of the board shall not exceed four per centum per annum

Section 6 Where only one state in addition to this Commonwealth is involved the provisions of this act shall apply only if such other state has enacted a law substantially similar to this act In case in addition to this Commonwealth more states than one are involved the act shall apply as between legislating states even if one or more of the states involved shall not have enacted such legislation

Section 7 If the provisions of this act conflict with any other law of this State this act shall control

Section 8 This act shall take effect immediately upon final enactment and shall apply to the settlement of disputes among states with respect to death taxes without regard to whether the decedent died before or after the enactment of this act

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally

Mr. EDMONDS. Mr. President, with reference to Senate Bill No. 374, I would like to say a few words in the hope of commending this bill to my colleagues. This bill deals with a question that was made very evident at the time of settlement of the John Dorrance Estate. The question arises that there may be two or three or more states claiming that the decedent had domicile in that state and hence domiciliary death taxes are payable among one, two, three or more states as the case may be.

Now, at that time, Mr. President, it will be recalled, the State of Pennsylvania presented its claim and secured a decision from its own Supreme Court that Doctor Dorrance was a resident of Pennsylvania and that the death duties were all due to this State. Later on the State of New Jersey presented a claim to its Supreme Court and that Supreme Court decided that Doctor Dorrance was a resident of New Jersey and therefore the taxes were properly payable to New Jersey.

There was an attempt made to make an appeal to the Supreme Court of the United States, but the Supreme Court of the United States refused jurisdiction and therefore there were two sets of death duties in the full amount. In the case of Pennsylvania I think it amounted to eighteen millions of dollars, and in the case of New Jersey it amounted to about sixteen millions of dollars, which were paid from the one estate.

Now, Mr. President, that of course is an offense against any ideal of justice we might hold, and the question has been up for a long time as to what could be done to prevent this jeopardy of a double assessment of death duties against an estate. It particularly arises at a time when people are apt to have homes in more than one state. If a man lives in Philadelphia and has a summer home in Atlantic City or on the Atlantic coast, or if a man has a

home in New York and has a summer home in Connecticut, or if he should live in either of those states and have a summer home in Rhode Island—there are infinite possibilities for a disturbance of this kind affecting the orderly disposition of the estate.

Last year, Mr. President, when the National Tax Association met at New York there was a conference called by the Tax Commissioner of New York which was attended by representatives from New York, Massachusetts, New Jersey, Connecticut, and Pennsylvania and by representatives from several other states, and at that time they agreed some plan ought to be devised that would equitably settle the question of double domicile, if that question came up, inasmuch as it seemed to be the kind of a question for which there was no assurance that there could be an appeal to the Supreme Court of the United States. Eventually that conference agreed upon a reciprocal statute and that statute, as adapted to the Pennsylvania forms, is now before you for consideration and your vote.

The idea, Mr. President, is this: the Department of Revenue is given authority to confer with another state in case there is a dispute over double domicile and to make a settlement which can be carried into effect with the approval of the Attorney General of the Commonwealth; or if the two states cannot agree, then there is a provision for a Board of Arbitration which will settle the matter as to where a man was properly domiciled and to which state it may be the death taxes are properly due.

Now, Mr. President, that is all that is involved in this provision. Pennsylvania was the original home of reciprocal legislation, beginning in 1925, when we passed the first of our reciprocal acts relating to death taxes upon intangible personal property, such as stocks and bonds, of non-resident decedents, and from that time down to this Pennsylvania has had an honorable priority in the working out of these plans.

Here is a plan which was considered and framed in a large measure by our own taxing group. It has been considered with other states; in other states a statute has been introduced; I have no information at the present time as to how many have enacted it but I think that in New York, Connecticut and New Jersey there is similar or corresponding legislation already on its way.

It seems to me it is clear and I do hope very much the same spirit which made Pennsylvania the pioneer in the original reciprocal movement may make it become the pioneer in this movement as well.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Mallery,	Stiefel,
Bartlett,	Ealy,	McCreesh,	Tallman,
Becker,	Edmonds,	McGinnis,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Woodward,
Deitrick,	Letzler,	Stevenson,	Ziesenhelm,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 408, (House Bill No. 401), as follows:

An Act to further amend section five hundred eleven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" appropriating to the Department of Military Affairs the proceeds of the sale of certain products to be expended for the Indiantown Gap Military Reservation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred eleven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by section one of the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (P. L. 1865) is hereby further amended to read as follows

Section 511 Sale and Transfer of Surplus Products All departments boards and commissions may sell for the best price obtainable but not less than the current market price for similar products any surplus products of the soil meats live stock timber or other materials raised or grown upon or taken from property of the Commonwealth administered by such departments boards or commissions or their by-products respectively Transfers may be made of such products by and between State institutions under the control and management of such departments boards or commissions

As used in this section "surplus" shall mean products meats live stock timber or other materials or their by-products respectively which cannot conveniently and economically be used in connection with the proper main-

tenance of the institution park or other property administered by the department board or commissions involved but under no circumstances shall live trees be cut for sale unless and until the Department of Forests and Waters has approved the cutting of such trees and no sales or transfers shall be made under this section by any department administrative board or commission without the approval of the department with which such board or commission is connected.

The proceeds of the sale of any products of the soil meats live stock timber or other materials sold by any department board or commission under the provisions of this section shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund unless the expenses of such department board or commission are paid wholly or mainly out of a special fund in which case such proceeds shall be credited to the proper special fund and except that any such proceeds of the sale of products of the soil meats live stock timber or other materials by the Department of Military Affairs from property acquired for use in connection with the Indiantown Gap Military Reservation paid into the State Treasury through the Department of Revenue by the Department of Military Affairs shall be credited to the Department of Military Agairs and may be expended by the Department of Military Affairs for the maintenance and improvement of the Indiantown Gap Military Reservation or buildings thereon or for the benefit and comfort of troops thereat or for the acquiring of additional land or trespass rights or the erection of buildings thereat and for such purposes are hereby appropriated. Any questions ariing hereunder shall be determined by the Governor and his decision shall be certified to the Department of Revenue and the Treasury Department.

Every department board or commission which sells or transfers any product of the soil meats live stock timber or other materials under the provisions of this section shall keep an accurate record of the dates quantities and prices of all sales or transfers which record shall at all times be subject to audit by the Department of the Auditor General.

The Executive Board shall prescribe rules and regulations prescribing the manner in which transfers shall be made under this section

Section 2 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Letzler,	Stiefel,
Bartlett,	DiSilvestro,	Mallery,	Tallman,
Becker,	Ealy,	McCreesh,	Taylor,
Carr,	Edmonds,	McGinnis,	Thomas,
Cavalcante,	Farrell,	McQuiddy,	Tyler,
Chapman,	Frey,	Miller,	Wade,
Coleman,	Geltz,	Mundy,	Walker,
Cox,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Shapiro,	Wilson, H. I.,
Crowe,	Homsher,	Snowden,	Woodward,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. CAVALCANTE. Mr. President, the sponsor of Senate Bill No. 491 is not present and in view of the fact there are certain features in this bill about which I think we would like to interrogate the sponsor, I think the bill should go over in its order.

The PRESIDENT. Does the gentleman from Fayette make such a request?

Mr. CAVALCANTE. Mr. President, I request that Senate Bill No. 491 on third reading, entitled:

An Act to protect property by making criminal certain unlawful entries on injuries to and interference with property and attempts or conspiracies to do so; and providing penalties.

go over in order.

The PRESIDENT. It there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 535, (House Bill No. 316), as follows:

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public and requiring certification of their authority

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All officers on active duty with the armed forces of the United States holding the rank of at least major or lieutenant commander members of any general or special court martial all summary court officers and judge advocates and adjutants of companies are hereby authorized and empowered to act as notaries public with the same rights and powers as though duly commissioned and qualified as such according to law including among others the right to take within or without this Commonwealth the acknowledgment of any deed or other instrument in writing. Provided That the acknowledgment be accompanied by the certificate of the commanding officer or adjutant of the unit to which such officer is assigned and if unassigned the commanding officer or adjutant of the area or district to whom such officer reports for duty certifying the army order and the rank and company that the officer taking the acknowledgement held or was detailed to at the time of taking said acknowledgment and containing reference to this Act.

Section 2 The following parts of acts are hereby repealed

Sections one and two of the act approved the twenty-second day of April one thousand eight hundred sixty-three (P. L. 572) entitled "An act to authorize certain military officers to take affidavits testimony and acknowledgments of the execution of deeds and other instruments of writing of persons in the military service of this state or the United States"

Section one of the act approved the fourteenth day of March one thousand nine hundred nineteen (P. L. 18) entitled "An act conferring upon judge advocates of the United States Army the powers of notaries public declaring the effect thereof validating notarial acts heretofore performed by judge advocates and declaring the effect thereof"

Section one of the act approved the seventh day of June one thousand nine hundred nineteen (P. L. 422) entitled "An act authorizing certain officers of the United States Army to take acknowledgments of deeds and other instruments in writing validating certain acknowledg-

ments and repealing the act approved the first day of May one thousand nine hundred and nineteen"

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Mallery,	Stiefel,
Bartlett,	DiSilvestro,	McCreesh,	Tallman,
Becker,	Ealy,	McGinnis,	Taylor,
Carr,	Edmonds,	McQuiddy,	Thomas,
Cavalcante,	Farrell,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Woodward,
Deitrick,	Letzler,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 529, on third reading, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistant and other employes; providing for their compensation payable by such counties; and abolishing the office of assistant triennial assessor in townships of the first class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 566, as follows:

An Act to amend clause (b) of section twenty-seven of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by further regulating the discharge of charges on real estate

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (b) of section twenty-seven of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended to read as follows

(b) 1 In all cases in which under any proceeding in any orphans' court of this Commonwealth or by any last will and testament or by the provisions of this act any dower legacy recognizance or other charge shall have been imposed upon land payable presently or at a future time and such charge shall have been paid or a period of twenty years shall have elapsed after the principal of such charge has become due and payable and no payment shall have been made within such period on account of such charge by the owner or owners of the land and

no sufficient satisfaction release acquaintance or acknowledgment of payment thereof shall be of record in the county in which the land is situated it shall be lawful for the orphans' court of said county or in case said land is divided by a county line then the orphans' court of the county where the mansion-house may be situated or if there be no mansion-house in the county where the principal improvements may be or if there be no improvements in either county to entertain a petition for the discharge of said land from the lien of said charge

2 Such petition shall be presented by the owner or owners of said land or any part thereof shall be duly verified by affidavit and shall set forth the facts and allege that said charge has been paid or that no payment of principal or interest has been made within said period of twenty years on account of said charge by the present owner or owners or so far as can be ascertained by his or their predecessors in title and shall state the names of all known parties interested in such charge their places of residence if known and a description of the lands subject to the charge and sought to be released and discharged

3 Upon the presentation of such petition it shall be lawful for said court to issue a citation in the manner authorized by law to all such parties which citation shall be served as other citations are required to be served and shall require the parties to appear in court on a day designated to show cause why said land should not be discharged from the lien of such dower legacy or other charge

4 If the court aided if necessary by the report of a master shall determine at a hearing held in pursuance of said citation that such dower, legacy or other charge has been paid or is otherwise no longer chargeable upon the land by reason of any presumption of payment or if no person shall appear to answer the citation or if all parties in interest shall have joined in the petition upon which such citation was issued the court being satisfied of the truth of the allegations of the petition shall decree that all the land subject to the charge or any part thereof sought to be released or discharged shall be released and discharged from the same and the payment thereof and a certified copy of such decree may be recorded in the office for recording deeds in each county where such land or any part thereof is situated upon the terms and with the effect provided in clause (a) paragraph two of this section.

In all cases where any such charge shall have been imposed upon land as set forth in paragraph one of clause (b) of this section and a petition is presented by the owners of any part thereof to the proper court as herein provided and such court makes a decree discharging all of the land from the payment of such charge the decree of such court when entered of record as herein provided shall have the effect of discharging and shall discharge the whole of said tract of land upon which such charge shall have been originally imposed in the same manner as if the petition had been filed by the owners of the whole or of all parts thereof.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Mallery,	Stiefel,
Bartlett,	Ealy,	McCreesh,	Tallman,
Becker,	Edmonds,	McGinnis,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Woodward,
Deitrick,	Letzler,	Stevenson,	Ziesenheim,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 572, as follows:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas orphans' courts municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 In any action or proceeding at law or in equity in the several courts of common pleas orphans' courts municipal court of Philadelphia or county court of Allegheny County if after a final judgment or definitive decree therein a petition for rehearing or reargument on the same is filed within fifteen days (or within such additional period as may be allowed by the Court upon application made within said fifteen days). The filing of such petition shall stay the running of the time if any provided by law for the taking of an appeal from such decision of the said court to the Supreme or Superior Court and the right to take such appeal shall continue for the period so provided but such period shall be measured from the date of the refusal of the aforesaid petition for rehearing or reargument or from the final disposition of the case after such petition is granted.

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed.

Section 3 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Mallery,	Stiefel,
Bartlett,	Ealy,	McCreesh,	Tallman,
Becker,	Edmonds,	McGinnis,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Woodward,
Deitrick,	Letzler,	Stevenson,	Ziesenheim,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 592, as follows:

An Act to further amend section one of the act approved the thirtieth day of May one thousand eight hundred

and ninety-three (P. L. 183), entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor" reducing the amount of land to be acquired by the Valley Forge Park Commission.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section one of the act approved the thirtieth day of May one thousand eight hundred ninety-three (P. L. 183) entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor" as last amended by the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1362) is hereby further amended to read as follows:

Section 1 That for the purpose of perpetuating and preserving the site on which the Continental Army under General George Washington was encamped in winter quarters at Valley Forge during the winter of one thousand seven hundred seventy-seven ond one thousand seven hundred and seventy-eight the title to and ownership in the ground covering said site including Forts Washington and Huntingdon and the entrenchments adjacent hereto and adjoining grounds on both sides of the Schuylkill River in all not exceeding three thousand acres the location and boundaries thereof to be fixed by the commissioners of Valley Forge Park shall be vested in the State of Pennsylvania to be laid out preserved and maintained forever as a public place or park by the name of Valley Forge so that the same and the fortification thereon may be maintained as nearly as possible in their original condition as a military camp and may be preserved for the enjoyment of the people of the said State.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. EDMONDS. Mr. President, with reference to this bill, let me say that the history of Valley Forge Park shows that from time to time the Legislature has adopted laws which have changed the status of the park. The act of May 30, 1893 was an act to acquire title to not more than two hundred and fifty acres; the act of 1903 raised that to five hundred acres; the act of 1905 increased it to one thousand acres; by the act of 1917 it was increased to fifteen hundred acres and in 1925 it was increased to five thousand acres and that is the law at the present time.

Now, Mr. President, of course everybody is agreed that all of the Revolutionary encampment ought to be included in Valley Forge Park and there has been every disposition made to see to it the properties that we know were part of the Revolutionary encampment have been taken in.

Today there are about sixteen hundred acres in the Park which have been paid for by the state. There were four hundred acres more taken under condemnation in the Earle administration, on which the values have just been computed by Juries of View and for which an appropriation will be asked at this time, but we have asked the Park Commission whether they could not fix a more moderate ceiling than five thousand acres for the work they were to do and the commission itself has suggested to us if we could cut that ceiling down to three thousand acres, they can make it a complete piece of work.

The object of this bill now, Mr. President, is to cut the five thousand acres down to three thousand acres in order that there may be a ceiling which is a reasonable ceiling for the work.

Mr. SHAPIRO. I desire to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. SHAPIRO. Mr. President, in order to clear up an item in the budget concerning Valley Forge Park, I should like the gentleman from Montgomery to answer the question whether it is not true that this bill does not affect the budgetary requirements as contained in the present request of the Governor for Valley Forge Park.

Mr. EDMONDS. It does not, Mr. President, all it affects will be future condemnations that have not yet been made.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Mallery,	Stiefel,
Bartlett,	Ealy,	McCreesh,	Taylor,
Becker,	Edmonds,	McGinnis,	Tallman,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Ruth,	Walkar,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Woodward,
Deitrick,	Letzler,	Stevenson,	Ziesenheim,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 653, entitled:

An Act regulating and improving the civil service departments and agencies of the Commonwealth, vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employes of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making an appropriation and repealing certain acts and parts thereof.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. MUNDY. Mr. President, I ask unanimous consent to present amendments.

Mr. TALLMAN. I object, Mr. President.

Mr. CAVALCANTE. Mr. President, may we first hear the amendments before we vote?

Mr. MUNDY. Mr. President, may I ask to what the Senator from Lehigh objects?

The PRESIDENT. Does the gentleman from Luzerne desire to interrogate the gentleman from Lehigh?

Mr. MUNDY. Yes, Mr. President.

The PRESIDENT. Will the gentleman from Lehigh permit himself to be interrogated?

Mr. TALLMAN. Yes, Mr. President.

Mr. MUNDY. Mr. President, may I ask the Senator, Senator Tallman, to what he is objecting?

Mr. TALLMAN. Mr. President, I object to the request of the gentleman from Luzerne for unanimous consent to introduce amendments.

Mr. MUNDY. Mr. President, I desire to further interrogate the gentleman from Lehigh.

The PRESIDENT. If there is no objection the gentleman from Luzerne may proceed.

Mr. MUNDY. Mr. President, does the Senator from Lehigh know what is contained in these amendments?

Mr. TALLMAN. I do not, Mr. President. I want to voice my objection to the Chair.

Mr. MUNDY. Then, Mr. President, the objection of the gentleman from Lehigh is general to any amendments, regardless of what those amendments might be.

Mr. TALLMAN. Yes, Mr. President. This bill has been on the Calendar for a considerable length of time and if the gentleman from Luzerne had wanted to offer any amendments he might have done so while the bill was on second reading.

Mr. MUNDY. Mr. President, this bill in article 1, page 5, line 5, says very definitely—I will read from the bill—"Purpose. Greater efficiency and economy in the administration of the government of this Commonwealth is the primary purpose of this act. The establishment of conditions of service which will attract to the service of the Commonwealth qualified persons of character and ability and their appointment and promotion on the basis of merit and fitness are means to this end." Are those the words of the bill, I inquire of the gentleman from Lehigh?

Mr. TALLMAN. I am sorry, Mr. President, I did not follow the gentleman from Luzerne.

Mr. MUNDY. Well, Mr. President, for the benefit of the gentleman from Lehigh I might say I read from page 5, line 5 to line 11, inclusive, of the bill as printed, and I want to know if those are the words in the bill.

Mr. TALLMAN. I did not follow the gentleman in his reading but I presume he read the language as contained in the bill.

Mr. MUNDY. And that is the interpretation of the purpose of this bill; is that correct?

Mr. TALLMAN. It is, Mr. President.

Mr. MUNDY. I desire to further interrogate the gentleman from Lehigh, Mr. President

The PRESIDENT. If there is no objection the gentleman from Luzerne may proceed.

Mr. MUNDY. Mr. President, on page 33, line 9, section 607 it says "Status of Employes Holding Positions When Act Takes Effect." I presume the Senate from Lehigh approved this portion of the bill and that he is familiar with the phraseology and the words and the interpretation of this section. Does this section in the Senator's opinion really carry out his statement of the purpose of this bill?

Mr. TALLMAN. Mr. President, the gentleman's inquiry, I think, is one that becomes a little bit difficult to answer. Certainly this much is true about it—I think the gentleman's purpose in asking the question is to find out whether it would not be better to provide in an act of this kind that there should be a competitive examination for all classes of employment at the time the act takes effect. I think the gentleman raises a question which is a debatable question in the minds of a great many people interested in civil service.

I might say, Mr. President, there are proponents of the idea that there should be a competitive examination for all persons at the time such legislation takes effect. There are other persons who believe the method by which persons who are presently employed in various services may become employes in the service by taking a non-competitive examination.

I want to say to the gentleman in further answer, and I think he knows and is cognizant of the fact there has been civil service established in this Commonwealth and that there are two ways of treating the subject, one, undoubtedly the way he has in mind and the other is in this fashion, and I think the gentleman full well knows that even though a bill of this nature may require that all persons take a competitive examination, that there are a thousand and one ways of conducting the examination in an improper manner, to give improper credit, and allowing persons in effect to be frozen in and I want to say the reason for putting the matter in this light in this bill is to deal with it honestly and not to put something in the bill which no one ever intends to follow.

Mr. MUNDY. Mr. President, I desire to further interrogate the gentleman from Lehigh.

The PRESIDENT. Will the gentleman from Lehigh permit himself to be further interrogated?

Mr. TALLMAN. Certainly, Mr. President.

Mr. MUNDY. Does the Senator from Lehigh know of any such board now in existence in the State of Pennsylvania that conducts an examination as he sets forth in his last statement?

Mr. TALLMAN. Mr. President, for the past two years, since 1939, I have been a member of a Joint Legislative Commission which has been investigating civil service in the Department of Unemployment Compensation. The report of that committee is not yet ready, but is being prepared. I do not believe, in fairness to the members of that committee and in fairness to the subject matter of that entire inquiry, that it would be appropriate for me at this time to go into all matters or any matters of abuse that have occurred in the matter of establishment of and the selection of employees in civil service, in unemployment compensation, but I would like to say to the gentleman from Luzerne that there is evidence, and sufficiently good evidence, to indicate that in that Bureau of Unemployment Compensation, in the establishment of civil service, there certainly was not strict adherence to the act and there was not complete, fair dealing in the matter of appointments that were made in the Division of Unemployment Compensation of the Department of Labor and Industry.

Mr. MUNDY. Mr. President, I desire to further interrogate the gentleman from Lehigh.

The PRESIDENT. The Chair assumes unless there is objection this dialogue will be permitted to continue.

Mr. MUNDY. Mr. President, am I to presume or am I to think the Senator from Lehigh really believes that in this State of Pennsylvania the Governor or the powers that be can not find a board of men sufficiently honest to conduct a real civil service examination?

Mr. TALLMAN. Mr. President, I certainly do believe such a board can be found and that is the reason I have introduced these bills.

Mr. MUNDY. Does the gentleman from Lehigh believe this is a civil service bill?

Mr. TALLMAN. Mr. President, my honest and very humble opinion is this is a civil service bill.

Mr. MUNDY. Mr. President, in the original purpose of the law it says that this bill will attract to the service of the Commonwealth certain individuals of high calibre and high intellect for office. Now, Mr. President, will the Senator from Lehigh explain to the Senators if he is going to freeze in employes in their present positions, what positions are going to be vacant for competitive examinations.

Mr. TALLMAN. Mr. President, I think the gentleman from Luzerne either deliberately or perhaps by accident phrases his question in connection with this matter so that it may be answered in any number of ways. I do not know, but I have a feeling that in view of the questions that have been asked, that he does not choose to understand the bill. The bill, Mr. President, provides that persons who are now employed in departments which do not presently have civil service shall have an opportunity of becoming civil service employes upon the taking of a non-competitive examination.

In the first place, Mr. President, if the gentleman from Luzerne feels that this is going to be productive of freezing in, which is a term usually used in connection with civil service, that this bill will freeze in a tremendously large number of incompetent persons, he assumes, he must assume, first, that all people who are now in the service of the Commonwealth are completely incompetent. In the next instance, he must necessarily also assume that the persons who are going to administer the bill are going to be deliberately dishonest in their conduct in giving these non-competitive examinations. I do not believe that is a fair assumption in either case.

Mr. MUNDY. Mr. President, it does not require any great stretch of memory on the part of anybody present to recall that the Senator himself stated the present system was anything but honest and that situation existed; I certainly did not make the charge. I simply followed up the statement as he indicated, that there were discrepancies and that there was dishonesty in the present set-up, and taking that as a statement coming from the Senator, I asked him how he is going to improve that situation and he does not answer me directly. He says I do not want to understand the bill. I disagree with him. I am certainly open to conviction and if the gentleman from Lehigh will interpret for the benefit of the members of the Senate, section 607, and explain to us why it is not a freezing in of employes, I would be willing to be enlightened.

Mr. TALLMAN. First, Mr. President, let me say to the gentleman from Luzerne, I do not want to be tricked into a misinterpretation of what I have said on the floor, nor do I want the gentleman now to twist his own language to suit his purpose.

In the first place, Mr. President, he asked me a question concerning what was the fault, whether I had any knowledge of any abuses in the present civil service. My answer to that is what he has just referred to. I would like the gentleman from Luzerne to remember, if he pleases, and I would like the Senate to bear in mind, please, my answer to the question was a direct answer and one that applied to those departments which now have civil service. The gentlemen from Luzerne will realize that whether this bill passes or not. that because of the existence of civil service in the Department of Public Assistance, in the Liquor Control Board and in the Department of Unemployment Compensation, the employes who are now under civil service, will remain under civil service, and stay there whether this bill passes or not.

When the gentleman from Luzerne talks about section 607 and discusses the matter of freezing in, I would remind him that section 607 can apply only to those departments which it is proposed shall come under civil service under the provisions of this bill.

The two things are entirely different, Mr. President, and I would like the gentleman from Luzerne to bear that in mind.

Mr. MUNDY. Mr. President, I repeat my interrogations; why does the Senator, if he is for civil service, object to striking out of section 607, page 34, beginning with line 3, after the word "shall" the words "become a," all of lines 4 to 10, both inclusive, and inserting after the word "service" a real honest-to-goodness civil service phrase which says "retain his or her position only until such time as an appropriate eligible list shall have been prepared and established for the position so occupied by such present employe but in no event for a longer period than two years?" Why does the gentleman object to that?

Mr. TALLMAN. My reason for objecting to that, Mr. President, is I feel exactly as I have stated to the gentleman from Luzerne some time past in the course of this interrogation. In the first place, the matter that he raises is a debatable point. My honest opinion and my firm conviction is that the proposal of the amendment to which the gentleman is now insisting is the very kind of a thing which opens the door to a lot of trickery, a lot of intrigue and a lot of dishonesty in the management of civil service.

I believe, Mr. President, that a fair, open, honest approach to a problem of this kind is to do it this way. I might say, Mr. President, I have a great regard for the gentleman's opinion, I have no quarrel with him personally about his opinion, except that I object to the introduction of his amendments for the reason I do not believe that manner of doing it is the right way of accomplishing the thing and because I believe with a situation like this out in the open, so that the whole world may know just exactly what the situation is, it makes for greater honesty in the whole business.

Mr. MUNDY. Mr. President, how does the Senator from Lehigh propose to make those appointments now under his bill?

Mr. TALLMAN. Mr. President, I am sorry, I do not understand what the gentleman means when he asks me how I propose to make appointments under the bill.

Mr. MUNDY. The gentleman from Lehigh says these are going to be non-competitive examinations; given by whom and after they are given who makes the appointments?

Mr. TALLMAN. Mr. President, the non-competitive examination would be given under the direction of the Civil Service Commission and under the direction of the Civil Service Director; the type of examination would be in the nature of a qualifying examination for the type and kind and classification of position the person is in and the appointment would then follow by the supporting authority, as is provided in the bill.

Mr. MUNDY. But, Mr. President, the gentleman is suspicious of a written examination properly conducted. He has said he feels it would be unfair and probably not hon-

est, but he does not have any qualm of conscience about a non-competitive examination: is that correct?

Mr. TALLMAN. Mr. President, I do not mean to say on the floor of this Senate I believe such an examination is unfair. I do not mean to say that those things are not right. The gentleman has asked me what my reason is, what my reason has been for objecting to the kind of amendments he proposes. I have stated my reason. I believe this to be a fair approach to that kind of a situation because I believe it will do away with the temptations, involved in a situation in administering civil service that will not properly function, and I firmly am of the opinion in the next instance that to approach it in this way gives persons who are in the employ of the state an opportunity to at least qualify themselves for positions and make themselves available for them.

Mr. MUNDY. Is not the Senator going to insist that he is going to have a very, very high type, honest commission appointed under this bill?

Mr. TALLMAN. I am, Mr. President.

Mr. MUNDY. Well then, Mr. President, why does the gentleman from Lehigh fear there will be any dishonesty or irregularity in this examination if the board is a high type, honest and real board? Why does the gentleman from Lehigh have a fear of any dishonesty?

Mr. TALLMAN. Mr. President, I have not any fears and I am not going to take the attitude the gentleman from Luzerne wants to force me into; I am not going to claim everybody is dishonest. I simply would like to point out to the gentleman that there is a difference of opinion between himself and me and it is one that simply goes to the method, and I feel this is a fair and decent approach to this kind of a problem.

Mr. MUNDY. Mr. President, I certainly am either very dizzy or else greatly confused or cannot interpret the language. I certainly understood the Senator to say that he did not favor civil service because of the opportunity that might arise in a competitive examination to do something irregular. Now, Mr. President, if I understood that incorrectly, I certainly want to be corrected, but corrected in a proper manner, and that was my interpretation of what the gentleman said—in real straightforward English language.

Now, Mr. President, I contend this bill is not a civil service bill; this bill is obviously a bill to freeze into office a lot of present office holders and as I stated relative to the bill the other day, nobody will regret this half as much as the Republican Senators on the other side because they are not in a position to have experienced the situation that we had on the other side. We, the Democrats when we were in power, retained a lot of employes that came over from the other side, and I repeat, they carried the flag of democracy and waved it high, they were out at meetings and frankly they contributed to our cause, as they will contribute to yours now, and I say that you have in your employ some honest people, nobody doubts that, but you have in your offices a lot of Hessian soldiers to follow any leadership which is in power and if you want to blanket them into position; I say that is going to come up in the future as a nightmare to haunt all of you.

MOTION TO RECONSIDER VOTE BY WHICH SENATE BILL NO. 653 PASSED SECOND READING

Mr. MUNDY. Now. Mr. President, as I am frank about what I want, I now move that the vote by which Senate Bill No. 653 passed second reading be reconsidered. I do that so that I may put myself on record.

Mr. COLEMAN. I second the motion, Mr. President.

Mr. BARR. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Roll call, Mr. President.

(During the calling of the roll.)

Mr. WOODWARD. Mr. President, as the roll was called I understood the gentleman from Monroe, Mr. Crowe, voted "aye"; I do not see him in his seat.

The PRESIDENT. How did the gentleman from Monroe vote?

Mr. CROWE. Mr. President, I desire to change my vote from "aye" to "no".

The PRESIDENT. The vote of the gentleman from Monroe will be so recorded.

Mr. DEITRICK. Mr. President, I desire to change vote from "aye" to "no".

The PRESIDENT. The vote of the gentleman from Northumberland will be so recorded.

Are there any other corrections? The Chair hears none.

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—15

Barr,	Dent,	McCreesh,	Ruth,
Cavalcante,	DiSilvestro,	McGinnis,	Shapiro,
Coleman,	Frey,	McQuiddy,	Stiefel,
Cox,	Haluska,	Mundy,	

NAYS—30

Bartlett,	Edmonds,	Miller,	Tyler,
Becker,	Farrell,	Scarlett,	Wade,
Carr,	Geltz,	Snowden,	Walker,
Chapman,	Heyburn,	Stevenson,	Watkins,
Crider,	Homsher,	Tallman,	Wilson, H. I.,
Crowe,	Kephart,	Taylor,	Woodward,
Deitrick,	Letzler,	Thomas,	Ziesenheim,
Ealy,	Mallery,		

So the question was determined in the negative.

The PRESIDENT. The vote on the motion to reconsider the vote by which Senate Bill 653 passed second reading was 15 ayes and 30 nays; having received less than a majority the motion falls.

And the question recurring.

Will the Senate agree to the bill on third reading?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Lehigh, Mr. Tallman.

The PRESIDENT. Will the gentleman from Lehigh permit himself to be interrogated?

Mr. TALLMAN. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, on page 49 of this bill I notice the employment board is abolished, that is, the employment board in the Department of Public Assistance. Is that correct; is that the intention?

Mr. TALLMAN. That is correct, Mr. President.

Mr. SHAPIRO. I also notice, Mr. President, there is an appropriation of $450,000 provided for in this act. Is that correct?

Mr. TALLMAN. That is correct, Mr. President.

Mr. SHAPIRO. Is it true that without an appropriation of $450,000 this bill would be ineffective?

Mr. TALLMAN. I would say, yes, Mr. President,

because there would not be sufficient money for the board and the commission to function.

Mr. SHAPIRO. Mr. President, I direct the attention of the gentleman from Lehigh to page 51, of the repealer section of the act, which repeals section 2504-A and section 2505-A of the administrative code, relating to the executive department, including trustees of state normal schools. Will the gentleman explain the repealer?

Mr. TALLMAN. Mr. President, if the gentleman from Philadelphia will look at the act I believe he will find this portion to which he refers is merely a citation of the title of the act of 1929, P. L. 177.

Mr. SHAPIRO. Is it not true this bill repeals certain sections of the administrative code which refer to state normal schools, teachers colleges and the trustees of those state colleges.

Mr. TALLMAN. I do not understand it to be so, Mr. President.

Mr. SHAPIRO. Now, Mr. President, I should like to say with respect to this bill that sooner or later we will come to a position where we will have to act on a civil service bill, we will have to determine whether or not we want civil service in this Commonwealth, and when we reach that point we will have to come to the conclusion we are dealing with a subject that should be real, as the gentleman has stated, and approached frankly and honestly.

I do not question the motives of the sponsor of this bill, when I say that this bill does not approach it in the proper manner. No bill, in my opinion, which freezes in a group of employes whose tenure of office is at least questionable, even under the civil service provisions of the department in which they are employed, can be said to be a real civil service bill.

Let me say to you what I mean. The Department of Public Assistance is under civil service now. There are certain employes, most of the employes passed civil service examination, and under the provisions of this bill they will be kept in office. Now, Mr. President, I have had some experience with that and I have found when these public assistance employes were examined the board which had charge of the work of examining them used questions which were prepared by a group known as the social service group, whose business it was to prepare examination for department which were engaged in the business of public assistance and other social problems.

I recall distinctly the questions which were asked; many of them, when we read them over—I examined hundreds of copies of examinations—and when we read them over we all agreed that they were ridiculous in their character; many of them were framed so that only persons who attended a certain school for social service workers could possibly have passed the examination. As I understand, questions were asked regarding who wrote certain books and those books were only discussed and the contents taught in a certain school which dealt with social service work. Some of the questions asked visitors the most ridiculous questions I ever heard.

Now, Mr. President, this bill would put into office permanently those persons whose tenure in my opinion is questionable, because those who lost out in those examinations did not have a fair opportunity to qualify for the particular work they did. Visitors were asked questions registered nurses should have been asked. People who were qualifying for positions as mechanics were asked questions that mechanics would not know, and it is my firm belief, which I honestly state on this floor, if those examinations were properly held, that twenty-five to thirty per cent of the persons now holding positions would not hold them and others who had been deprived of them would have held the appointments.

In the Unemployment Compensation Division there is no doubt in my mind, no matter which political group will be in power or was in power, that there have been abuses even under civil service provisions and we have heard a great deal even today—very recently we have heard a great deal concerning the present employes on the payroll. This bill would not only freeze in the persons who are now appointed properly under the civil service provisions, but it would also freeze in persons who are improperly appointed but who now hold office, the appointments to which has been questioned by the federal government.

Now, Mr. President, it seems to me a bill which undertakes to call this a civil service bill and freeze into office the tenure of every single employe who now occupies a position in that department is not a civil service bill.

You can talk about honesty and decency and practicability, but you must face the one fact that under the provisions of this bill every employe in every department covered by this bill, civil service or not, will be frozen in, because they do not have to take a competitive examination and when you talk about civil service in the same breath with that kind of a situation, then I say you are using inconsistent language.

Unless I am mistaken in my interpretation of the section on page 34 to which the gentleman from Luzerne has referred, and unless I misunderstand the answers to the questions made by the gentleman from Lehigh, I am of the opinion and make the statement that the effect of this bill is that every individual employed in any manner by a department affected by the provisions of this bill will be frozen in, will have his appointment and will not have to take a civil service examination.

Now, Mr. President, what kind of a civil service bill is that?

Mr. WOODWARD. Mr. President, I have always been an advocate of civil service and the merit system and I do not care much whether it comes from the Republican Party or the Democratic Party; one of the few good things about the New Deal is that it forced upon a somewhat backward Commonwealth of Pennsylvania a merit system and I would like to laud that act.

Dr. Mundy sometimes become historical and I would like to be a little historical myself and say that President Garfield was shot by a disappointed office seeker and that was the beginning of civil service, as his death caused the enactment of the first civil service law in this country.

Our neighboring State of New Jersey promptly enacted a merit system, in 1883, and we sat back and admired the system but we have been very very tardy in doing anything in Pennsylvania. I would like to acquaint my friend from Luzerne, Dr. Mundy, with the fact that there are at least twenty-five states which have adopted a merit system and so far as my knowledge goes they have always pursued this custom or procedure of not giving competitive examinations to people already in their positions. I know you can call it freezing in, but if you are a member of one party or the other, it depends a lot on who is

going to be frozen in and if you are asking whether the purpose is political then I say it is, but the fact is it is not a novel procedure, it is a well known procedure to retain the people already in the positions, so that I hope even if we have to resort to partisan measures to put this bill through it will go through and we will get some kind of civil service.

I would like to say this, Mr. President, I had a visit about two weeks ago from five visitors in the Department of Public Assistance who asked me to raise their salaries—which I agreed to do—and all five of those visitors were Democrats, so I do not believe Dr. Mundy should be shocked in his boots quite so much, because I know those five were Democrats.

Mr. President, the civil service method of examinations in the Liquor Control Stores has been excellent; I never heard a stone thrown at it; my friend Shippen Lewis was at the head of these examinations for the Department of Public Assistance and I think he did pretty well. I believe my colleague from Philadelphia, Senator Shapiro, said he did not do so well but I think he did very well. The only complaint was in the positions in what I call the unemployment insurance and there were many complaints.

Thank you very much for your very undivided attention.

Mr. TALLMAN. Mr. President, I should like to direct the attention of the gentleman from Philadelphia, Mr. Shapiro, to the fact that when he talks about the people in employment now under civil service, in the Department of Public Assistance, the passage or the failure of passage of this bill is not going to change that situation at all, because all persons who are employed under civil service at the time this act takes effect, in connection with section 607, retain the status they have under the present civil service set up.

If there is any good ground for removing persons presently under civil service in any department that ground would attach to them just as well under this act as it would under the present law.

In addition, Mr. President, I would like to point out just one other thing and that is as far as the gentleman being concerned about freezing people in is concerned, if I remember correctly he voted for freezing in, giving tenure to school teachers and he has done that on some other occasions, and it seems to me that he ought not to object so strongly about it now.

It seems to me, Mr. President, the matter of freezing in becomes a paramount issue only when it concerns itself with which side is doing the freezing in.

Mr. McGINNIS. Mr. President, when I came to the Senate six years ago, there was not a single person in Pennsylvania under civil service, but during the Earle Administration fifteen thousand were put under civil service. I have had a chance to observe civil service for a great many years, and I feel we ought to go a little slow.

I think it would be a fine plan to watch these fifteen thousand that are under civil service in Pennsylvania now and compare them with the employes of Pennsylvania who are not under civil service, and I will guarantee to you that you can go into any office here in the Capitol that is not under civil service today, and get more efficient treatment, more courteous treatment, than you will in the civil service offices.

I am thoroughly convinced of this, too, the longer you leave a group in civil service, the lazier they become, the more sarcastic they become, and when the bell rings at five o'clock, they run out like sheep, whereas in the other offices you will find many an office where the employes stay there until midnight to make a record for their department.

Mr. President, I am thoroughly convinced that civil service has never worked successfully, except in the postal department of the United States, and even there I submit, the employes of the Pennsylvania Railroad and the Baltimore and Ohio Railroad and the Lehigh are just as efficient, just as loyal as the postal employes in the postal department, and so it may not be the result of civil service, it may be the result of discipline and good management.

We have had civil service for a year in the Bureau of Assistance, and we hear that civil service makes for stability and security. On the first page here it shows that last year 2,593 people were cut off the payroll in the Bureau of Assistance, 894 were released, 1,224 resigned under pressure.

As one of the Senators said, because I know something about payrolls—I am the Democratic County Chairman in Allegheny County, and we cannot get anybody off the payroll with a team of Perchon horses, and yet here in this Department of Public Assistance last year 1,224 resigned. Do you know why they resigned? Why, it was rumored around the office, and they saw other people being shoved out, or squeezed out, and they said, we better get out. So they quit. This statement shows further that the leaves of absence were 135; furloughed, 181; discharged, 139; suspended, 1; deceased 19.

Mr. President, 2,593 employes were separated from the payroll in one year, after being put under civil service, so according to that record it certainly does not make for stability or security, so that I feel that after putting fifteen thousand under civil service in this state, we ought to go slow and compare their services right alongside of the others.

You know, in Allegheny County, we have in our City-County Building, that is our city government, we have had employed under civil service for a quarter of a century, and right across the street in the court house are the county employes, and I have had a chance to watch both the City-County Building and the Court House, and I say to you today you can get more efficient service, more courteous service and better service in the Court House, where the employes are hired and fired on merit, or on the whim of the boss, if you say so, rather than over in the City-County Building where they are not, and after they have been in there ten or twelve years, you can hardly ever get them to look up when you go into their offices.

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Lehigh, Mr. Tallman, the sponsor of this bill.

The PRESIDENT. Will the gentleman from Lehigh permit himself to be interrogated?

Mr. TALLMAN. I will, Mr. President.

Mr. DENT. Mr. President, do I understand that the gentleman from Lehigh introduced a bill similar to this in 1939?

Mr. TALLMAN. Mr. President, there was a bill similar to this, except the bill which I introduced in 1939, was a bill which affected only the three departments

which then had civil service, public assistance, unemployment compensation division of the Department of Labor and Industry, and the Liquor Control Board.

Mr. DENT. Mr. President, can the gentleman from Lehigh tell me what happened to the bill?

Mr. TALLMAN. That bill was vetoed by the Governor, Mr. President.

Mr. DENT. I thank the gentleman from Lehigh.

Mr. President, as I look at civil service bills, I start looking around to see what politics are behind them, and after analyzing this bill, I think I can see the politics in it very clearly. The Republican Senate is going to pass a civil service bill over to the Democratic House, hoping that the Democratic House kills it, because if they do not it will go to the Governor and in all probability he will have sense enough to veto it.

Mr. President, I am not so much against civil srevice. I think it is very good, and I think it should be extended to Legislators and Senators. You know, Mr. President, the very persons who come in here in favor of civil service are the very ones who will oppose closed shop unions. If you talk to them about closed shop unions, check-offs and so forth, wage contracts, they are against them, but here they come in and want to take a group of persons, and want their jobs for political maneuvering and political patronage. They want to freeze them into a closed shop proposition; the very persons who will take public employes, public servants and give them full-fledged unionism and closed shop contracts would be the very ones who would condemn John L. Lewis and Bill Green, who are fighting for the same thing for the common workman.

You build a civil service machine in this state build it up strong enough, and you will have the efficiency that they have over in Germany. At least, that is the claim of proponents of civil service. They claim it gives us efficiency. Well, perhaps, the luxury of having a democracy calls for high waste and extravagance, but I would much rather have waste or extravagance in a democracy with all its politics, than the efficiency of your fascist governments of Europe.

You know even the liberties that we have under this great democracy of ours can be considered a waste and a luxury, because in the totalitarian idea and scheme of things, a wasted moment or any wasted time is a waste, and therefore those of you who take time off in the afternoon to play golf would be deliberately wasting some of the things that a totalitarian government does not allow. These youngsters of about fourteen or sixteen years of age, that go out along a little stream and take their shoes off and let their feet dangle in the water and while away a nice summer afternoon, are deliberately wasting time, and if you get civil service in all departments eventually your civil service will extend down to the very liberties that you enjoy in private life, because I want to say to the members of the Senate, that Senator McGinnis and Senator Mundy laid their fingers right on the core of the whole situation, and that is if they do no have any responsibility to any person or group of persons, under no circumstances can you get from them the type of service the people are entitled to in a representative form of government.

I want to say to you the minute you cut politics out of the picture, in this particular state or in this nation, then you can kiss goodbye to the democracy which we now enjoy. I mean that for the simple reason that it depends upon the patronage system. This is a political government—we are in a political government, run by political parties which exist upon political patronage, and our politicians when they can not get patronage resign from their office.

For instance, Mr. President, I read in the paper that Frank Harris has resigned as chairman of the Republican Party in Allegheny County, and I have heard that Frank quit because he could not get any patronage from Jim Torrance.

Mr. BARR. Mr. President, I am a New Dealer and also an Andrew Jackson Democrat, and I believe in the spoils system.

I have been around Harrisburg for quite a number of years. I was here when the Republican Governor Pinchot had to come to the Democratic Party in order to get the right kind of a liquor control act, and civil service for the Liquor Control Board. I was here when he wrote the civil service act, for public assistance and unemployment compensation.

I am opposed to this bill. The gentleman from Philadelphia, Doctor Woodward said he has not heard of a stone thrown at the Liquor Control Board, civil service. Well, if he remembers in the fall of last year, the Governor threw a lot of big boulders in there, he fired some of the highest people under civil service in the high salary brackets.

Now, Mr. President, if they are going to bracket people in under this thing, I am going to insist that more people in Allegheny County get jobs. I am led to believe that Frank Harris had to quit because Jim Torrance would not give him any patronage and not because he is in bad physical condition. If I am wrong about that I wish someone else would correct me.

Mr. WALKER. Mr. President—

Mr. CAVALCANTE. Mr. President—

Mr. WALKER. Mr. President—

Mr. CAVALCANTE. Mr. President, since the gentleman from Allegheny, Mr. Walker, wants to keep the record straight for Allegheny County I will yield only to him.

Mr. WALKER. Thank you. Mr. President, I deeply appreciate the remarks of the gentleman from Allegheny, Senator McGinnis; that was a very forthright and honest statement he made. I think perhaps if I were Chairman of the Democratic County Committee in Allegheny County and had all the worries of patronage he had heaped on his shoulders, I might be a little prejudiced against Civil service.

Regarding the comments of the gentleman from Westmoreland regarding our County Chairman who has just resigned, and dragging in views of a Jackson New Dealer, which is kind of hard to visualize for the average man, who believes in the spoils system, as I said once before the mere fact he is secretary of the organization of which Senator McGinnis is chairman does not influence his position of this bill one iota. I Just want to say this: that I think in all fairness such a statement is due the members of this Senate. It is true the Republican Chairman of Allegheny County has resigned but it was not due to any differences of opinion between Chairman Frank Harris, who at one time was a member of this august body on the Republican side, and Chairman Jim Torrance. It

may be, perhaps, in their philosophy of government they have not seen eye to eye, but that did not effect the resignation of Frank Harris, and I think the gentlemen who suggested that, even in jest, are dragging partisan politics into what a while ago was a clean statesmanlike bill.

I want to say the reason Frank Harris resigned as county chairman is because of ill health. In fact when he took the job of county chairman—I might say, Mr. President, I was deeply interested in having him elected county chairman, because you couldn't get the average Republican to take that job for love nor money, because at that time a lot of people who are today marching very proudly in the Republican ranks figured in Allegheny County and in the City of Pittsburgh before the election that the Republican Party was dead and they made a lot of jokes in Allegheny County over the fact that our coroner was the county chairman of the Republican Party in Allegheny County.

Senator Harris took that job not because of any promises of patronage that might be on the horizon, but he took that job because he believed in the philosophy of government of the Republican Party; he took that job because he was determined that with the will and enthusiasm of the people who still believed in the Republican philosophy of government, we would come back, and he built a headquarters on one of the most prominent streets in the City of Pittsburgh, and he furnished the building and there the Republican Party has a permanent headquarters, something that they have been shy of for years, and he built the Republican Party up so that in Allegheny County today we once more are blessed with an active militant two-party system, and that speaks well not only for the City of Pittsburgh, that houses some of my colleagues here in the Senate, but it speaks well for the County of Allegheny, and I am proud to have played a part in Allegheny County under Frank Harris and in view of the comments we have heard here today, I think it is only fair to state that it is his physical condition which is such that it prohibits him from continuing in office for which I am sorry, because for the success of the Republican Party in Allegheny County, not only in the City of Pittsburgh but in the Commonwealth of Pennsylvania, looking toward victory for 1944, I hope that the Republican Party in the County of Allegheny will be able to acquire a man of Frank Harris' courage, initiative and ability.

Mr. CAVALCANTE. Mr. President, too many of us who have been in this body since the date that the statesman from Allegheny, Sentor McGinnis came here, it is very amusing to observe the change of attitude that time will work upon the minds of men. If we were asked to hold up our hands in this body of the question of how many of us here voted for civil service in 1937, we might be amazed, when we will place that against their present attitude. If I am not mistaken, when the first civil service matter came before the Assembly 1937, the gentleman from Allegheny, Mr. McGinnis, voted in favor of it but now he has changed his attitude. There were but a few of us during that session of 1937, who, in spite of threatened political ostracism and everything else, had the courage of their own convictions and voted against that civil service set up.

Now, Mr. President, we voted against it not because of partisanship at all, but because deeply within us we felt that under the form of government that we cherish and enjoy, it is inconsistent to ask an administration, put in office by the people upon a stated platform, to expect that administration to put its platform into practice at the hands of probably eighty per cent of those in office against that very platform.

Now, Mr. President, here is the reason and I trust that, despite the statement of the gentleman from Philadelphia, Doctor Woodward, that this is a partisan matter, that we can divorce ourselves from that thought and just bear this in mind: how many of you are engaged in business of any character and how long would any of you keep in your business an employe who is honest, who is efficient, but who disagrees with the policies of your business? Now, gentlemen, this is just common sense and I truly believe that one of the greatest evils in our political structure here, our governmental structure in this country, is this, that we refuse to adopt common sense, for after all we must admit that the judgment used by politicians, ninety-five out of one hundred, is not judgment based on common sense but merely based on political expediency. Now, if the gentleman wants to be sincere in this civil service proposition, then we would have to draw that parity of analysis here with your business and try to reason out how it would be possible, let us say, to be specific, a Democratic Governor or let us say, a Republican Governor elected at the hands of the people upon a stated written platform, to put that platform into actual practice in every department of this state with employes in it believing in the philosophy of the Democratic platform? It is impossible, gentlemen; common sense should tell you that.

Now, Mr. President, during 1937—my mind has become slightly cloudy on whether or not this civil service might not be a good proposition but it only took the remarks of the gentleman from Philadelphia, Doctor Woodward, to completely solidify my mind that civil service is not good.

The gentleman from Philadelphia, Doctor Woodward, states that he can appeal to the partisan spirit here to pass this bill. Now, gentlemen, let us act like gentlemen, like men; if that is the standard by which you are going to determine whether this bill ought to pass or not, what can you expect from the House if it determines the same question on a partisan vote? So, you see, we are wasting a lot of time and though the sponsor of this bill may be as sincere as any man can be in sponsoring this bill and insisting upon its passage, many of us who must contribute our votes to the passage of this bill are not sincere at all because we refuse to be governed by the principles of common sense, the same kind of common sense that you use in your ordinary every-day lives and your every-day businesses, but insist upon casting a vote consistent with your political philosophy, your partisanship, your partisan spirit based on no reason but merely political expediency.

Now, Mr. President, as I said, I was in hopes, in hearing the arguments on this bill, that I might be moved to decide that it would permit me to vote for the bill, but I repeat again that the remarks of the gentleman from Philadelphia, Doctor Woodward, have satisfied me that this is merely a partisan matter as far as he is concerned, and many of his colleagues, and I do not approve of anything like that.

I voted against civil service in 1937 and I will vote

against it today, but I was hoping that my colleagues on the other side could have convinced me that they were not politically motivated but were sincere in their efforts to establish some sort of civil service that would be consistent with our idea of government and would be a vehicle by which the platform approved by the people at the ballot boxes might be given light, might be put into action, and if it is right might not be belittled by those whom the people elected to public office.

Mr. HALUSKA. Mr. President, much has been said about this bill and I have no intention of discussing the merits or demerits of this bill, but through the courtesy of the Presiding Officer we are having a field day, as we do every once in a while, and this is one of them, so I think it wise to say a few words at this time.

First, Mr. President, I want to thank the gentleman from Allegheny, Mr. Walker, for telling us just what is wrong with the Republicans in Allegheny County. I have often wondered what was wrong and he has explained undoubtedly what has taken place in Allegheny County, for which we Democrats are thankful enough.

Secondly, Mr. President, my good friend from Philadelphia, Doctor Woodward, pointed out that there are twenty-five other states which have legislation of this type and that might be the reason he is supporting this bill. Several weeks ago a number of my colleagues, among them, my colleague from Blair, Senator Mallery, the Senator from Montgomery, Mr. Edmonds, the Senator from Northampton, Mr. Bartlett, suggested that they were voting for a certain bill because twelve other states had the same type of legislation. At the same time I pointed out many, many states in this union had old age pension laws and I was told at the same time that my bill had no preference—it was not dead but was peacefully sleeping in committee.

Now, Mr. President, I am wondering—I almost gave up hope, Mr. President, but I find by the papers this morning in our neighboring state of New Jersey, the Governor has signed a pari-mutual horse racing bill and that gives me hope that possibly, pointing to other states I might have an opportunity to have my bill brought out of committee and get it acted upon, and since my colleagues are guided by legislation approved in other states I once again have hopes my bill for obtaining old age benefits, the sixty at sixty plan, will now come out of committee and we will be able to say we in Pennsylvania are showing the way, and let other states point to us for once because all we have been doing in the last four or five weeks has been that we are pointing to other states.

Mr. President, the gentleman from Philadelphia, Doctor Woodward, gave me an idea and I am certain now that I can point out to him the action which has been taken by other states, he will vote for my bill.

RULING BY THE CHAIR

Mr. GELTZ. Question, Mr. President.

Mr. EDMONDS. I move the question, Mr. President.

Mr. HEYBURN. I move the question.

The PRESIDENT. If any members of the Senate wish to move the previous question it should be reduced to writing and signed by four members. That is one of the rules of the Senate.

Mr. SHAPIRO. Mr. President, I have been charged with being against this bill because it intended to freeze Republicans in. I am sorry the gentleman from Lehigh made that statement; it is not usual with him, as he usually debates a bill on its merit.

My objection to this bill, very sincerely, is that it is not a civil service bill. The gentleman from Philadelphia, Doctor Woodward, and I introduced in the Republican administration a bill for civil service which we both, after very careful study, considered one of the best civil service bills that has so far been developed. I have incorporated most of the provisions of that bill in a bill known as the city charter bill for Philadelphia, which I presented here. The city charter bill which was introduced in 1939 was sent to a Republican Committee and did not come out; it was not an attempt to freeze in any Republicans or Democrats.

This bill is not a civil service bill for the reason I have stated, and to answer the gentleman from Lehigh, it is true that those people who are under civil service rightfully will be under civil service whether this bill is passed or not, but those people who are not in that department properly under civil service, who have not completed their probationary period, under this bill, section 704, will be frozen in.

Now, Mr. President, I should like to call your attention to one very significant part of this bill. You will remember in 1939 the Republicans amended, I think it was the Liquor Control Board bill, by giving the Governor the right, notwithstanding civil service provisions, to dismiss anyobdy that he wanted to dismiss, and you will remember that he dismissed some men who had spent almost seven years of service in that department and were doing a very fine job.

Now, looking at this bill and reading page 42 of this so-called civil service bill, you find it sets up a board to determine whether or not a man should be appointed or fired, and I ask you to listen to this language, which appears at the top of page 42: "Notwithstanding the provisions of this act the Governor may upon recommendation of the appointing authority suspend or remove the director and any employe if he deems such action to the best interests of the public service." Reenactment of provisions of 1939 which gave the Governor of this Commonwealth the right to dismiss any employe who has passed his examination and has shown himself eminently suited for the position.

Now, Mr. President, I viewed with very much concern and with a feeling of chagrin and with a feeling of sympathy when, in 1935, employes who for four years had made this place their home, had to move out to give their places to Democrats who came in, and I viewed with the same feeling of sympathy the same situation when the Democrats moved out and the Republicans came in, I would be very glad to do anything that would assure public servants just as much tenure in office as teachers have.

Do not forget when I voted for the teachers tenure bill I voted for people trained and skilled in a specific kind of work and voted they should be retained there and not dismissed without cause. That is a little different than voting for a bill which freezes into place people who may or may not be efficient, and who are subject to the dismissal at the will of the Governor, in spite of this elaborate set up, of any person who is employed by the department.

That is why I say that I will not vote for this bill. I

will vote, if it is ever presented, for an out and out clear cut civil service bill, because I believe that the policy making heads of departments should not come under civil service, and therefore, if they do not agree with the administrative policy they ought to go out, but the underlings and subordinates of those departments should not be dismissed as long as they perform their duties properly and are able to do them. This does not convince me this bill is a civil service bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

(During the calling of the roll:)

Mr. DiSILVESTRO. Mr. President, I ask that the roll be verified.

The PRESIDENT. Verification of the roll has been requested by the gentleman from Philadelphia, Mr. DiSilvestro.

The clerk will call the names of those listed as having voted in the affimative.

The clerk read the following names as having voted in the affirmative:

Bartlett,	Ealy,	Kephart,	Snowden,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Tyler,
Chapman,	Geltz,	Miller,	Walker,
Crider,	Haluska,	Ruth,	Watkins,
Crowe,	Heyburn,	Scarlett,	Woodward,
			Ziesenheim,

The PRESIDENT. Are there any corrections? The Chair hears none.

REQUEST THAT AFFIRMATIVE VOTE BE DECLARED VERIFIED

Mr. CAVALCANTE. Mr. President, I now ask that the affirmative vote be verified as read.

The PRESIDENT. The affirmative vote as verified will stand.

The Clerk will now read the names of those listed as having voted in the negative.

The Clerk read those listed as having voted in the negative as follows:

Barr,	Dent,	McGinnis,	Stiefel,
Cavalcante,	DiSilvestro,	McQuiddy,	Taylor,
Coleman,	Frey,	Mundy,	Thomas,
Cox,	Homsher,	Shapiro,	Wade,
Deitrick,	McCreesh,	Stevenson,	Wilson, H. I.,

The PRESIDENT. Are there any corrections?

Mr. DENT. Mr. President, I did not hear my name called. I desire to be recorded as voting "No."

The PRESIDENT. It is so recorded. Are there any corrections? The Chair hears none.

REQUEST THAT NEGATIVE VOTE AS VERIFIED BE DECLARED TO STAND

Mr. SHAPIRO. Mr. President, I ask that the negative vote be verified and declared to stand.

The PRESIDENT. The negative vote as verified will stand.

Mr. GELTZ. Mr. President, I wish to change my vote from "aye" to "no."

OBJECTION TO CHANGE IN VOTE

Mr. SHAPIRO. I object, Mr. President. The vote has been verified and declared to stand. The Chair declared the vote, on my motion, as verified to stand.

Mr. GELTZ. The vote has not been announced, Mr. President.

Mr. SHAPIRO. It is not announced until after the verification. No vote is ever announced until after verification, and since the Chair has already verified the negative vote and declared it to stand, there can be no change in the votes.

The PRESIDENT. Will the Senator from Philadelphia show the Chair the authority to support his point of order.

Mr. SHAPIRO. We do not have it in our rules, Mr. President, but I will suggest to the Chair nothing is in order until the vote has been counted, and there is nothing before the Chair except an announcement of the vote. Anything else that comes up now, after the vote has been verified, is out of order.

The PRESIDENT. If the Chair would rule to sustain or uphold the point of order just raised a great deal of legislation previously passed would have been illegally enacted, for the reason that not only during the incumbency of the present Presiding officer, but also during that of previous presiding officers of the Senate, Senators had the right to and were accorded the privilege of and did change their vote, up to the time the votes were finally announced by the Chair.

Mr. SHAPIRO. Before verification, Mr. President. Not after the vote has been verified. That is the difference.

Mr. WOODWARD. Mr. President, I desire to change my vote from "aye" to "no."

Mr. SHAPIRO. I object, Mr. President. There has been no ruling on this.

Mr. HALUSKA. Mr. President, may I explain why I voted "aye"?

The PRESIDENT. If the gentleman from Cambria so wishes.

Mr. SHAPIRO. I object, Mr. President. There is nothing before the Senate excepting the announcement of the vote.

Mr. HALUSKA. Mr. President, I have no intention of changing my vote. I wish to state my position.

RULING DEFERRED

The PRESIDENT. The Chair at the present time is of the opinion that any Senator may change his vote before the vote is finally announced. He will however, take possession of the bill and the roll tally sheet until he makes a final ruling on the pending point of order, which will be as soon as he can examine parliamentary authorities bearing on the point of order on question.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative

officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order because of the ruling of the Chair in connection with Senate Bill No. 653.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARR. I object, Mr. President.

POINT OF ORDER

Mr. WALKER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny will state his point of order.

Mr. WALKER. Mr. President, I suggest to the Chair there is nothing before the Senate but the announcement of the roll call on the preceding bill.

The PRESIDENT. A point of order always takes precedent. A point of order has been raised and the Chair declares the point of order of the gentleman is not well taken.

Mr. WALKER. Did you say not well taken, Mr. President.

The PRESIDENT. A point of order was raised on that vote and the Chair has a perfect right to reserve his ruling on that point of order, and therefore there is nothing before the Senate now.

The bill remains in its present status, as it was at the time the vote was verified.

Mr. WALKER. Mr. President, I respectfully suggest to the Chair my point of order is that there is nothing before the Senate except the announcement of the roll call on that bill.

May I respectfully suggest to the Chair we are now confronted with an ideal example of what happens when there is deferment of announcement of the result of the roll call.

I call to the attention of the Chair that the gentleman from Lehigh, Senator Tallman, has requested that due to what happened in connection with Senate Bill No. 653, that Senate Bill No. 654 go over in its order. Now, I respectfully suggest, Mr. President, that nothing has happened yet to Senate Bill No. 653 and I think the Senate is entitled to know the disposition on Senate Bill No. 653 before we are asked to decide on Senate Bill No. 654.

I press my point of order, Mr. President, although I hesitate to differ with the Chair.

The PRESIDENT. The Chair must rule again the point of order of the gentleman from Allegheny is not well taken, for the reason the Chair has no official knowledge of what the vote was. The vote was verified, of those who voted in the affirmative and those who voted in the negative, but the Chair does not know the result, as to the number of votes on each side, and until he receives that information the bill stays in his possession.

Mr. WALKER. Mr. President, the point of order I am raising is simply that the vote on Senate Bill No. 653 has not been announced and under our rules there is nothing in order except the announcement of the result of that roll call and nothing can take priority over that.

I respectful suggest to the Chair, that the Senate is entitled to know the result of that roll call, and if there is a delay in arriving at that, I suggest that the Senate recess until a tabulation of this can be taken.

Mr. GELTZ. Mr. President—

The PRESIDENT. The Chair has during his incumbency of this office always wanted to be fair and that is what he is going to continue to do. The Chair does not purpose to be heckled by points or order or anything else. The Chair will render a decision, which, in accordance with his views and conscience, he believes to be correct. The Chair however, will not rule at this time. If the Chair were to rule at this time it is probable those who are insisting on a ruling now would be very much disappointed.

Mr. WALKER. Mr. President, do I understand I still have the floor?

The PRESIDENT. That is correct.

Mr. WALKER. Mr. President, may I suggest that in rising to a point of order, that was done in all seriousness and with all sincerity.

The PRESIDENT. The Chair knows that.

Mr. WALKER. Mr. President, I am not attempting to heckle the Chair. I firmly believe the point of order I raised is well taken and I do not want to jeopardize action on bills which will follow by having a question raised on this vote, and that is why I suggested to the Chair that we are not prepared at this time to proceed with consideration of the Calendar and that we should recess until we are ready to proceed.

Mr. GELTZ. Mr. President—

The PRESIDENT. For the information of the gentleman from Allegheny, Mr. Walker, the Chair did not refer to him as a heckler. There were about a dozen who arose at one time.

Mr. WALKER. Mr. President, I can not control the other eleven.

MOTION THAT SENATE RECESS

Mr. GELTZ. Mr. President, I move that we recess until 4:30 p. m., Eastern Standard Time.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise on a point of parliamentary inquiry.

The PRESIDENT. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, my parliamentary inquiry is that I should like to call to the attention of the Chair, Page 730 of the Manual, and Page 729. Page 729, Decision 117, reads as follows:

"The yeas and nays having been called on the passage of a resolution, the names of senators voting for and against it having been read by the clerk, the result announced by the President Pro Tempore, a senator demanded that his vote, which he alleged had been cast but not recorded, should be recorded and counted. The President Pro Tempore—"

POINT OF ORDER

Mr. GELTZ. Mr. President, I rise on a point of order. There is a motion before the Senate.

The PRESIDENT. It was not seconded.

Mr. SHAPIRO. It was not seconded.

Mr. KEPHART. Mr. President, I second the motion that we recess.

Mr. SHAPIRO. Mr. President, sir—

The PRESIDENT. The gentleman from Philadelphia, Mr. Shapiro, has the floor. The Chair is the presiding officer and is going to do his duty, irrespective of what or whom it might hurt.

The Senator from Allegheny, Mr. Geltz, moved that the Senate recess; there was no seconder; then the gentleman from Philadelphia rose to a point of parliamentary inquiry.

Mr. SHAPIRO. "The President Pro Tempore decided that the Senator—"

The PRESIDENT. What is that?

Mr. SHAPIRO. Page 729, Rule 117.

"The yeas and nays having been called on the passage of a resolution, the names of senators voting for and against it having been read by the Clerk, the result announced by the President Pro Tempore, a senator demanded, that his vote which he alleged had been cast but not recorded—"

The PRESIDENT. That is not an analogous case.

Mr. SHAPIRO. Mr. President, that is the first rule. Now, Mr. President, the second rule, 118, I say, applies.

"The President Pro Tempore decided that the call of the yeas and nays having been completed in calling the name of the President Pro Tempore and recording his vote, the vote of the Senator from Cambria (Mr. Boggs) could not be recorded without the consent of the Senate."

That was after the roll had been called and all parties had voted, and that was before it was announced. This vote was verified and I raise a point whether that does not end the action before the Senate.

Mr. GELTZ. Mr. President—

Mr. SHAPIRO. I am waiting for a decision, Mr. President.

The PRESIDENT. The gentleman from Philadelphia, Mr. Shapiro, raised a point of order which will be decided and no one will be recognized until that time. No one can force the Chair to make a ruling to please him, the ruling of the Chair will be in accordance with the Acts of Assembly, the Constitution and the rules.

(The Senate was at ease.)

The PRESIDENT. The Chair awaits the pleasure of the Senate. The gentleman does not wish to make a motion.

CONSIDERATION OF SENATE BILL 654 RESUMED

The PRESIDENT. The gentleman from Lehigh, Mr. Tallman, moved that Senate Bill No. 654, go over in its order. Is there objection?

Mr. BARR. Mr. President, I object.

Mr. LETZLER. Mr. President, I second the motion, Mr. President.

Mr. BARR. Roll call, Mr. President.

Mr. SHAPIRO. Before the roll is called, Mr. President, I should like to call the attention of my colleagues to the fact that there is no use voting on this bill if the other bill has not passed, because this bill is an amendment to the administrative code; I do not think we should be foolish about it. I suggest to my colleague that he withdraw his objection that Senate Bill No. 654 go over in its order.

The PRESIDENT. If there is no objection to the request of the gentleman from Lehigh, Senator Tallman, Senate Bill No. 654 will go over in its order.

It was agreed to.

Mr. HALUSKA. Mr. President, may I explain my position and my vote.

The PRESIDENT. In connection with what bill?

Mr. HALUSKA. Senate Bill No. 653, Mr. President.

The PRESIDENT. If there is no objection, the gentleman from Cambria may explain his vote.

Mr. HALUSKA. Mr. President, I voted "aye" on this bill because back in 1939 my colleagues told me at that time I should vote "aye" and the records show I voted "aye" upon the same type of legislation in 1939. Therefore, to be consistent, I once again voted "aye".

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 683, (House Bill No. 1228), as follows:

An Act to amend sections three and four of the act approved the fifth day of June one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trade mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" exempting the sale of books to libraries from the provisions of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three and four of the act approved the fifth day of June one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" are hereby amended to read as follows

Section 3 This act shall not apply to any contract or agreement between wholesalers or between producers or between retailers as to sale or resale prices nor shall the provisions of this act apply to or fix or limit prices at which any books may be sold or offered for sale to a library located in this State

Section 4 The following terms as used in this act are defined as follows

"Producer" means grower baker maker manufacturer or publisher

"Commodity" means any subject of commerce

"Library" means the following non-profit organizations administering a collection of books for non-profit purposes The national and state governments counties cities boroughs towns townships school districts vocational school districts universities colleges schools archives offices museums and literary educational professional scientific fine arts and religious societies

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Mallery,	Stiefel,

Bartlett,	Ealy,	McCreesh,	Tallman,
Becker,	Edmonds,	McGinnis,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Coleman,	Geltz,	Mundy,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Shapiro,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Letzler,	Stevenson,	Ziesenheim,

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 734, (House Bill No. 1373), as follows:

An Act to amend part of section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine" by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 So much of section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first on thousand nine hundred and thirty-nine" which makes an appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard is hereby amended to read as follows

For the payment of salaries wages or other compensation of a deputy adjutant general the Division Commander and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including Division Headquarters the United States Property and Disbursing Office State Arsenal State Military Reservation and advisory commissions connected with the department for the making of improvements additions or repairs to existing buildings roads and utilities on the State Military Reservation and State Arsenal for the purpose of placing at the disposal of the Governor and making the same available for replacement or repair such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistence quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps may be placed on duty under orders of the Governor under extraordinary circumstances for the protection of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania soldiers in Federal or State service when in the field on active duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or drought conditions throughout the State or when a disaster occurs for payment of claims against the Commonwealth of Pennsylvania for damages incurred by the operation or training of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps as provided by law for the payment of all necessary expenses supplies printing and equipment including annual allowances for maintenance and armory rent individual pay officers' annual allowances passenger and freight transportation telegrams telephone toll charges subscriptions to The Pennsylvania National Guardsman for distribution to officers and men of the Pennsylvania National Guard the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Property and Supplies for the use of automobiles and other expenses necessary for the maintenance training government discipline and equipment of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps for the payment of claims made by the War Department based upon approved reports of survey covering loss damage or destruction of Federal property for the payment of salaries of members and inspectors of the Armory Board of the State of Pennsylvania for the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of one million nine hundred twenty-eight thousand dollars ($1,928,000) Provided however That there is hereby appropriated for the same purposes the full amount of all rentals of armories and receipts from public or private sources in payment of costs and materials expended by the Guard or the Pennsylvania Reserve Defense Corps in furnishing relief from disaster which shall be collected as heretofore and paid into the General Fund and credited to the appropriation made by this paragraph

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Dent,	Letzler,	Stevenson,
Bartlett,	DiSilvestro,	Mallery,	Stiefel,
Becker,	Ealy,	McCreesh,	Tallman,
Carr,	Edmonds,	McGinnis,	Taylor,
Cavalcante,	Farrell,	McQuiddy,	Tyler,
Chapman,	Frey,	Miller,	Thomas,
Coleman,	Geltz,	Mundy,	Wade,
Cox,	Haluska,	Ruth,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	Homsher,	Shapiro,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Woodward,
			Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 122, entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rent of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other building devised; the abatement and survival of actions; and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 185, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to consent of, and notice to be given to, parents of the person proposed to be adopted.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 303, entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 419, entitled:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg, in the county of Dauphin, and the borough of New Hope, in the county of Bucks.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 451, entitled:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States, prohibiting taxation of bonds and securities of States, their instrumentalities or political subdivisions and the income therefrom, without the consent of the State.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 454, (House Bill No. 107), on second reading, entitled:

An Act to amend section eleven of the act, approved the twenty-seventh day of April 1927 (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 465, entitled:

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 496, (House Bill No. 609), entitled:

An Act to amend section four hundred thirty-eight of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto changing the qualifications of historical societies to receive county appropriations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 522, entitled:

An Act to further amend the act, approved the third day of May, one thousand nine hundred thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by eliminating apprentices, and setting-up classification of junior operators; further regulating operators, junior operators and beauty parlors; setting-up new period for expiration of certificates issued by boards; and imposing penalties.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 4), page 4, line 23, by inserting a light face bracket before and after the word "an" where it appears the second time in said line; Amend Sec. 1, (Sec. 4), page 4, line 23, by inserting after the word "an" where it appears the second time in said line the following: "a junior"; Amend Sec. 1 (Sec. 4), page 5, line 18, by striking out the word "board" and inserting in lieu thereof: "department"; Amend Sec. 1 (Sec. 8), page 6, line 21, by striking out the word "board" and inserting in lieu thereof: "department"; Amend Sec. 1 (Sec. 8), page 6, line 22, by striking out the word "board" and inserting in lieu thereof: "department"; Amend Sec. 1 (Sec. 9), page 7, line 15, by striking out the words "or a junior operator"; Amend Sec. 1 (Sec. 9), page 7, line 21, by striking out the following: "[apprentice] junior operator" and inserting in lieu thereof: "apprentice;" Amend Sec. 1 (Sec. 9), page 7, line 25, by inserting a light-face bracket before and after the word "an"; Amend Sec. 1 (Sec. 9), page 7, line 25, by inserting after the word "an" the following "a junior."

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Sections two to five inclusive of the bill were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 555, on second reading, entitled:

An Act to amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief, providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and the Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board,' as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS RECOMMITTED

Mr. LETZLER. Mr. President, I move that Senate Bill No. 562, on second reading, entitled:

An Act to amend Sections 103, 301, 304, 305, 307, 308, 310, 311, 401, 402, 404, 405, 410, 501, 502, 503, 505, 506, 508, 510, 511, 513, 703, 801, 802, 803, 804, 807, 808, 809, 904 and 1101 of the act, and to add sections 810, 1007, 1008, and 1009 to the act approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to

use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix price for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission, defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," by providing that milk delivered or made available or handled or received on consignment or otherwise shall be subject to all the provisions of said act including price fixing and bonding; authorizing special agents or examiners to conduct hearings on behalf of the commission; requiring witnesses to testify fully at hearings; enabling certain officers, employes and agents to administer oaths; enabling commissioners to issue, appropriate process beyond the Commonwealth, providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders; enabling employes of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected; providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders; requiring milk dealers to be licensed; stating grounds for refusal, suspension, revocation of licenses or right to apply for a license or for refusal to transfer licenses; stating the effect of service by registered mail when the addressee refuses to accept or receive such mail; enlarging requirements of milk dealers to file bonds to secure payment to producers and certain milk dealers; prescribing the effective date and term of such bonds and providing for their release; providing for the increase or decrease of the amounts of bonds; prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds; providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or producers; increasing the scope of regulation of sub-dealers; making certain information available to cooperatives clarifying the requisites of orders fixing prices for milk; providing for the competency of certain statistical testimony and data; providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity on those asserting the same; prescribing the result of partial invalidity of any order; providing for the classification of prices to be paid producers for milk; authorizing the establishment of equalization pools for the equalizing, averaging or blending of minimum prices to be paid producers; requiring reports from dealers and producers for establishing equalized prices; providing for a reasonable check-off to cover the expense of administering equalization pools, for the establishment of basic averages, and providing a reserve to cover amounts owing by defaulting milk dealers; establishing "The Milk Equalization Fund"; prescribing the method of establishing equalization pools; providing for certain differentials from equalized prices; defining violations of orders of the commission fixing prices; making milk dealers responsible for acts of directors, officers agents or other persons acting for or on behalf of them; prescribing procedure on appeal from orders of the commission; prescribing the method of handling moneys in the Milk Control Fund; further regulating milk dealers and cooperative agricultural associations; further defining and prescribing penalties, defenses and remedies; and authorizing the commission to establish a base-rating price system, a system of classified prices, a system of equalizing or pooling minimum prices to be paid producers or any combination thereof.

be recommitted to the Committee on Agriculture for the purpose of amendment.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Mr. MILLER. Mr. President, I move that Senate Bill No. 576, on second reading, entitled:

An Act to amend the clause defining Motor Vehicles of section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refund," by including trackless trolley omnibuses within the definition of Motor Vehicles.

be recommitted to the Committee on Highways for the purpose of further study.

Mr. GELTZ. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MUNDY. Mr. President, may I interrogate the Senator from Luzerne?

The PRESIDENT. Will the Senator from Luzerne permit himself to be interrogated?

Mr. MUNDY. Mr. President, in asking that such action be taken the Senator from Luzerne must have a good reason. I ask the Senator to give the Senate one good reason why this bill should be recommitted.

Mr. MILLER. Mr. President, in answer to the Senator from Luzerne, Dr. Mundy, I state that I feel this bill is ill-timed. I request further consideration of the bill in order that a study of the present tax load affecting these particular trackless trolleys may be made.

Mr. MUNDY. Mr. President, may I further interrogate the gentleman from Luzerne.

The PRESIDENT. Will the gentleman from Luzerne permit himself to be further interrogated?

Mr. MILLER. Yes, Mr. President.

Mr. MUNDY. Mr. President, is the Senator from Luzerne aware of the fact that motorists pay a license for operating cars in the State of Pennsylvania.

Mr. MILLER. I am, Mr. President.

Mr. MUNDY. Is the gentleman from Luzerne also aware of the fact that motorbuses pay a license fee for operating buses in the State of Pennsylvania.

Mr. MILLER. Mr. President, there is a question in my mind as to wether or not these can be described as motorbuses. Let me make this statement for the benefit of the members of the Senate; when I say that I believe in Luzerne County we are at the present time the only community operating the so-called trackless trolleys, but I have reason to believe there is now under consideration

in the City of Philadelphia and perhaps in Pittsburgh preliminary construction for this type of trackless trolleys.

Now, Mr. President, to my mind there is also a question as to whether or not the act will stand, on its constitutionality. I have tried before never to convey the idea that I am of the legal fraternity; I am of the laity, I say that the source of power in operating a trackless trolley is derived from an outside source. There may be a motor in the particular trolley in question but the motivating power comes from a plant not located in the bus itself, and I want to further state I feel this is just a little bit unreasonable due to the fact—and the Senator from Luzerne is well aware of this—that many so-called traction companies in recent years have been in financial straits and this company in Wilkes-Barre or in Kingston, to be explicit, has gone to an enormous expense in constructing these trolley wires and purchasing these buses in order to give the people of that community rapid and convenient transportation and inasmuch as it only affects at the present moment Luzerne County, I feel, as I stated before, the bill is just a little ill-timed.

Mr. MUNDY. Mr. President, as the Senator from Luzerne is aware, perhaps, I introduced in the 1937 Session the original bill which permitted re-organization of the traction companies and the use of the trackless trolley in the State of Pennsylvania. I think the Senator is aware of that.

Mr. MILLER. I will agree with that, Mr. President.

Mr. MUNDY. And in that bill the traction companies were relieved of the cost of maintenance of their trackage, which was approximately 18 feet of paving all over their systems, which was a very, very considerable saving of money and thereafter they did surrender franchise rights under the provisions of this bill and the state took over and reconstructed the roads and also paid the traction company for the rails and material and these reconstructions were made by funds provided by the state and supplemented by funds gotten from the W.P.A., that is, the transformation from the old system of railways to this trackless trolley system, the cost was very insignificant and the saving tremendous.

As a matter of fact this bill took the traction companies out of the red and put them back in the field of competition with other forms of transportation and I say that there is nothing untimely about this bill in my opinion inasmuch as the state and the Legislature have done a great deal up to this time for private corporations in the way of re-establishing them in the field of competition.

Now, may I just ask the Senator this: did the Senator have any objection from any outstanding citizens in the community on this bill.

Mr. MILLER. The answer is in the negative, Mr. President.

Mr. MUNDY. Did the Senator have any objections from any of the heads of city government or any officials in the county against this bill.

Mr. MILLER. Again the answer is in the negative, Mr. President.

Mr. MUNDY. Did the gentleman from Luzerne have any objections from any individual in Luzerne County on this bill.

Mr. MILLER. I have before me a letter from the Wilkes-Barre Railroad Corporation setting forth some of the facts which I have related here.

Mr. MUNDY. Then the objection is entirely as presented by a corporation directly affected by this bill?

Mr. MILLER. Coupled with my personal objection, yes.

Mr. MUNDY. And no other citizen, no other official or no other individual of Luzerne County has objected to this bill at all?

Mr. MILLER. The question is answered in the negative.

Mr. MUNDY. Then we take it the Senator is acting entirely because of corporate influence and the influence of the traction company in his objection to consideration of this bill.

Mr. MILLER. Mr. President, I do not wish to be construed in that light. I simply stated in answer to the question of the Senator from Luzerne that I have on my desk a letter from the Wilkes-Barre Railroad Corporation, and after reading the letter and forming my own opinion I feel, as I stated before, the measure is ill-timed.

May I elaborate further, and say that at the present time, where these trackless trolleys operate through municipalities, these particular municipalities are now receiving a fee from the present traction company for the trolley itself, for the wires and the poles necessary in holding up the wires.

I think, Mr. President, for that reason alone to take further revenue, if it is to be taken away or additional tax is raised, it might be the medium of increasing the fare and that is one issue I am going to fight on the floor of this Senate. They are now giving excellent service to the people. The residents of that community are not all as fortunate as some and do not all have automobiles to transport them and they are the people who rely, in order to make a livelihood, on buses and trackless trolleys and if this measure is passed, which might be the means of increasing the fare, thereby affecting them, for that reason alone I object to the bill.

Mr. MUNDY. Mr. President, I take pride in authorship of the original bill and the Senator has lauded me in my consideration and philosophy, that we want to give real service, and I believe we have been giving real service with these trackless trolleys, but the point that I ask is this: does the Senator want to be in a position to tax the private owner of an automobile, a truck owner or an omnibus, tax them by the state and exempt a single corporation of the State of Pennsylvania. If that is so, Mr. President, to ask the members of the Senate on his side, and on my side to vote merely because one corporation, one individual, one situation is affected in one county in the State of Pennsylvania, if that is the position the Senator wants to be put in, I want to know that.

Mr. MILLER. Mr. President, I believe the Senator from Luzerne has misconstrued some of my statements. I am not of the legal profession, but I still have an idea in my mind these trackless trolleys cannot be construed as motor vehicles.

Mr. MUNDY. Mr. President, may I ask the Senator—not as a lawyer but from a commonsense standpoint—why they are not construed as such.

Mr. MILLER. Mr. President, as I attempted to point out—whether I was successful or not I have my doubts—the source of supply of electricity comes from the wires which run the trackless trolley, which is electrically generated at a plant not in the bus itself.

Mr. MUNDY. May I ask the Senator does he know that motors sometime operate in mines and thrashers and machines on farm land and that they get their power from some distant plant when they operate?

Mr. MILLER. No, if gasoline propelled, I do not believe, Mr. President.

Mr. MUNDY. Mr. President, there are many electric motors on farms, such as saws that operate by electricity, in the same method from the same plant. Would the gentleman from Luzerne consider they should be relieved of tax also.

Mr. MILLER. May I correct the Senator from Luzerne in assuming those motors operating on farms are subjects of taxation.

Mr. MUNDY. No, Mr. President, but that is the point I want to make; they are not because they do not use the highways. The only reason we are taxing them is because these electric buses use the highways of Pennsylvania and Pennsylvania state maintains the right of way and I say that the State of Pennsylvania should be reimbursed for the wear and tear of these highways.

May I ask the Senator from Luzerne if he knows only Sunday last in Luzerne County one of those electric buses struck a machine and that five persons were seriously injured, with fractured skulls and one with a fractured spine, who are confined to the hospital.

Mr. MILLER. Mr. President, I happened to be out of the city Saturday and Sunday last and I did not know that.

Mr. MUNDY. Will the gentleman from Luzerne agree that Warren Street in Kingston and Market Street is maintained by the state?

Mr. MILLER. I believe the Senator from Luzerne is right.

Mr. MUNDY. If that was the point of the accident then will the gentleman from Luzerne agree this accident did occur on a state highway?

Mr. MILLER. If the gentleman from Luzerne says so, Mr. President, I agree.

Mr. MUNDY. Does the gentleman from Luzerne know that those trolleys operate between the cities of Wilkes-Barre and the City of Pittston, which is on the state highway.

Mr. MILLER. I believe the gentleman from Luzerne is correct.

Mr. MUNDY. Does the gentleman from Luzerne know that this traction company does not contribute one cent to the maintenance of that highway?

Mr. MILLER. Mr. President, I do not know whether they do one cent's worth of maintenance of highway or not.

Mr. MUNDY. Am I correct, Senator, in stating that in the original bill they waived any maintenance of their right of way and the boroughs took over that eighteen feet of railroad track, that is to say fourteen feet, two feet on either side, that that was given back to the boroughs and the boroughs and the state got a project together and furnished the money, say forty per cent, and the Federal Government the rest, to rebuild this old roadway and in addition to that the traction company was reimbursed for the trackage by private concerns and that money was given back to them, and one thing the traction company got in return was the right to operate these trackless trolleys along the same lines but with no cost of maintenance. Now, does that change the Senator's opinion about them paying something?

Mr. MILLER. It does not, Mr. President. I base my statement on the fact—and the Senator from Luzerne knows right well the financial condition of our local traction company—and I say that to have this company go out and expend money in this costly installation, and they are still endeavoring to continue this trackless trolley service to other communities in close proximity to the territory of the Senator from Luzerne County, namely, Wilkes-Barre, and I would at least think the gentleman from Luzerne, inasmuch as it only affects our county, would certainly be fair enough in his legislation to at least give this traction company an opportunity to gain back some of the heavy expenditures they had been compelled to lay out on this service to the people of that community.

Mr. MUNDY. Mr. President, the Senator wishes me to be in anomalous position of saying I want to make a grant of state funds to the Wilkes-Barre and Wyoming Valley Traction Company for their maintenance, and I am rather not inclined to go along with him, but does the Senator know how many electric buses they have in operation on that line.

Mr. MILLER. Mr. President, I am very glad the gentleman from Luzerne asked me that question; they have exactly twenty buses which in effect would amount to, as far as revenue to the Commonwealth is concerned, of roughly four thousand dollars.

Mr. MUNDY. In one year, sir?

Mr. MILLER. I would say yes, in one year. I understand the average cost of a bus is about one hundred fifty or two hundred dollars and they have exactly twenty of them, and I hope they will have twenty more before this bill is passed.

Mr. MUNDY. Does the Senator from Luzerne want to be placed in this position, namely, that they have twenty buses, from which the state realizes four thousand dollars a year, and they contemplate twenty more buses and then twenty more, and then I understand they are being contemplated in the City of Philadelphia and the City of Allentown and in several other western cities, and if we establish a precedent now by going on record by voting to help one single corporation in one city, I am going to ask how you can consistently later on, when you have forty or fifty thousand of these electric tramways working in the State of Pennsylvania, how you gentlemen are going to come into the Senate and say you are going to vote against those people; you cannot consistently do it. I want to ask the Senator how he will consistently do it.

Mr. MILLER. Mr. President, that is rather problematical, whether or not after these various buses are installed in the western part of the state and in Philadelphia, whether I will be privileged to serve as a member of this Senate. I will say this very definitely: that in the event service of that nature, the trackless trolley bus, is inaugurated in other cities, after they have operated a sufficient time in which to allow them the privilege of receiving some of the money they have been forced to outlay, I will vote for taxes, provided it is constitutional.

Mr. MUNDY. Mr. President, in conclusion I want to say this for the record. I was placed in the unfortunate and unhappy position today of coming up on the elevator to the Senate and meeting a gentleman from one of the power lobbies who informed me before I came into the

Senate, "I am sorry, Doctor, but we have to put your bill back on the postponed Calendar," and as the vote will be recorded here today, I will decide whether that gentleman knew what he was talking about, what action was to occur, and what the members of the Republican Caucus had agreed to.

Mr. MILLER. Mr. President, I have no knowledge of the statement made by the gentleman who was privileged to ride in the elevator with the gentleman from Luzerne. I simply said that upon receipt of this letter and after digesting the letter in my mind, I feel this bill is ill-timed and I will ask my Republican Colleagues and those on the other side who so see fit to vote to recommit this bill to the Committee on Highways.

Now, Mr. President, may I interrogate the gentleman from Luzerne?

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MUNDY. If the Senator from Luzerne will just let me add one more interrogation first.

Does the Senator wish me on the Senate floor to give the name of the individual who spoke to me coming up in the elevator?

Mr. MILLER. I do not think, Mr. President, that is necessary; I do not think personalities should enter into this legislation. I think everyone here appreciates the fact we are trying to argue this out on a reasonable basis, and the bringing in of names to me is not necessary, but if the gentleman from Luzerne so desires there is nothing I can do to stop him.

Mr. MUNDY. The Senator has no desire to do that unless the gentleman questions the fact that there was a member of the power lobby who spoke to me but I am very willing to give his name if the Senator so requests.

Mr. MILLER. I do not so request, Mr. President. I have no reason to doubt the word of the gentleman from Luzerne. I merely stated I knew nothing of the incident.

Mr. MUNDY. I regret, Mr. President, that a member of the Senate of Pennsylvania should have to be informed outside of the halls of this Senate that a bill which he presented in an orderly fashion—that he should be told by a member of the power lobby that the Republican Caucus—and he mentioned the gentleman's name who was going to ask that the bill be recommitted—he had the information perfectly, so that I was fully prepared to take the floor, and if the gentleman wants to take the anomalous position of sending out emissaries of the power trust to tell other Senators that bills will be recommitted, you can put yourself in that position.

Mr. MILLER. Mr. President, I merely say to this Senate that out of courtesy to the Senator from Luzerne I went to him and advised him I was going to ask that this bill be recommitted. If some one else went to him it was not by my instigation; I merely did it out of fairness, out of my respect for him, and I do not hold him in high respect, because he comes from the great county of Luzerne.

Now, Mr. President, may I interrogate the gentleman from Luzerne?

The PRESIDENT. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. MUNDY. Yes, Mr. President.

Mr. MILLER. Mr. President, I would like to direct the Senator's attention to page 1264 of the Legislative Journal, at the time he introduced this bill; I quote from the reason he gave for the introduction:

"Mr. MUNDY. Mr. President, on behalf of the gentleman from Northumberland, Doctor Deitrick, and the gentleman from Warren, Dr. Chapman, and myself, I am about to present to the Chair a bill affecting trackless trolleys." I will end the quotation. Mr. President, I fail to see the names of either one of the gentlemen on the bill as it is on my desk and I just wondered the reason for the statement.

Mr. MUNDY. Mr. President, there must be some very grave error in there somewhere. The gentleman has gotten off on the wrong track. The bill to which he refers, which was presented by Doctor Chapman, was a bill with reference to licensing of internes in hospitals and I do not see how it possibly could be confused with this bill. Certainly there is a grave clerical error somewhere.

Mr. WOODWARD. Mr. President, after listening to these illuminating interrogations I have come to the conclusion now that the trackless trolley is off the track.

Mr. WALKER. Mr. President, I hope the two gentlemen from Luzerne County will forgive us for getting into this; I understand it is a public discussion and not private. I would like to suggest to the gentleman from Luzerne, Doctor Mundy, that I was one of the members of the Republican Caucus who was interested in a further study of this bill and I think that the gentleman, being the sponsor of the bill, is entitled to some observation as to why I would like to have more time. I am not interested so much in the financial status of any of the companies that might be involved, but I would like to direct the Senator's attention to the fact that when he amends the vehicle code, as I understand Senate Bill No. 576 does, under the definition of motor vehicles, he brings trackless trolleys, which up to this time have been classified as street cars, into the definition of a motor vehicle.

Now, Mr. President, those of us who are indirectly interested in the public utility phase of the definition of motor vehicles, I would like to suggest to the gentleman perhaps in bringing these street cars in under the definition of motor vehicles, there may be a question raised as to whether or not an omnibus company or a street car company operating trackless trolleys, and having that trolley defined not as a street car but as a motor vehicle, might be required to turn around and obtain a certificate of public convenience to operate motor vehicles to transport passengers for hire.

I say to the gentleman from Luzerne, Senator Mundy, in all seriousness that the objection I voiced to Senator Miller was not captious nor facetious but I was deeply interested in that problem and I for one suggested perhaps we should have an opportunity to look further at the bill.

Now, Mr. President, if Doctor Mundy is fearful the bill is going back to be pickled—of course I know nothing of any arrangement he may have made with the power lobbyists to have the bill pickled; I was not part or parcel to that arrangement, I was interested in having the bill go back so that I could study it and satisfy myself on that score—and may I suggest to the good Senator from Luzerne, Doctor Mundy, that even if his worst fears are realized I have some bills back there in that vat and I know mine will enjoy having company.

Mr. MUNDY. Mr. President, I am very seriously concerned about this bill because it is the only bill that I

have been able to get out of committee thus far, with my name attached to it, and I do want to have the pride of authorship in this Senate Session.

I might say the gentleman from Philadelphia, Senator Woodward, offered to re-educate me today along certain lines but I just want to say to the Senator from Philadelphia that he is just a little late—about twenty years too late—because he has reached maturity and I am fast reaching a mature age, and our philosophy of life is probably too divergent, by incident of birth, so widely removed and our social status so varying, at such variance, that perhaps I would not make such an apt pupil and would not reflect great credit on such a masterful teacher but I do suggest to the Senator from Philadelphia—if he will listen to me a minute—I do suggest to the Senator from Philadelphia instead of re-educating me he devote his time to re-educating the surging new generation of the Republican party, this obstreperous youthful group that has cropped up with new philosophies and new ideas, that are going to crowd out the old leadership in the Republican party with its new ideals and its new philosophy.

I was very interested, the other night, Senator, to read in the paper the very stirring address of the Senator from Pittsburgh, Senator Walker, which was given I believe before the young Republicans, and I am informed there was a great deal of enthusiasm, a great deal of oratory and I think in discussing Dr. Woodward and his group, the gentleman from Allegheny strenuously advised that they put these old gentlemen with money out of the party, thrown them out of the party, but by all means to retain their money.

Mr. DENT. Mr. President, I do not like to get into this private fight, but the principles involved in this issue before us today affect the whole State of Pennsylvania. Predictions have been made freely here that the use of trackless trolleys will probably be extended to Pittsburgh, Philadelphia, and other cities. The question involved is whether or not the highways are public property and whether or not we tax for the use of the surface of the road or for the motive power that may be in the vehicle that is using the road.

You do not need to stretch your imagination to realize that many vehicles upon the roads of Pennsylvania today have no automotive power whatsoever. Take private home trailers, go-carts and other similar vehicles that are used in transporting hunting equipment and so forth, horse trailer cars and vehicles of that nature, they are taxed by the Highway Department and they are classified as motor vehicles; they do not have any motor whatsoever in them, then realize this too, whether the power comes from an electric wire line attachment or whether it comes from gasoline or steam or diesel oil or whatever it may come from, it still has a motor in it; these trackless trolleys do not run just because a little bit of juice is squirted into a switch, they have a motor underneath them that runs. There is nothing in the law that they must be gasoline motors and the question is one which is serious to the people of Pennsylvania.

Are we going to allow traction companies to get rid of the traction lines, as they now exist, and put in buses? They are only buses; the only difference is in the automotive power used.

I think this bill is too serious a bill to be sent back to be pickled, because that is where it is going—what is the use of kidding yourselves about things like that? Everybody knows it is going back to be pickled and I think the trackless trolley is going back to be pickled in committee.

Mr. WOODWARD. Mr. President, in connection with the statement of the gentleman from Luzerne, Doctor Mundy, to the effect that this is the only Mundy bill that has escaped from the supervision of committees and which has come out on the Calendar I would suggest this epitah: "Sic trackless trasit gloria Mundi."

Mr. MUNDY. Mr. President, perhaps I may be permitted to contribute a little poetry just for a few seconds, which I would like to read.

The PRESIDENT. If there is no objection the gentleman from Luzerne may proceed.

Mr. MUNDY: It is as follows:

THE KING'S JESTER

How comes our noble, nobby Nestor,
With dignity of riches,
To play the role of just a jester
And banter in his breeches?

When windy Woody whines, with wobble,
About our Senate forum,
We wonder whether bells and bauble
Doth entertain this quorum.

Of course, 'tis true, we favor funnies,
Our kiddies' comic thrillers,
But chestnuts are for squirred-bunnies,
Though cracked by Chestnut Hillers.

Beware! His gag, and gab, and gammon,
As wit, our Woody passes
To camouflage his master—Mammon,
That menaces our masses.

With bells and bauble let him bellow,
Though statesmen he may pester;
This prancing, fancy, fawning fellow
Is just King Arthur's Jester.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. MUNDY and were as follows, viz:

YEAS—27

Bartlett,	Ealy,	Miller,	Wade,
Becker,	Edmonds,	Scarlett,	Walker,
Carr,	Farrell,	Stevenson,	Watkins,
Chapman,	Geltz,	Tallman,	Wilson, H. I.,
Crider,	Kephart,	Taylor,	Woodward,
Crowe,	Letzler,	Thomas,	Ziesenheim,
Dent,	Mallery,	Tyler,	

NAYS—12

Barr,	Cox,	McCreesh,	Mundy,
Cavalcante,	DiSilvestro,	McGinnis,	Ruth,
Coleman,	Frey,	McQuiddy,	Stiefel,

So the question was determined in the affirmative.

The PRESIDENT. On the motion to recommit the vote shows 27 yeas and 12 nays; the question being decided in the affirmative, the bill is recommitted to the Committee on Highways.

RULING ON POINT OF ORDER: SENATE BILL No. 653

The PRESIDENT. The Chair is now ready to rule on the point of order raised by the gentleman from Philadelphia, Mr. Shapiro, in connection with Senate Bill No. 653, on page five of today's Calendar.

The Chair fails to find any Senate rule which applied to this particular point of order raised by the Senator from Philadelphia, Mr. Shapiro.

Senate rule No. 34, page 19, Pennsylvania Legislative Directory, 1941-1942, reads as follows:

> "The rules of parliamentary practice comprised in Jefferson's Manual shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Senate and the joint rules of the Senate and House of Representatives."

In the absence of a Senate rule or a joint House and Senate rule, the Chair quotes from the House rules and Manual of the Seventy-sixth Congress, rule 15, paragraph 766, page 349, which reads as follows:

> "Before the result of a vote has been finally and conclusively pronounced by the Chair, but not thereafter, a Member may change his vote."

Rule 15, paragraph 767, page 350, reads as follows:

> "Incidental questions arising during the roll call, such as the refusal of a Member to vote, are considered after the completion of the call and before the announcement of the vote."

Page 193, Roberts Rules of Order, in part, reads as follows:

> "A member has the right to change his vote up to the time the vote is finally announced."

The Chair now rules that the point of order raised by the Senator from Philadelphia, Mr. Shapiro, is not well taken.

Mr. SHAPIRO. Mr. President, do I understand your ruling is that there is the right in the members to change their votes?

The PRESIDENT. Yes.

Mr. SHAPIRO. The Chair will remember the question before the Senate was the verification of the roll.

The PRESIDENT. The Chair remembers that very well, and the Chair takes the position, and the Chair so ruled, that the vote at the time it was verified stood, but there is nothing to prevent a change of the vote up until it is finally announced by the Chair.

Mr. SHAPIRO. Mr. President, if the gentleman who wishes to change his vote will make the statement to the Chair he voted under a misapprehension, having in mind, Mr. President, my point of order—

The PRESIDENT. The Chair knows of no rule which requires a Senator to make such a statement. It is, however, a statement which is usually resorted to when a Senator dseires to change his vote.

Mr. SHAPIRO. Mr. President, after the vote is verified it indicates the gentleman's vote is properly recorded. Now, if the gentleman wants to change his vote, I cannot question the ruling of the Chair now, because the Chair having ruled, I am bound and must accept the ruling of the Chair, but I suggest, Mr. President, the vote having been verified, the gentleman was properly recorded, and if he now wants to change his vote it must be by a statement that he voted under a misapprehension.

Mr. WOODWARD. Mr. President, I voted under a misapprehension; I voted under the apprehension we had twenty-six votes.

I desire, Mr. President, to change my vote from "Aye" to "No."

Mr. SHAPIRO. Mr. President, that is the excuse I gave two years ago, with the same result. Still, Mr. President, if any gentleman wishes to change his vote on that ground, I have a right to interrogate him and if the gentleman from Philadelphia, Dr. Woodward, asks to change his vote on that ground, I ask the gentleman from Philadelphia, Dr. Woodward, to state what was his misapprehension.

Mr. WOODWARD. Mr. President, I counted the votes, the "aye" votes, in the Caucus and I thought there was a majority of this side, and therefore I voted "aye", under the apprehension there was a majority; it turned out the other way and therefore I voted under a misapprehension.

Mr. SHAPIRO. Mr. President, I object to the gentleman changing his vote on that ground, because that is not a misapprehension in voting; that is a misapprehension of the result of the vote and on that ground I ask the Chair to rule the gentleman has no right to change his vote.

Mr. WOODWARD. Well, Mr. President, I voted in error.

Mr. GELTZ. Mr. President, I desire to change my vote from "aye" to "no".

Mr. SHAPIRO. Mr. President, I have raised a point of order.

The PRESIDENT. The Chair rules that the point of order of the gentleman from Philadelphia is not well taken.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. GELTZ. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny, Mr. Geltz, will state his question of parliamentary inquiry.

Mr. GELTZ. Mr. President, am I to understand the vote of our colleague from Philadelphia, Senator Woodward, as well as my vote, has been changed from "aye" to "no?"

Mr. SHAPIRO. There is only one question before the Chair.

The PRESIDENT. It has not been changed yet. A point of order was raised at that time.

Mr. GELTZ. I press my request that my vote be changed from "aye" to "no".

(The Senate was at ease.)

The PRESIDENT. The Chair announces he herewith returns Senate Bill No. 653, together with the roll call which he took in custody.

Mr. SHAPIRO. Now, Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Allegheny state why he wants to change his vote?

Mr. GELTZ. Mr. President, to be perfectly frank, I was engaged at the time of the verification of the roll in trying to get one more vote to make certain the passage of this bill and therefore I did not rise in time to ask that my vote be changed before the verification.

Mr. SHAPIRO. And, Mr. President, now that the gentleman from Allegheny has asked permission to change his vote will he state why he wants to change his vote?

Mr. GELTZ. Yes, Mr. President; I want to be recorded as having voted the other way.

Mr. SHAPIRO. Will the gentleman from Allegheny state his reason for wanting to vote the other way.

Mr. GELTZ. I refuse to answer that question, Mr. President.

Mr. SHAPIRO. The gentleman has a perfect right to answer the question and I am glad to have the record show the reason.

MOTION TO DROP BILL FROM FURTHER CONSIDERATION

Mr. CAVALCANTE. Mr. President, I now move that Senate Bill No. 653 be dropped from the calendar of this Senate.

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. WALKER. Mr. President, I rise on a point of order.

RULING BY THE CHAIR

The PRESIDENT. The Chair rules that the request of the gentleman from Philadelphia, Doctor Woodward, to change his vote from "aye" to "no" and also the request of the gentleman from Allegheny, Mr. Geltz, to change his vote from "aye" to "no" are now formally recorded as having been granted.

Are there any other changes? The Chair hears none.

The vote will stand as recorded.

POINT OF ORDER RENEWED

Mr. WALKER. Mr. President, I renew my point of order.

The PRESIDENT. The gentleman from Allegheny will state his point of order.

Mr. WALKER. Mr. President, the point of order is that the motion made by the gentleman from Fayette—I understand the Chair has more or less ignored the motion.

The PRESIDENT. The vote determines that. The only thing now in order is the vote.

The Chair now has the roll call before him for the first time.

And the question recurring,

Will the Senate agree to the bill on third reading?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—23

Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Tyler,
Carr,	Farrell,	Miller,	Walker,
Chapman,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Scarlett,	Ziesenheim,
Crowe,	Kephart,	Snowden,	

NAYS—22

Barr,	DiSilvestro,	McQuiddy,	Taylor,
Cavalcante,	Frey,	Mundy,	Thomas,
Coleman,	Geltz,	Shapiro,	Wade,
Cox,	Homsher,	Stevenson,	Wilson, H. I.,
Deitrick,	McCreesh,	Stiefel,	Woodward,
Dent,	McGinnis,		

Less than a Constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

The PRESIDENT. The result shows 23 ayes and 22 nays; the bill having failed to receive a Constitutional majority, falls.

MOTION THAT SENATE BILL No. 653 BE DROPPED FROM THE CALENDAR RENEWED

Mr. CAVALCANTE. Mr. President, I made a motion and I insist upon my motion being honored. I moved that Senate Bill No. 653 be now dropped from further Calendars of this Senate.

The PRESIDENT. It is dropped; you can not drop something that has already been dropped. The bill was defeated and so it falls. It is not on the Calendar now.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 614, (House Bill No. 1126), on second reading, entitled:

An Act to further amend part of section three hundred and two to amend section three hundred and seven and part of section fifteen hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" establishing the Surplus Commodities Stamp Fund and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS POSTPONED

Mr. CROWE. Mr. President, I move that further consideration of Senate Bill No. 629, (House Bill No. 764), on second reading, entitled:

An Act to add section nine hundred thirty-eight to the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concernnig game and other wild birds and wild animals and amending, revising, consolidating and changing the law relating thereto, providing for the establishment, regulation and use of special dog training areas

be postponed for the present.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

Mr. CROWE. Mr. President, I move that further consideration of Senate Bill No. 650, (House Bill No. 1022), on second reading, entitled:

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties," permitting certain dogs to be brought into the Commonwealth for hunting purposes, by holders of non-resident hunting licenses, without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 655, entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HENRY I. WILSON. Mr. President, I move that Senate Bill No. 691, (House Bill No. 1093), on second reading, entitled:

An Act to further amend the act, approved the eighth day of July, one thousand nine hundred nineteen (P. L. 764), entitled, "An act authorizing suits brought to recover in case of accidents in this Commonwealth in courts of common pleas to be certified to the Workmen's Compensation Board when discovered that suit has been brought wrongfully," extending said act to cases heretofore or hereafter so brought in any court of record; and defining the legal effect of such certifications

be recommitted to the Committee on Workmen's Compensation, as an amendment has just been received and they need a little further consideration.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL POSTPONED

Mr. HOMSHER. Mr. President, I move that further consideration of Senate Bill No. 693, (House Bill No. 1173), on second reading, entitled:

An Act to further amend the fourth paragraph of section five hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania; together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," allowing further deductions from gross indebtedness in order to determine indebtedness of any school district

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 705, (House Bill No. 897), entitled:

An Act providing for and regulating the appointment promotion and reduction in rank suspension and removal of paid members of the police force in boroughs incorporated towns and townships of the first class maintaining a police force of not less than three members creating a civil service commission in each borough incorporated town and townships of the first class defining the duties of such civil service commission imposing certain duties and expenses on boroughs incorporated towns and townships of the first class imposing penalties and repealing inconsistent laws.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. WALKER. Mr. President, I should like to call to attention of the members of the Senate the fact that Senate Bill No. 705 is another civil service bill, such as caused such a furor in the chamber a little while ago.

There is a clause in there, which as I read section 22, page 15, freezes in the present police force of the municipalities involved.

All of the Senators who were so terrified over freezing in of some so-called Republicans in office had better look with horror at section 22, which freezes our policemen in.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 724, on second reading, entitled:

An Act to amend section four hundred one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or

Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the length of the terms and the method of appointing and removing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 740, on second reading, entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions, and imposing certain duties upon the juvenile court

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 782, entitled:

An Act to further amend subsections (a), (b) and (c), of section one thousand two hundred and one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings; and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing, upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," further providing for assessment of regulatory expenses upon public utilities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 784, entitled:

An Act to amend section four hundred three of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provisions of said act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL No. 784

Mr. SHAPIRO. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 784, passed second reading.

The PRESIDENT. How did the Senator vote?
Mr. SHAPIRO. Mr. President, I voted "aye."
Mr. GELTZ. Mr. President, I second the motion.
The PRESIDENT. How did the Senator vote?
Mr. GELTZ. Mr. President, I voted "aye."
The motion was agreed to.
And the question recurring,
Will the Senate agree to the bill on second reading?

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 784, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 787, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the consruction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle"; giving the commission additional authority over the alteration, relocation or abolition of crossings; further regulating the right to render scervice as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers, by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

The first, second and third sections of the bill were read and agreed to.

The fourth section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows: Amend Section 4, page 9, by striking out all of lines 10 to 28, inclusive; Amend Section 4, page 10, by striking out all of lines 1 to 20, inclusive.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows: Amend Section 5, page 11, line 1, by striking out the figure "5" and inserting in lieu thereof the figure "4"; Amend Section 5, page 12, lines 20 to 22 inclusive by striking out the following: "In no case however shall the costs resulting from any appeal be upon the Commission" and insert in lieu thereof the following: "The costs resulting from any appeal may not be imposed on the commission except in cases where the complaint or proceeding was instituted by the commission"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows: Amend Section 6, page 14, line 5, by striking out the figure "6" and insert the figure "5"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows: Amend Section 7, page 15, line 5, by striking out the figure "7" and insert in lieu thereof the figure "6"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eight section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows: Amend Section 8, page 16, line 3, by striking out the figure "8" and insert the figure "7"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 788, entitled:

An Act to amend sections one and two of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereof; and providing for the suspension of the registration of any motor vehicle, or of the operator's license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public service company law; authorizing the rescission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 789, entitled:

An Act to amend section eleven of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by expressly providing for administration of the Public Utility Law of June first, one thousand nine hundred and thirty-seven (P. L. 1053), by the Public Utility Commission; and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 807, entitled:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting the imposition of conditions upon grants of moneys and the invasion of state rights.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. CARR. Mr. President, I am about to present to the Chair a bill and I wish to make a short explanation concerning this bill.

The PRESIDENT. The gentleman from Butler will proceed.

Mr. CARR. For some time past, Mr. President, it has been customary for the Senator from Butler County to talk loud and long about milk control.

All of you who were here in the previous Session know that was a continuous subject of discussion by my predecessor.

There have been two bills introduced, one in the Senate and one in the House, proposing to alter the present milk control act. There are some people in the state who believe neither one of these bills will do the job as it ought to be done, and in order that there might be effective publicity given to another attitude of mind which has to do with the elimination of the price control feature, I have been requested to introduce this bill.

Mr. President, there has been some opinion among a great many of the farm people that the provision in the original milk control act, which provided that the farmer receive a profit on the cost of production, has been sort of set aside and that the operation of the milk control act has been that the price to the consumer was set and

then the cost of operation of milk delivery was set and then, if there was anything left, it accrued to the farmer.

This bill proposes the elimination of price fixing entirely and I present it for the purpose of getting it before the public, to get a reaction from them in connection with it.

Mr. CARR. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CARR read in place and presented to the Chair Senate Bill No. 936, entitled:

An Act to amend sections one hundred three, three hundred one, three hundred four, three hundred five, three hundred seven, three hundred eight, three hundred ten, three hundred eleven, four hundred one, four hundred two, four hundred four, four hundred five, four hundred ten, five hundred one, five hundred two, five hundred three, five hundred five, five hundred six, five hundred eight, five hundred ten, five hundred eleven, five hundred thirteen, all of article eight and section nine hundred four, to add sections one thousand seven, one thousand eight and one thousand nine to the act, approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines, and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act and saving rights, duties and proceedings thereunder; and making appropriations." by providing that milk delivered or made available or handled or received on consignment or otherwise shall be subject to all the provisions of said act including price-fixing and bonding; enabling the ratification of the act or order of one commissioner by another member of the commission; authorizing special agents or examiners to conduct hearings on behalf of the commission; enabling certain officers, employes and agents to administer oaths; enabling commissioners to issue appropriate process beyond the Commonwealth; providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders; enabling employes of the commission to mark or stamp for identification books and papers that they have inspected; providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders; requiring milk dealers to be licensed; stating grounds for refusal, suspension, revocation or refusal or transfer of licenses; stating the effect of service by registered mail when the addressee refuses to accept or receive such mail; enlarging requirements of milk dealers to file bonds to secure payment to producers and certain milk dealers; prescribing the effective date and term of such bonds and providing for their release; providing for the increase or decrease of the amounts of bonds; prescribing the effect of orders of the commission relating to licenses in suits on bonds; providing equalization of prices.

Which was committed to the Committee on Agriculture.

REPORTS FROM COMMITTEES

Mr. BECKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BECKER, from the Committee on Forests and Waters, Game and Fish, reported as amended, Senate Bill No. 628, (House Bill No. 762), entitled:

An Act to further amend sections eleven and twelve of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties" by providing for the issuance of metal tags with kennel certificates, requiring such tags to be kept on dogs kept in kennels permitting dogs kept in a kennel to be taken out for hunting training exercise or entry in field trials and dog shows and requiring keepers of kennels to maintain certain records.

Mr. CRIDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CRIDER, from the Committee on Aeronautics, reported as committed, Senate Bill No. 913, entitled:

An Act authorizing and directing the Department of Revenue, to prepare airport approach plans for publicly owned airports; empowering and directing such department and also counties, municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations, limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of such airports; providing for the granting of zoning permits and variances and for appeals from zoning regulations; authorizing the acquisition by purchase, grant or condemnation of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 232, entitled:

An Act to validate and quiet the title to lands and buildings heretofore sold by boards of school directors at public auction without full compliance with provisions of law authorizing such sales.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, May 21, 1941, at 1:00 o'clock p. m. Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:45 o'clock p. m. Eastern Standard Time until Wednesday, May 21, 1941, at 1:00 o'clock p. m. Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 20, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

O God, our Father, Thou art not far from any one of us, for in Thee we live, and move, and have our being. When we stretch out our hands of faith unto Thee, Thou art ever ready to meet us, and to touch our hands in response. We pray Thee this day for a real sense of Thy presence. Help us to know that we are never alone. Thou art our great companion, our silent and unseen friend. Help us to live in that consciousness each day.

We ask Thy blessing this day upon all those for whom we have concern—our family and our loved ones, our friends, both near and far, yea, God, upon mankind everywhere. Give us a sense of Thy abiding presence when the shadows fall. Hear us, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. OWENS, unaminously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. RONALD L. THOMPSON and BROWN.

HOUSE BILL No. 1621.

An Act to add section forty-three to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," authorizing compromise of tax claims in cases where there is a dispute as to the domicile of the decedent.

Referred to the Committee on Judiciary General.

By Mr. IMBRIE. HOUSE BILL No. 1622.

An Act placing corporations operating cemeteries and burial grounds under the control of the Department of Banking, authorizing said Department to make examinations of the affairs of such corporations at the cost of such corporation and in certain cases with the approval of the Department of Justice, to take over and operate the same and imposing certain duties on the court of common pleas.

Referred to the Committee on Banking.

By Messrs. HOLLAND and LEONARD.

HOUSE BILL No. 1623.

An Act declaring certain provisions in leases of real property for dwelling purposes improper and contrary to public policy; and making the same unenforceable.

Referred to the Committee on Judiciary General.

By Mr. HOLLAND (By Request).

HOUSE BILL No. 1624.

An Act making an appropriation to the Department of Highways for the payment of damages resulting from personal injuries occasioned by improperly maintained State Highways.

Referred to the Committee on Appropriations.

By Mr. SARRAF. HOUSE BILL No. 1625.

An Act authorizing operators of and passengers in motor vehicles who have suffered or may suffer injury or damage because of defects or dangerous conditions on State highways, to bring suit for damages against the Commonwealth in the court of common pleas of the county wherein the injury or damage was suffered.

Referred to the Committee on Judiciary General.

By Mr. ROSENFELD. HOUSE BILL No. 1626.

An Act to protect public health, safety and morals and to promote the common welfare by regulating the use and occupancy, re-use and re-occupancy and the renting and re-renting for use and occupancy of all buildings in cities of the first class planned in whole or in part for residential purposes, and any living quarters connected with a business or commercial establishment, by requiring the issuance of certificates of occupancy and by requiring owners, agents and tenants to obtain such certificates of occupancy; conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class; providing for inspections and inspection fees and the institution of prosecutions for failure to obtain certificates of occupancy; imposing penalties and repealing inconsistent acts or parts of acts.

Referred to the Committee on Cities—First Class.

By Messrs. SHAW and REYNOLDS.

HOUSE BILL No. 1627.

An Act to further amend section four of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," further regulating the jurisdiction of aldermen, magistrates and justices of the peace in cases when certain children are involved.

Referred to the Committee on Judiciary General.

By Messrs. WOODRING and LONGO.

HOUSE BILL No. 1628.

An Act relating to the collection of delinquent county taxes, except in counties of the first class; delinquent city taxes; except in cities of the first class; delinquent school taxes, except in school districts within or coextensive with a city of the first class; and borough, town, township, poor and county institution district delinquent taxes, and other local delinquent taxes levied within the limits of such political subdivisions; creating a delinquent tax board in each county, providing for the appointment thereby of a delinquent tax liquidator and other employes, and prescribing their powers and duties; providing for the return of all delinquent real estate taxes to said officer by the various taxing authorities and tax collectors, and for the collection thereof by him; fixing the lien of such taxes; authorizing the sale of real property for the nonpayment thereof, and prescribing the effect of such sale on other liens.

Referred to the Committee on Municipal Corporations.

By Mr. RUSH. HOUSE BILL No. 1629.

An Act to further amend sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286), entitled, as amended, "An act empowering cities, boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the authorization of indebtedness and interest thereon," taking away the power to enter into contracts with private corporations for the furnishing of sewer or sewage treatment services, and the imposition and collection of rentals or charges and the entry of liens in connection therewith.

Referred to the Committee on Municipal Corporations.

By Mr. O'BRIEN. HOUSE BILL No. 1630.

An Act to further amend clause (b) of section two hundred and one of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," further prescribing the powers of the Pennsylvania Liquor Control Board to fix maximum sales prices of liquors in the Commonwealth.

Referred to the Committee on Liquor Control.

By Mr. LEYDIC. HOUSE BILL No. 1631.

An Act authorizing and directing the Department of Highways to erect, construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum, Allegheny County and a point in Westmoreland County, and to provide the necessary approaches and connections with State highways, providing for the acceptance of Federal aid, empowering counties to pay certain damages, and making an appropriation.

Referred to the Committee on Highways.

By Mr. LEYDIC. HOUSE BILL No. 1632.

An Act establishing rules and regulations for the prevention of loss of life and property by fires and explosions in truck transportation and handling of inflammable liquids, irrespective of the existence of legal requirements on various phases of truck transportation promulgated by Federal, State and local authorities.

Referred to the Committee on Judiciary General.

By Mr. LEYDIC. HOUSE BILL No. 1633.

An Act establishing amount of liability insurance to be carried by Companies or Individuals transporting inflammable liquids in tank trucks or trailers.

Referred to the Committee on Judiciary General.

By Mr. LEYDIC. HOUSE BILL No. 1634.

An Act establishing the office of fire marshal in all counties of the second class definin; his powers and duties providing for his compensation and the maintenance of his office giving the punish witnesses for contempt of his authority and to review his order and making it the duty of officers of public instruction and persons in charge of public or private schools to instruct children as to the dangers of fire and the prevention of fire waste.

Referred to the Committee on Counties.

By Mr. MORAN HOUSE BILL No. 1635.

An Act prohibiting the sale, transfer, purchase, ownership, possession and use of tear and noxious gas, and tear gas guns, providing certain exemptions, and providing penalties.

Referred to the Committee on Labor.

By Messrs. RUSSELL E. REESE and RILEY.

HOUSE BILL No. 1636.

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government.

Referred to the Committee on Aeronautics.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 1637.

An Act to amend section six hundred six of the act, approved the second day of May, one thousand nine hundred twenty-nine, (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidat-

ing the laws relating thereto," empowering counties to appropriate moneys from the public funds for the operation and maintenance of one or more public libraries within the county.

Referred to the Committee on Counties.

By Messrs. HERMAN and SHAFFER.

HOUSE BILL No. 1638.

An Act to repeal subdivision (d) of article six containing sections 651 652 653 654 and 655 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations and reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" eliminating provisions relating to Workmen's Compensation Insurance.

Referred to the Committee on Workmen's Compensation.

By Messrs. HERMAN and SHAFFER.

HOUSE BILL No. 1639.

An Act to further amend the title and the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" by making the schedules of compensation compulsory upon all employers providing that the State Workmen's Insurance Funds shall be the sole agency in which the payment of compensation may be insured providing for the termination of existing workmen's compensation insurance contracts issued by other agencies eliminating provisions relating to self-insurance and repealing certain section and subsections.

Referred to the Committee on Workmen's Compensation.

By Messrs. HERMAN and SHAFFER.

HOUSE BILL No. 1640.

An Act to amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 762) entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" providing for insurance in said fund of all employers liable to pay workmen's compensation eliminating provisions relating to insurance corporations or associations and workmen's compensation insurance covering officers and employes of the board.

Referred to the Committee on Workmen's Compensation.

By Messrs. SCHWAB and MALLOY.

HOUSE BILL No. 1641.

An Act providing that city taxes in cities of the third class, shall be assessed, levied and collected upon the basis of the county assessments; imposing duties upon county assessing and county taxing authorities; abolishing the office of city assessor in cities of the third class and transferring certain property to county taxing authorities.

Referred to the Committee on Cities—Third Class.

By Mr. MALLOY. HOUSE BILL No. 1642.

An Act providing that moneys heretofore or hereafter appropriated to the Department of Military Affairs for the payment of subscriptions to the Pennsylvania National Guardsman for distribution to the officers and men of the National Guard may be used for the payment of subscriptions to said publication heretofore distributed or for distribution to such officers and men who have been inducted into the service of the United States and to the officers and men of the Pennsylvania Reserve Defense Corps.

Referred to the Committee on Military Affairs.

By Mr. STAMBAUGH. HOUSE BILL No. 1643.

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for the manner of payment of escheator's fees, informant's commissions, and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat, designating the funds to which such moneys shall be credited, and making an appropriation.

Referred to the Committee on State Government.

By Mr. WATKINS. HOUSE BILL No. 1644.

An Act to amend section two hundred six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for the election of school directors for independent school districts and terminating the terms of office of the present school directors in such districts.

Referred to the Committee on Education.

By Messrs. WATKINS and McGRATH.

HOUSE BILL No. 1645.

An Act to reenact and amend the title and the act which became effective the ninth day of July one thousand eight hundred and eighty-one (P. L. 162), entitled "An act to prohibit the granting of a license for the sale of liquors to proprietors, lessees, keepers or managers of

theaters or other places of amusement," changing the provisions of said act so that it prohibits only the granting of liquor licenses for that portion of any premises in which a theater, circus, museum or other place of amusement is conducted.

Referred to the Committee on Liquor Control.

By Mr. FISHER. HOUSE BILL No. 1646.

An Act making an appropriation to the Huntingdon Volunteer Fire Department for the protection of State property at Huntingdon, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. SNYDER. HOUSE BILL No. 1647.

An Act to further amend section one of the act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (P. L. 944), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class," by increasing the annual salary of the prothonotary.

Referred to the Committee on Counties.

By Mr. TROUT. HOUSE BILL No. 1648.

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as variously amended, by changing registration years, fractions of registration years, operator's license years; extending the time for exemption from fees for transfer of registration to conform with changed registration year; reducing operator's license fee; and giving the secretary power to determine whether certain motor vehicles are of tractor type.

Referred to the Committee on Motor Vehicles.

By Mr. MOUL. HOUSE BILL No. 1649.

An Act to further amend section twelve of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," granting certain retirement rights to persons who have withdrawn from and returned to school service.

Referred to the Committee on Education.

By Mr. MOUL. HOUSE BILL No. 1650.

An Act providing for the cooperation of the Commonwealth and certain political subdivisions thereof with the United States in respect to flood control projects; authorizing the Secretary of Highways on behalf of the Commonwealth, and the authorities of the various counties, cities, boroughs and townships to grant and convey certain rights and easements thereof and lands bordering over which such governmental units may have control.

Referred to the Committee on Forestry.

By Mr. BURRIS. HOUSE BILL No. 1651.

An Act to amend section ten of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," prescribing hopeless lunacy or a condition of being non compos mentis for a period of five years as a ground for divorce.

Referred to the Committee on Judiciary General.

By Mr. DUFFY. HOUSE BILL No. 1652.

An Act to further amend sections eight and eleven of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by giving the secretary discretionary power, under certain circumstances, to suspend operators' licenses; and providing for notice and hearing before suspension of licenses and registrations.

Referred to the Committee on Motor Vehicles.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 587. (HOUSE BILL No. 1653).

An Act to amend section three hundred six of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare, and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws,"

authorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts in counties of the third class

Referred to the Committee on Counties.

SENATE BILL No. 624. (HOUSE BILL No. 1654).

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," increasing the minimum salaries of teachers in school districts of the fourth class and providing for the payment of the whole of such increase by the State for the period of two years.

Referred to the Committee on Education.

SENATE BILL No. 141. (HOUSE BILL No. 1655).

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

Referred to the Committee on Judiciary General.

SENATE BILL No. 296. (HOUSE BILL No. 1656).

An Act to re-enact and amend the title and act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine, (P. L. 748), entitled "For the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties;" providing for the regulation and registration of persons and entities engaged in the business of investment advisers, and of solicitors of investment advisers and for the revocation and suspension of such registrations; conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

Referred to the Committee on Banking.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. GERARD. Mr. Speaker, I move that House Bill No. 666, Printer's No. 208, together with the communication from the Governor, which was laid on the table May 14, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 666

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 666, Printer's No. 208, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. GERARD Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. COCHRAN Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny Mr. Gerard, vote on the final passage of this bill?

Mr. GERARD. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Fayette, Mr. Cochran, vote on the final passage of this bill?

Mr. COCHRAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. GERARD. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to

On the question recurring,

Will the House agree to the bill on third reading?

Mr. GERARD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 1 of the title, by inserting after the word "To" and before the word "amend" the word: "further"

Amend page 1, line 2 of the title, by striking out, with boldface brackets, after the word "August" and before the word "one" the following: "[A D]".

Amend page 1, line 7 of the title, by striking out, with boldface brackets, after the word "by" and before the word "counties" the word: "[including]" and inserting in lieu thereof the following: "extending its provisions to".

Amend page 1, line 7 of the title, by inserting at the end of the line the following: "of the second class".

Amend section 1, page 1, line 5 by striking out, with boldface brackets, after the word "August" and before the word "one" the following: "[A D]".

Amend section 1, page 2, line 1 by inserting after the word "installments" and before the word "is" the following:

"as amended by the act approved the twenty-fourth day of April one thousand nine hundred thirty-three (Pamphlet Laws fifty-eight)"

Amend section 1, page 2, line 2 by inserting after the word "hereby" and before the word "amended" the word: "further"

Amend section 1 (section 1), page 2, line 6 by inserting after the word "the" and before the word "collector" the following: "collector of taxes".

Amend section 1 (section 1), page 2, line 7 by striking out, with boldface brackets, after the word "taxes" and before the word "city" the following: '[of any]' and inserting in lieu thereof the following:

"constable or delinquent tax collector or other official authorized to collect delinquent taxes un-

der the provisions of existing general or special legislation during the period in which he is authorized to collect the delinquent taxes of any county [except a county of the second class]"

Amend section 1 (section 1), page 2, line 8 by striking out, with boldface brackets, after the word "any" and before the word "borough" the word "[county]".

Amend section 2, page 2, line 28 by striking out at the end of the line, with boldface brackets, the following: "[passage and approval by the Governor]" and inserting in lieu thereof the following: "final enactment".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. D'ORTONA. Mr. Speaker, I move that House Bill No. 616, Printer's No. 111, together with the communication from the Governor, which was laid on the table May 6, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 616

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 616, Printer's No. 111, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. D'ORTONA. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. SHAW. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. D'Ortona, vote on the final passage of this bill?

Mr. D'ORTONA. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Shaw, vote on the final passage of this bill?

Mr. SHAW. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. D'ORTONA. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. D'ORTONA. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 6 of the title, by inserting after the word "for" and before the word "admission" the following: "the fixing of bail and the".

Amend page 1, line 6 of the title, by inserting after the word "by" and before the word "committing" the word: "magistrates".

Amend page 1, line 7 of the title, by inserting after the word "magistrates" and before the word "and" the following: "justices of the peace or aldermen".

Amend page 1, line 7 of the title, by inserting after the word "and" and before the word "coroners" the following: "the fixing of bail by".

Amend page 1, line 7 of the title, by inserting after the word "in" and before the word "cases" the word: "certain".

Amend page 1, line 7 of the title, by inserting after the word "involving" and before "man-" the word: "involuntary".

Amend page 1, line 8 of the title, by striking out at the end of the line, with boldface brackets, the following: "[by automobile]".

Amend section 1 (section 7), page 2, line 5, by striking out, after "corder" and before the word "or", with boldface brackets, the word: "[coroner]".

Amend section 1 (section 7), page 2, line 11, by striking out after the word "judge" and before the word "a", with boldface brackets, the word: "[or]" and inserting in lieu thereof the word: "of".

Amend section 1 (section 7), page 2, line 12 by inserting at the end of the line the word: "involuntary".

Amend section 1 (section 7), page 2, line 13 by striking out at the end of the line, with boldface brackets, the following: "[by automobile unless such persons were found]".

Amend section 1 (section 7), page 2, by striking out, with boldface brackets, line 14.

Amend section 1 (section 7), page 2, line 15 by striking out at the beginning of the line, with boldface brackets, the following: "[stop and render assistance]" and inserting in lieu thereof the following: "involving the use of an automobile trolley or train".

Amend section 1 (section 7), page 2, line 16 by striking out at the beginning of the line, with boldface brackets, the following: "[the coroner or the]" and inserting in lieu thereof the following:

"a magistrate, committing magistrate justice of the peace or alderman the amount thereof to be fixed by the magistrate".

Amend section 1 (section 7), page 2, line 16 by striking out after the word "magistrate" and before "jus-" with boldface brackets, the following: "[alderman or]".

Amend section 1 (section 7), page 2, line 17 by inserting after the word "peace" and before the word "Persons" the following: "or alderman or the coroner".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

LEAVE OF ABSENCE

Mr. Hamilton for Mr. NAGLE for today's session on account of illness.

Mr. Harmuth for Mr. RAUSCH for today's session on account of illness.

REPORTS FROM COMMITTEES

Mr. HABERLEN, from the Committee on Agriculture, reported as committed, House Bill No. 1545, entitled:

An Act to amend section one of the act, approved the twenty-seventh day of May, one thousand nine hundred thirty-seven (P. L. 901), entitled "An act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by redefining the term dealer.

Mr. McINTOSH, from the Committee on Agriculture, reported as committed, House Bill No. 1489, entitled:

An Act to amend sections six, eleven, twelve, sixteen and twenty-one of the act, approved the twenty-first day of April, one thousand nine hundred and thirty-seven (P. L. 318), entitled "An act relating to the protection of agriculture and horticulture, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or products thereof, from plant pests; and revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties; and repealing present laws," further regulating the business of dealing in, and the transportation and sale of nursery stock coming from without the Commonwealth.

Mr. McINTOSH, from the Committee on Judiciary General, reported as committed, House Bill No. 1350, entitled:

An Act validating certain deeds and conveyances made by trustees without setting forth their authority to convey.

Mr. McCLANAGHAN, from the Committee on Judiciary General, reported as committed, House Bill No. 1480, entitled:

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase services from organizations for the blind without contracts or advertisements; providing for the fixing of fair market prices for such services by a committee composed of heads of certain departments and representatives of institutions for the blind; imposing certain duties upon the Department of Property and Supplies, and the State Council for the Blind.

Mr. McFALL, from the Committee on State Government, reported as committed, House Bill No. 1346, entitled:

An Act designating certain days of each year as Arbor Days and Bird Days; one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Conservation Week; and directing suitable observance of Arbor Days and Bird Days in Public schools under the direction of superintendents and teachers.

Mr. WEISS, from the Committee on Judiciary General, reported as committed, House Bill No. 1280, entitled:

An Act limiting the time within which suits or actions shall be brought for damages to surface property resulting from the mining of coal; and excepting from the operation thereof any suits or actions pending on its effective date.

Mr. EDWIN F. THOMPSON, from the Committee on Aeronautics, reported as committed, House Bill No. 1636, entitled:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government.

Mr. MODELL, from the Committee on Aeronautics, reported as committed, House Bill No. 1451, entitled:

An Act creating a commission to make a study and investigation of the various phases of aeronautics and aviation in the Commonwealth of Pennsylvania for the purpose of advising the General Assembly with respect to the expenditure of public funds in these fields; directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, retain employes and expend funds; and making an appropriation.

Mr. FINESTONE, from the Committee on Judiciary General, reported as committed, House Bill No. 1550, (Senate Bill No. 345) entitled:

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effect of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills.

Mr. MARKS, from the Committee on Judiciary General, reported as committed, House Bill No. 1655, (Senate Bill No. 141) entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

Mr. TATE, from the Committee on Judiciary General, reported as committed, House Bill No. 1548 (Senate Bill No. 223), entitled:

An Act to amend section four of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws, prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statues, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," changing the effective date of laws affecting budgets of political subdivisions

Mr. PAUL A. BRUNNER, from the Committee on Agriculture, reported as amended, House Bill 910, entitled:

An Act providing State-aid for certain agricultural associations and counties holding annual agricultural exhibitions; regulating the payment thereof; and conferring powers and imposing duties on the Department of Agriculture.

Mr. HEWITT, from the Committee on Fisheries, re-reported as amended, House Bill No. 1111, (Senate Bill No. 329), entitled:

An Act to amend clause (a) of section twenty of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," fixing the time of day that the open season shall begin for charr, commonly called brook trout and any species of trout except lake or salmon trout and prohibiting any fishing whatsoever in certain stocked streams for a prescribed period prior to the hour when such open season begins.

Mr. LESKO, from the Committee on State Government, re-reported as committed, House Bill No. 667, entitled:

An Act creating an independent board to be known as The Regulatory Board of Review; conferring powers and duties on said Board, describing procedure on appeals to said Board and to the courts of common pleas; and making an appropriation.

Mr. WEISS, from the Committee on State Government, re-reported as committed, House Bill No. 1275, entitled.

An Act declaring and adopting the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania.

MR. SHEPARD IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1521, entitled:

An Act to amend section two and clause (b) of section four of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended; eliminating from said act the provisions requiring milk to be furnished as a necessary part of assistance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1512, entitled:

An Act to improve the condition of the blind in the Commonwealth of Pennsylvania by providing for vending and refreshment stands in public and private buildings to be operated by blind persons; empowering the State Council for the Blind to do all things necessary for the establishment, maintenance and supervision of such stands and to select and provide for the compensation of suitable blind operators therefor; authorizing the State Council for the Blind to designate persons to operate stands in Federal buildings under authority of any act of Congress; authorizing officers and agencies in charge of State, county or municipal buildings to allow the establishment and operation of stands therein; creating a revolving fund in the State Treasury to be used for the purposes of the act; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Shepard, for presiding.

MESSAGE AND BILL TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that Senate Bill No. 253, together with the message from the Senate which was laid on the table on May 15, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 253.

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 253, entitled:

An act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions, providing for an election on such question; and regulating hours of service, hours of rest and annual vacations.

And has appointed Messrs. WALKER, TAYLOR and FREY a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist on its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 253

The SPEAKER. The Chair appoints as a Committee of Conference on Senate Bill No. 253, Messrs. MIHM, BAKER and FLEMING.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 750, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to convey to the county commissioners of Somerset County certain real property located in said county and heretofore acquired by the Commonwealth for development as an airport.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1537, Senate Bill No. 381, Printer's No. 233, was passed over at the request of Mr. ACHTERMAN.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1210, (Senate Bill No. 24), entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof, and establishing penalties therefor.

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 3, line 15, by striking out the words "tangible personal property" and inserting in lieu thereof: "merchandise".

Amend Sec. 2, page 3, line 18, by striking out the word "property" and inserting in lieu thereof: "merchandise".

Amend Sec. 2, page 3, line 24, by striking out the words "tangible personal property" and inserting in lieu thereof: "merchandise".

Amend Sec. 2, page 3, lines 26 and 27, by striking out the word "property" and inserting in lieu thereof: "merchandise".

Amend Sec. 2, page 4, line 24, by striking out the words "and commodities".

The amendments were agreed to.

The section was agreed to as amended.

The third, fourth and fifth sections were separately read and agreed to.

The sixth section was read.

On the question,

Will the House agree to the section?

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 6, page 7, line 9, by inserting after the word "seller" the following: "(i) Where merchandise is sold to promote the use of any public service".

The amendment was agreed to.

The section was agreed to as amended.

The seventh, eighth and ninth sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 828, entitled:

An Act to further amend section eight hundred two of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating the making of contracts and purchases by the townships

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading

RESOLUTION

RECALLING HOUSE BILL No. 364 FROM THE GOVERNOR

Mr. HEATHERINGTON offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 20, 1941.

Resolved (if the Senate concur) that House Bill No. 364, Printer's No. 500, entitled:

"An act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 566) entitled 'A supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended providing for the payment of compensation to volunteer firemen or their depedents' amplifying the provisions thereof as to persons entitled to such payments",

Be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1355, Printer's No. 609, was passed over at the request of Mr. GOODWIN.

The SPEAKER. House Bill No. 567, Printer's No. 648 is not on file and will be passed over for the present.

WEST MAHANOY TOWNSHIP HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the West Mahanoy Township High School, Shenandoah Heights, Shenandoah, Schuylkill County.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MARSHALL M. COHEN.

The House resumed the consideration on final passage of House Bill No. 1094, entitled:

An Act to protect the public health and safety by requiring registration with and the securing of permits from the State Board of Pharmacy by persons, copartnerships, associations and corporations engaged in the manufacture, producing and dealing in drugs and medical supplies, regulating the manufacture of drugs and medical supplies, prescribing permit, providing for inspections and the suspension and revocation of permits, conferring powers on the State Board of Pharmacy, and courts and providing penalties.

RECONSIDERATION OF VOTE

Mr. MARSHALL M. COHEN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. SHAW. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Lancaster, Mr. Cohen, vote on the third reading of this bill?

Mr. MARSHALL M. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Shaw, vote on the third reading of this bill?

Mr. SHAW. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. ELLWOOD B. WELSH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, lines 1 to 4, both inclusive, by striking out all of said lines.

Amend Sec. 1, page 2, line 5, by striking out the following "(b)" and inserting in lieu thereof: "(a)"

Amend Sec. 1, page 2, line 16, by striking out the following "(c)" and inserting in lieu thereof: "(b)"

Amend Sec. 1, page 2, line 28, by striking out the following "(e)" and inserting in lieu thereof: "(d)".

Amend Sec. 1, page 3, lines 3 to 5, both inclusive, by striking out all of said lines.

Amend Sec. 1, page 3, line 6, by striking out the following "(h)" and inserting in lieu thereof: "(f)".

Amend Sec. 1, page 3, by inserting between lines 14 and 15, the following: "(g) "Wholesale drug dealers" means an individual, copartnership, association or corporation engaged in the vending of drugs and medical supplies at wholesale, but not compounding prescriptions for or selling drugs or medical supplies at retail to the public."

Amend Sec. 2, page 3, line 15, by striking out the words "pharmacy hospital"

Amend Sec. 2, page 3, line 16, by striking out the word "druggist's and inserting in lieu thereof: "drug dealer's"

Amend Sec. 4, page 4, line 11, by inserting after the word "PERMITS" the following: "FEES"

Amend Sec. 4, page 4, line 15, by striking out the word "hereinafter"

Amend Sec. 4, page 4, line 15, by inserting after the word "prescribed" the following: "by the Department of Public Instruction"

Amend Sec. 4, page 4, line 17, by striking out the words "pharmacy hospital"

Amend Sec. 4, page 4, line 18, by striking out the word "druggist's" and inserting in lieu thereof: "drug dealer's"

Amend Sec. 4, page 4, lines 19 to 21, by striking out the following "except that a separate permit shall not be required" in line 19, all of line 20, and the words "a permit" in line 21.

Amend Sec. 4, page 4, lines 22 and 23, by striking out the words "pharmacy hospital"

Amend Sec. 4, page 4, line 24, by striking out the word "druggist's and inserting in lieu thereof: "drug dealer's"

Amend Sec. 4, page 5, line 8, by striking out the following: "of ten dollars ($10.00)" and inserting in lieu thereof: "to be prescribed by the Department of Public Instruction"

Amend Sec. 5, page 5, lines 9 to 17, both inclusive, by striking out all of said lines.

Amend Sec. 6, page 5, line 18, by striking out the figure "6" and inserting in lieu thereof: "5"

Amend Sec. 6, page 5, lines 21 and 22, by striking out the words "pharmacy hospital"

Amend Sec. 6, page 5, lines 22 and 23, by striking out the word "druggist's" and inserting in lieu thereof: "drug dealer's"

Amend Sec. 6, page 5, line 23, by striking out the words "or those vended by any person"

Amend Sec. 6, page 5, line 25, by striking out the words "pharmacy hospital"

Amend Sec. 6, page 5, line 26, by striking out the word "druggist's" and inserting in lieu thereof: "drug dealer's"

Amend Sec. 7, page 6, line 3, by striking out the figure "7" and inserting in lieu thereof: "6"

Amend Sec. 7, page 6, line 4, by striking out the words "pharmacy hospital"

Amend Sec. 7, page 6, line 5, by striking out the word 'druggist's" and inserting in lieu thereof: "drug dealer's"

Amend Sec. 7, page 6, lines 10 to 13, by striking out the following: "and if homeopathic remedies are com-" in line 10, all of lines 11 and 12, and the words "Pathic Pharmacopoeia of the United States" in line 13.

Amend Sec. 7, page 6, line 16, by inserting after the word "agents" the following:

> "any person violating the provisions of this section shall, upon conviction in a summary proceeding, be sentenced to pay a fine of ten dollars ($10.00)".

Amend Sec. 8, page 6, line 17, by striking out the figure "8" and inserting in lieu thereof: "7".

Amend Sec. 8, page 6, line 20, by striking out the words "pharmacy hospital".

Amend Sec. 8, page 6, line 21, by striking out the word "druggist's" and inserting in lieu thereof: "drug dealer's".

Amend Sec. 8, page 6, line 22, by striking out the words "pharmacy hospital".

Amend Sec. 8, page 6, line 23, by striking out the word "druggist's" and inserting in lieu thereof: "drug dealer's".

Amend Sec. 9, page 8, line 17, by striking out the figure "9" and inserting in lieu thereof: "8".

Amend Sec. 9, page 8, line 23 by striking out the words "pharmacies hospitals".

Amend Sec. 9, page 8, line 24, by striking out the word "druggists'" and inserting in lieu thereof: "drug dealers' ".

Amend Sec. 10, page 8, line 26, by striking out the figure "10" and inserting in lieu thereof: "9"

Amend Sec. 11, page 9, line 3, by striking out the figure "11" and inserting in lieu thereof: "10"

Amend Sec. 11, page 9, line 7, by striking out the words "not exceeding" and inserting in lieu thereof: "of not less than fifty dollars ($50.00) nor more than"

Amend Sec. 11, page 9, line 8, by striking out the words "not exceeding" and inserting in lieu thereof: "of not less than one month nor more than"

Amend Sec. 12, page 9, lines 10 to 25, both inclusive, by striking out all of said lines.

Amend Sec. 13, page 9, line 26, by striking out the figure "13" and inserting in lieu thereof: "11"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

APPROPRIATION BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 49, as follows:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of Three hundred thousand dollars (300,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of

Wharves Docks and Ferries of the City of Philadelphia for the maintenance repair and improvement of the Port of Philadelphia including the purchase of new units for the dredging plant

The moneys so appropriated shall only be expended as authorized and directed by the Council of the City of Philadelphia and shall be drawn from the State Treasury upon warrants drawn by the Auditor General upon requisition by the Director of the Department of Wharves Docks and Ferries of said city

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 61, as follows:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of one thousand dollars (1,000) is hereby specifically appropriated to the Cresson Volunteer Fire Company for the two fiscal years beginning June first one thousand nine hundred and forty-one for the protection of State property at the Cresson Sanitorium

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 266, as follows:

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of two hundred and eighty-five

thousand dollars ($285,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to The Glen Mills School situate in Delaware County Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred forty-one for the purpose of maintenance

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, the bill before us provides for an appropriation for the Glen Mills School situate in Delaware County. I would like to say that since the school is situated in the second legislative district of Delaware County, represented by the gentleman from Delaware Mr. James, the gentleman from Dalaware, Mr. Bretherick and myself, it has always been the custom in all the years that I can remember that the representative from the second district of Delaware County has introduced the bill for the appropriation for the Glen Mills School. It has been the custom for the representative of the Glen Mills School to contact one of the members, and up until the time that I was Speaker of the House they contacted me, and again this year they contacted me for their appropriation. The bill was introduced for their appropriation, but I notice the bill now before the House is a bill introduced by Mr. Rush from the first legislative district of Delaware County, in which district the school is not located.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Baker,	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	Maxwell,	Scanlon,
Baugher,	Gerard,	McClanaghan,	Schwab,
Bentley,	Gillan,	McClester,	Serrill,
Bentzel,	Gillette,	McFall,	Shaffer,
Boies,	Goodwin,	McGrath,	Shaw,
Boney,	Gross,	McIntosh,	Shepard,
Boorse,	Gryskewicz,	McKinney,	Simons,
Bower,	Gyger,	McLanahan,	Sollenberger,
Bradley,	Habbyshaw,	McMillen,	Sorg,
Breth,	Haberlen,	McSurdy,	Stank,
Bretherick,	Hall,	Melchiorre,	Stine,
Brown,	Hamilton,	Mihm,	Stockham,
Brunner, C. H.	Hare,	Modell,	Tarr,
Brunner, P. A.,	Harkins,	Monks,	Tate,
Burns,	Harmuth,	Mooney,	Taylor,
Burris,	Harris,	Moran,	Thompson, E. F.,
Cadwalader,	Heatherington,	Moul,	Thompson, R. L.,
Chudoff,	Helm,	Muir,	Trout,
Cochran,	Herman,	Munley,	Turner,
Cohen, M. M.,	Hersch,	Nunemacher,	Van Allsburg,
Cohen, R. E.,	Hewitt,	O'Brien,	Vincent,
Cook,	Hirsch,	O'Dare,	Vogt,
Cooper,	Holland,	O'Mullen,	Voldow,
Cordier,	Huntley,	O'Neill,	Voorhees,
Corrigan,	Imbrie,	Owens,	Wagner,
Croop,	James,	Petrosky,	Watkins,
Cullen,	Jefferson,	Pettit,	Weingartner,
Dalrymple,	Jones, G. E.,	Polaski,	Weiss,
Dix,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dolon,	Keenan,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winner,
Early,	Komorofski,	Readinger,	Wolf,
Elder	Krise,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Woodring,
Finestone,	Lesko,	Rhoads,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy,
Fletcher,	Lovett,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 276, as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of seven hundred fifty-nine thousand one hundred twenty-one dollars ($759,121) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the use of the The Pennsylvania State College for the two fiscal years beginning June first one thousand nine hundred forty-one for the payment of annual rates rentals and other charges for the use and occupancy or the right to use or occupy the projects structures buildings and facilities leased by The General Authority to The Pennsylvania State College or for services rendered by the Authority or its projects Payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly instalments or otherwise as required by the respective leases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lovett,	Rose, W. E.,
Allmond,	Foor,	Lyons,	Rosenfeld,
Baker,	French,	Malloy,	Royer,
Balthaser,	Gallagher,	Marks,	Rush,
Baugher,	Gates,	Maxwell,	Sarge,
Bentley,	Gerard,	McClanaghan,	Scanlon,
Bentzel,	Gillan,	McClester,	Schwab,
Boies,	Gillette,	McDowell,	Serrill,
Boney,	Greenwood,	McFall,	Shaffer,
Boorse,	Gross,	McGrath,	Shaw,
Bower,	Gryskewicz,	McIntosh,	Shepard,
Bradley,	Gyger,	McKinney,	Simons,
Breth,	Habbyhaw,	McLanahan,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Hall,	McSurdy,	Stank,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stine,
Brunner, P. A.,	Hare,	Mihm,	Stockham,
Burns,	Harkins,	Modell,	Tarr,
Burris,	Harmuth,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Muir,	Trout,
Cohen, R. E.,	Hersch,	Munley,	Turner,
Cook,	Hewitt,	Nunemacher,	Van Allsburg,
Cooper,	Hirsch,	O'Brien,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,

Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
DiGenova,	Jones, G. E.,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Williams,
Early,	Komorofski,	Rank,	Winner,
Elder,	Krise,	Readinger,	Wolf,
Elliott,	Lee, T. H.,	Reagan,	Wood, L. H.
Ely,	Leisey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 280, as follows:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of one hundred thousand dollars ($100,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the College of Lincoln University Chester County for the two fiscal years beginning June first one thousand nine hundred and forty-one for the general maintenance of the university and the purchase of such apparatus and equipment as the trustees may deem for the best interests of the university.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 185

Achterman,	Fletcher,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baugher,	Gates,	McClanaghan,	Scanlon,
Bentley,	Gerard,	McClester,	Schwab,
Bentzel,	Gillan,	McDowell,	Serrill,
Boles,	Gillette,	McFall,	Shaffer,
Boney,	Goodwin,	McGrath,	Shaw,
Boorse,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Gyger,	McLanahan,	Sollenberger,
Breth,	Habbyhaw,	McMillen,	Sorg,
Bretherick,	Haberlen,	McSurdy,	Stank,
Brown,	Hall,	Melchiorre,	Stine,
Brunner, C. H.,	Hamilton,	Mihm,	Stockham,
Brunner, P. A.,	Hare,	Modell,	Tarr,
Burns,	Harkins,	Monks,	Tate,
Burris,	Harmuth,	Mooney,	Taylor,
Cadwalader,	Harris,	Moran,	Thompson, E. F.,
Chudoff,	Heatherington,	Moul,	Thompson, R. L.,
Cochran,	Helm,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hersch,	Nunemacher,	Van Allsburg,
Cook,	Hewitt,	O'Brien,	Vincent,
Cooper,	Hirsch,	O'Dare,	Vogt,
Cordier,	Holland,	O'Mullen,	Voldow,
	Huntley,	O'Neill,	Voorhees,
Corrigan,	Imbrie,	Owens,	Wagner,
Croop,	James,	Petrosky,	Watkins,
Cullen,	Jefferson,	Pettit,	Weingartner,
Dalrymple,	Jones, G. E.,	Polaski,	Weiss,
DiGenova,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dix,	Keenan,	Powers,	Welsh, M. J.,
Dolon,	Knoble,	Prosen,	Williams,
D'Ortona,	Kolankiewicz,	Rank,	Winner,
Duffy,	Komorofski,	Readinger,	Wolf,
Early,	Krise,	Reagan,	Wood, N.,
Elder,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Elliott,	Leisey,	Regan,	Woodring,
Ely,	Leonard,	Reynolds,	Woodside,
Falkenstein,	Lesko,	Rhea,	Wright,
Finestone,	Levy,	Riley,	Yeakel,
Finnerty,	Leydic,	Rooney,	Yester,
Fisher,	Lichtenwalter,	Rose, S.,	Young,
Fiss,	Longo,	Rose, W. E.,	Kilroy,
Fleming,	Lovett,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 281, as follows:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 In addition to the moneys appropriated for the rehabilitation of persons injured in industry and otherwise the sum of thirty thousand dollars ($30,000) is hereby appropriated to the Department of Labor and Industry for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of providing for the rehabilitation of those who are deaf and hard of hearing in order to secure for such persons placement in industry and for the payment of the compensation and expenses of persons employed by the department in such rehabilitation work In addition to the powers granted to the said department it shall have like powers for the rehabilitation of the deaf and hard of hearing as provided by existing law for the rehabilitation of those injured in industry and otherwise The moneys hereby appropriated shall be available for the purpose of matching any reallocations of federal moneys made available to the State through the Couzen's amendment or any other Federal Government appropriation for this purpose allotted to the state in any fiscal year

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,

Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Regan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodside,
Ely,	Leisey,	Reagan,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss	Lichtenwalter,	Rose, S.,	Kilroy.
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 284, as follows:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of sixty-three thousand five hundred dollars ($63,500) or as much thereof as may be necessary is hereby specifically appropriated from the Motor License Fund to the Department of Property and Supplies for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for the payment of the salaries wages or other compensation of such bureau or division chiefs experts engineers accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers and other assistants and employes for the payment of postage traveling expenses telephone toll charges telegrams newspaper advertising and notices for the payment of the costs of advertising schedules of supplies proposals for executing any contract work readvertising any schedules or proposals when necessary for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of all other materials supplies and equipment and for the payment of such other expenses as may be necessary for the proper conduct of the work of the Department in acting as purchasing agent for the Department of Highways

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boies,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Regan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Reagan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 291, as follows:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty-five thousand dollars ($55,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred and forty-one for aid to free public non-sectarian county libraries and for the purchase and transportation of books to be used for demonstration and circulation purposes to carry into effect the provisions of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 1203), entitled "An act providing aid by the Commonwealth to free public non-sectarian county libraries authorizing the Department of Public Instruction to provide books for

demonstration purposes to encourage the establishment of such county libraries and making an appropriation."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boies,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Stank,
Bradley,	Gyger,	McLanahan,	Sollenberger,
Breth,	Habbyshaw,	McMillen,	Sorg,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 301, as follows:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred and seventy thousand dollars ($270,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to Sleighton Farm School for Girls situate in Delaware County Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred forty-one for the purpose of maintenance.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Baker,	French,	Malloy,	Rush,
Balthaser,	Gallagher,	Marks,	Sarge,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentley,	Gerard,	McClanaghan,	Schwab,
Bentzel,	Gillan,	McClester,	Serrill,
Boies,	Gillette,	McDowell,	Shaffer,
Boney,	Goodwin,	McFall,	Shaw,
Boorse,	Gross,	McGrath,	Shepard,
Bower,	Gryskewicz,	McIntosh,	Simons,
Bradley,	Gyger,	McKinney,	Sollenberger,
Breth,	Habbyshaw,	McLanahan,	Sorg,
Bretherick,	Haberlen,	McMillen,	Stank,
Brown,	Hall,	McSurdy,	Stine,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stockham,
Brunner, P. A.,	Hare,	Mihm,	Tarr,
Burns,	Harkins,	Modell,	Tate,
Burris,	Harmuth,	Monks,	Taylor,
Cadwalader,	Harris,	Mooney,	Thompson, E. F.,
Chudoff,	Heatherington,	Moran,	Thompson, R. L.,
Cochran,	Helm,	Moul,	Trout,
Cohen, M. M.,	Herman,	Muir,	Turner,
Cohen, R. E.,	Hersch,	Munley	VanAllsburg,
Cook,	Hewitt,	Nunemacher	Vincent,
Cooper,	Hirsch,	O'Brien,	Vogt,
Cordier,	Holland,	O'Dare,	Voldow,
Corrigan,	Huntley,	O'Mullen,	Voorhees,
Croop,	Imbrie,	O'Neill,	Wagner,
Cullen,	James,	Owens,	Watkins,
Dalrymple,	Jefferson,	Petrosky,	Weingartner,
DiGenova,	Jones, G. E.,	Pettit,	Weiss,
Dix,	Jones, P. N.,	Polaski,	Welsh, E. B.,
Dolon,	Keenan,	Polen,	Welsh, M. J.,
D'Ortona,	Knoble,	Powers,	Williams,
Duffy,	Kolankiewicz,	Prosen,	Winner,
Early,	Komorofski,	Rank,	Wolf,
Elder,	Krise,	Readinger,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reagan,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy,
		Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 305, as follows:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question.

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the reason for placing this bill on the postponed calendar.

Mr. ACHTERMAN. A group representing the Elwyn Training School, Mr. Speaker, called my office today and advised me of their request to the Department of Welfare for an appropriation. They had overlooked a request for articles of clothing for the inmates and for the purpose of checking and a possible amendment, I am asking for the postponement of this bill.

On the question recurring.

Will the House agree to the motion?

It was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 310, as follows:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eight hundred ninety thousand dollars ($890,000) or as much thereof as may be necessary is hereby appropriated out of the General Fund to the State Veterans' Commission for the two fiscal years beginning June first one thousand nine hundred forty-one for the payment of traveling expenses and other authorized disbursements of the commission salaries wages and expenses of its employes and to furnish funds to provide the necessities of life for and to assist otherwise such Pennsylvania veterans of any war or the widows and infant children or dependents of such veterans as are sick disabled or indigent and who are without means.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fleming,	Lovett,	Rosenfeld,
Allmond,	Fletcher,	Lyons,	Royer,
Baker,	Foor,	Malloy,	Rush,
Balthaser,	French,	Marks,	Sarge,
Baugher,	Gallagher,	Maxwell,	Scanlon,
Bentley,	Gates,	McClanaghan,	Schwab,
Bentzel,	Gerard,	McClester,	Serrill,
Boies,	Gillan,	McDowell,	Shaffer,
Boney,	Gillette,	McFall,	Shaw,
Boorse,	Goodwin,	McGrath,	Shepard,
Bower,	Gross,	McIntosh,	Simons,
Bradley,	Gryskewicz,	McKinney,	Sollenberger,
Breth,	Gyger,	McLanahan,	Sorg,
Bretherick,	Habbyshaw,	McMillen,	Stank,
Brown,	Haberlen,	McSurdy,	Stine,
Brunner, C. H.,	Hall,	Melchiorre,	Stockham,
Brunner, P. A.,	Hamilton,	Mihm,	Tarr,
Burns,	Hare,	Modell,	Tate,
Burris,	Harkins,	Monks,	Taylor,
Cadwalader,	Harmuth,	Mooney,	Thompson, E. F.,
Chervenak,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
	Longo,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 317, as follows:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five thousand dollars ($5,000) or as much thereof as may be necessary is hereby specifically appropriated for the several fire companies of the city of Harrisburg Pennsylvania as compensation for protection from and extinguishment of any fire or fires that may occur in or on the Capitol buildings or grounds for the two fiscal years beginning June first one thousand nine hundred and forty-one Said sum to be distributed among said companies in equal amounts.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Foor,	Malloy,	Royer,
Allmond,	French,	Marks,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDowell,	Serrill,
Bentzel,	Gillette,	McFall,	Shaffer,
Boies,	Goodwin,	McGrath,	Shaw,
Boney,	Gross,	McIntosh,	Simons,
Boorse,	Gryskewicz,	McKinney,	Shepard,
Bower,	Gyger,	McLanahan,	Sollenberger,
Bradley,	Habbyshaw,	McMillen,	Sorg,
Breth,	Haberlen,	McSurdy,	Stank,
Bretherick,	Hall,	Melchiorre,	Stine,
Brown,	Hamilton,	Mihm,	Stockham,
Brunner, C. H.,	Hare,	Modell,	Tarr,
Brunner, P. A.,	Harkins,	Monks,	Tate,
Burns,	Harmuth,	Mooney,	Taylor,
Burris,	Harris,	Moran,	Thompson, E. F.,
Cadwalader,	Heatherington,	Moul,	Thompson, R. L.,
Chudoff,	Helm,	Muir,	Trout,
Cochran,	Herman,	Munley,	Turner,

Cohen, M. M.,	Hersch,	Nunemacher,	Van Allsburg,
Cohen, R. E.,	Hewitt,	O'Brien,	Vincent,
Cook,	Hirsch,	O'Dare,	Vogt,
Cooper,	Holland,	O'Mullen,	Voldow,
Cordier,	Huntley,	O'Neill,	Voorhees,
Corrigan,	Imbrie,	Owens,	Wagner,
Croop,	James,	Petrosky,	Watkins,
Cullen,	Jefferson,	Pettit,	Weingartner,
Dalrymple,	Jones, G. E.,	Polaski,	Weiss,
DiGenova,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dix,	Keenan,	Powers,	Welsh, M. J.,
Dolon,	Knoble,	Prosen,	Williams,
D'Ortona,	Kolankiewicz,	Rank,	Winner,
Duffy,	Komorofski,	Readinger,	Wolf,
Early,	Krise,	Reagan,	Wood, L. H.,
Elder,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Elliott,	Leisey,	Regan,	Woodring,
Ely,	Leonard,	Reynolds,	Woodside,
Falkenstein,	Lesko,	Rhea,	Wright,
Finestone,	Levy,	Riley,	Yeakel,
Finnerty,	Leydic,	Rooney,	Yester,
Fisher,	Lichtenwalter,	Rose, S.,	Young,
Fiss,	Longo,	Rose, W. E.,	Kilroy,
Fleming	Lovett,	Rosenfeld,	Speaker.
	Lyons,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 322, as follows:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of nineteen thousand one hundred dollars ($19,100) or as much thereof as may be necessary is hereby specifically appropriated out of the Game Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of eight thousand two hundred dollars ($8,200) and to the credit of the Contingent Reserve Account the sum of ten thousand nine hundred dollars ($10,900).

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baugher,	Gates,	McClanaghan,	Scanlon,
Bentley,	Gerard,	McClester,	Schwab,
Bentzel,	Gillan,	McDowell,	Serrill,
Boles,	Gillette,	McFall,	Shaffer,
Boney,	Goodwin,	McGrath,	Shaw,
Boorse,	Gross,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Gryskewicz,	McLanahan,	Sollenberger,
Breth,	Habbyshaw,	McMillen,	Sorg,
Bretherick,	Haberlen,	McSurdy,	Stank,
Brown,	Hall,	Melchiorre,	Stine,
Brunner, C. H.,	Harkins,	Mihm,	Stockham,
Brunner, P. A.,	Hamilton,	Modell,	Tarr,
Burns,	Hare,	Monks,	Tate,
Burris,	Harmuth,	Mooney,	Taylor,
Cadwalader,	Harris,	Moran,	Thompson, E. F.,
Chudoff,	Heatherington,	Moul,	Thompson, R. L.,
Cochran,	Helm,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hersch,	Nunemacher,	Van Allsburg,
Cook,	Hewitt,	O'Brien,	Vincent,
Cooper,	Hirsch,	O'Dare,	Vogt,
Cordier,	Holland,	O'Mullen,	Voldow,
Corrigan,	Huntley,	O'Neill,	Voorhees,
Croop,	Imbrie,	Owens,	Wagner,
Cullen,	James,	Petrosky,	Watkins,
Dalrymple,	Jefferson,	Pettit,	Weingartner,
DiGenova,	Jones, G. E.,	Polaski,	Weiss,
Dix,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dolon,	Keenan,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winner,
Early,	Komorofski,	Readinger,	Wolf,
Elder,	Krise,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy,
	Lovett,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 333, as follows:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five thousand dollars ($5,000) or as much thereof as may be necessary is hereby specifically appropriated out of the Fish Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of two thousand one hundred dollars ($2,100) and to the credit of the Contingent Reserve Account the sum of two thousand nine hundred dollars ($2,900)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.	Hamilton,	Mihm,	Tarr,
Brunner, P. A.	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 347, as follows:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-eight thousand fifty dollars ($28,050) or as much thereof as may be necessary is hereby specifically appropriated out of the Banking Department Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred and forty-one for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of twelve thousand fifty dollars ($12,050) and to the credit of the Contingent Reserve Account the sum of sixteen thousand dollars ($16,000)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 348, as follows:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three hundred fifty thousand dollars ($350,000) or so much thereof as may be necessary is hereby specificaly appropriated to the Department of Welfare for and during the two fiscal years beginning

June first one thousand nine hundred forty-one as follows to pay for the care treatment removal and maintenance of the indigent insane at The Dixmont Hospital Dixmont Allegheny County at a rate not exceeding the actual cost of such care treatment and maintenance of such indigent patients in said hospital after deduction of the amounts paid to said hospitals by the respective counties or institution districts from which such indigent patients shall have come the sum of three hundred fifty thousand dollars ($350,000)

No warrant shall be drawn or settlement made until the directors or managers of the hospital shall have made on oath or affirmation to the Department of Welfare a monthly or quarterly report as may be required by the Department of Welfare setting forth the actual total number of weeks of service rendered to indigent patients in said hospital during the period for which the report is made and the amounts received by said hospital during such period from the counties or institution districts from which such indigent patients shall have come nor until the Secretary of Welfare shall have certified to the Auditor General that the monthly or quarterly report of the cost of such care and treatment contains no charge except for such care treatment removal and maintenance

Section 2 It shall be the duty of the directors or managers of the hospital to make on oath or affirmation to the Department of Welfare a report on the fifteenth day of June one thousand nine hundred and forty-one setting forth the name of each and every indigent patient resident in the hospital on the first day of June preceding Such list shall show the date of admission or readmission of each such patient the identification number of such patient and the county or institution district from which such patient was committed

Each month or quarter thereafter during the period covered by this appropriation as may be requested by the Secretary of Welfare the directors or managers of the hospital shall make on oath or affirmation a report to the Department of Welfare setting forth the name of each indigent patient admitted or readmitted during the period of the report together with the identification number of such patient the date of admission or readmission the county or institution district from which such patient was committed and the amount received from such county or institution district for the maintenance of such patient during the period of the report Such report shall also contain the name of each indigent patient removed from the hospital by death discharge or parole together with the identification number of such patient the date of removal and the county or institution district from which such patient was committed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher.	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette.	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan.	Sorg,
Breth,	Habbyshaw.	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.	Hamilton.	Mihm,	Tarr,
Brunner, P. A..	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.	Herman,	Munley,	Van Allsburg,
Cohen, R. E.	Hersch,	Nunemacher.	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan.	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple.	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona.	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder.	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E..	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein	Leonard,	Reynolds,	Wright,
Finestone.	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic.	Rooney,	Young,
Fiss,	Lichtenwalter.	Rose, S.,	Kilroy,
Fleming.	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 351, as follows:

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-two thousand five hundred dollars ($22,500) is hereby specifically appropriated to the Johnson Industrial School of Scranton Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of maintenance and the purchase of supplies and equipment to be paid according to law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks.	Sarge,
Balthaser,	Gallagher,	Maxwell.	Scanlon,
Baugher,	Gates,	McClanaghan.	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel.	Gillan,	McDowell.	Shaffer,
Boles,	Gillette.	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan.	Sorg,
Breth,	Habbyshaw.	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham.
Brunner, C. H..	Hamilton,	Mihm,	Tarr,
Brunner, P. A..	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth.	Mooney,	Thompson, E. F.,
Cadwalader,	Harris.	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout.
Cochran.	Helm,	Muir,	Turner,

Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 371, as follows:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the use of the Valley Forge Park Commission in the payment of lands acquired by condemnation under authority duly granted by law and for which payment has not been made No part of the money hereby appropriated shall be used for acquiring lands in addition to those heretofore lawfully purchased or taken by condemnation

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman	Fletcher,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Baker,	French,	Malloy,	Rush,
Balthaser,	Gallagher,	Marks,	Sarge,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentley,	Gerard,	McClanaghan,	Schwab,
Bentzel,	Gillan,	McClester,	Serrill,
Boles,	Gillette,	McDowell,	Shaffer,
Boney,	Goodwin,	McFall,	Shaw,
Boorse,	Gross,	McGrath,	Shepard,
Bower,	Gryskewicz,	McIntosh,	Simons,
Bradley,	Gyger,	McKinney,	Sollenberger,
Breth,	Habbyshaw	McLanahan	Sorg,
Bretherick,	Haberlen,	McMillen,	Stank,
Brown,	Haines,	McSurdy,	Stine,
Brunner, C. H.,	Hall,	Melchiorre,	Stockham,

Brunner, P. A.,	Hamilton,	Mihm,	Tarr,
Burns,	Hare,	Modell,	Tate,
Burris,	Harkins,	Monks,	Taylor,
Cadwalader,	Harmuth,	Mooney,	Thompson, E. F.,
Chudoff,	Harris,	Moran,	Thompson, R. L.,
Cochran,	Heatherington,	Moul,	Trout,
Cohen, M. M.,	Helm,	Muir,	Turner,
Cohen, R. E.,	Herman,	Munley,	Van Allsburg,
Cook,	Hersch,	Nunemacher,	Vincent,
Cooper,	Hewitt,	O'Brien,	Vogt,
Cordier,	Hirsch,	O'Dare,	Voldow,
Corrigan,	Holland,	O'Mullen,	Voorhees,
Croop,	Huntley,	O'Neill,	Wagner,
Cullen,	Imbrie,	Owens,	Watkins,
Dalrymple,	James,	Petrosky,	Weingartner,
DiGenova,	Jefferson,	Pettit,	Weiss,
Dix,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dolon,	Jones, P. N.,	Polen,	Welsh, M. J.,
D'Ortona,	Keenan,	Powers,	Williams,
Duffy,	Knoble,	Prosen,	Winner,
Early,	Kolankiewicz,	Rank,	Wolf,
Elder,	Komorofski,	Readinger,	Wood, L. H.,
Elliott,	Krise,	Reagan,	Wood, N.,
Ely,	Lee, T. H.,	Reese, R. E.,	Woodring,
Falkenstein,	Leisey,	Regan,	Woodside,
Finestone,	Leonard,	Reynolds,	Wright,
Finnerty,	Lesko,	Rhea,	Yeakel,
Fisher,	Levy,	Riley,	Yester,
Fiss,	Leydic,	Rooney,	Young,
Fleming,	Lichtenwalter,	Rose, S.,	Kilroy,
	Longo,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 378, as follows:

An Act making an appropriation to the Chief Clerk of the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940

The General Assembly of the Commonweath of Pennsylvania hereby enacts as follows

Section 1 The sum of one thousand one hundred dollars ($1,100) or as much thereof as may be necessary is hereby appropriated to the Chief Clerk of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania for the payment of the compensation and expenses of the Electoral College of 1940 as provided by article fifteen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) Payments from said appropriation shall be made in the regular manner or requisition of the Chief Clerk approved by the presiding officer of the college

Section 2 This act shall be effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lovett,	Rose, W. E.,
Allmond,	Foor,	Lyons,	Rosenfeld,
Baker,	French,	Malloy,	Royer,
Balthaser,	Gallagher	Marks,	Rush,
Baugher,	Gates,	Maxwell,	Sarge,
Bentley,	Gerard	McClanaghan	Scanlon,
Bentzel,	Gillan,	McClester,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Gross,	McGrath,	Shaw,

Bower,	Gryskewicz,	McIntosh,	Shepard,
Bradley,	Gyger,	McKinney	Simons,
Breth,	Habbyshaw,	McLanahan,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Hall,	McSurdy,	Stank,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stine,
Brunner, P. A.,	Hare,	Mihm,	Stockham,
Burns,	Harkins,	Modell,	Tarr,
Burris,	Harmuth,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Muir,	Trout,
Cohen, R. E.,	Hersch,	Munley,	Turner,
Cook,	Hewitt,	Nunemacher,	VanAllsburg,
Cooper,	Hirsch,	O'Brien,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
DiGenova,	Jones, G. E.,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Williams,
Early,	Komorofski,	Rank,	Winner,
Elder,	Krise,	Readinger,	Wolf,
Elliott,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Leisey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 489, as follows:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School of Medicine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million three hundred fifty thousand ($1,350,000) dollars or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pittsburgh for the two fiscal years beginning June first one thousand nine hundred and forty-one for the general maintenance of the University of Pittsburgh and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the University of Pittsburgh including maintenance of teaching facilities in hospitals for students in the School of Medicine of the University of Pittsburgh including the Maternity Dispensary and other dispensaries

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.	Hamilton,	Mihm,	Tarr,
Brunner, P. A.	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.	Herman,	Munley,	Van Allsburg,
Cohen, R. E.	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leydic,	Reynolds,	Wright,
Finestone,	Lichtenwalter,	Rhea,	Yeakel,
Finnerty,	Leonard,	Riley,	Yester,
Fisher,	Lesko,	Rooney,	Young,
Fiss,	Levy,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 546, as follows:

An Act making an appropriation to the Department of Agriculture to advance the potato interests in this Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-five thousand dollars ($25,000) is hereby specifically appropriated to the Department of Agriculture for the purpose of potato breeding and advancing the interest of potato growers in this Commonwealth by experimental work and through other means with a view of developing new varieties and improving cultural practices and giving attention to such other matters relating to the cultivation use and disposal of this crop as the Secretary of Agriculture may deem necessary and advisable

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,

Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boies,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Bradley,	Gross,	McIntosh,	Simons,
Breth,	Gryskewicz,	McKinney,	Sollenberger,
Bretherick,	Gyger,	McLanahan,	Sorg,
Boorse,	Habbyshaw,	McMillen,	Stank,
Bower,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Moul,	Thompson, E. F.,
Cadwalader,	Harris,	Muir,	Thompson, R. L.,
Chudoff,	Heatherington,	Mooney,	Trout,
Cochran,	Helm,	Moran,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hirsch,	O'Brien,	Vogt,
Cooper,	Hewitt,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 572, as follows:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine" providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as may be necessary for deficiencies in certain appropriations made to the Department of Forests and Waters Department of Property and Supplies Department of Public Instruction and Department of Revenue by the act to which this is a supplement are hereby specifically appropriated to such departments as follows

To the Department of Forest and Waters

For the payment of the deficiency in the appropriation for the payment of expenses incurred for the extinction and control of forest fires the sum of and to reimburse the Forests and Waters Fund for expenditures made for extinction the sum of eighty-five thousand dollars ($85,000)

To the Department of Property and Supplies

For the payment of the deficiency in the appropriation for the cost of printing and distributing records of the proceedings of the conventions of the Departments of Pennsylvania of the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War as provided by law the sum of six thousand six hundred ninety dollars ($6,690)

For the payment of the deficiency in the appropriation for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of the General Assembly including the printing of the Pamphlet Laws and for the payment of the cost of postage freight express paper and printing of departmental documents distributed to members of the General Assembly in accordance with law the sum of two hundred thousand dollars ($200,000)

To the Department of Public Instruction

For the payment of the deficiency in the appropriation for the payment of the salaries of assistant county superintendents of public schools and supervisors of special education as required by law the sum of sixteen thousand four hundred twenty-eight dollars ($16,428)

For the payment of the deficiency in the appropriation for reimbursement to the school districts for transportation of school children as required by law the sum of one million one hundred forty-eight thousand eight hundred fifty-three dollars ($1,148,853)

For the payment of the deficiency in the appropriation for reimbursing school districts upon the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of three million dollars ($3,000,000)

To the Department of Revenue

For the payment of the deficiency in the appropriation for the payment of the compensation of informants in escheats and the fees and expenses of escheators in connection with escheat proceedings the sum of twenty-two thousand dollars ($22,000)

For the payment of the deficiency in the appropriation for the payment of mileage of appraisers of mercantile and other license taxes the sum of four thousand dollars ($4,000)

For the payment of the deficiency in the appropriation for the payment of costs in suits against delinquent dealers for mercantile and other license taxes the sum of two thousand two hundred dollars ($2,200)

Section 2 Except as hereinafter provided this act shall become effective on the first day of June one thousand nine hundred and forty-one

Of the appropriation made available in this act to the Department of Forests and Waters fifty thousand dollars ($50,000) shall become effective on the final enactment of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	Maxwell,	Scanlon,
Baugher,	Gerard,	McClanaghan,	Schwab,
Bentley,	Gillan,	McClester,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Gross,	McGrath,	Shepard,
Boorse,	Gryskewicz,	McIntosh,	Simons,
Bower,	Gyger,	McKinney,	Sollenberger,
Bradley,	Habbyshaw,	McLanahan,	Sorg,
Brunner, C. H.,	Haberlen,	McMillen,	Stank,
Brunner, P. A.,	Hall,	McSurdy,	Stine,
Breth,	Hamilton,	Melchiorre,	Stockham,
Bretherick,	Hare,	Mihm,	Tarr,
Burns,	Harkins,	Modell,	Tate,
Burris,	Harmuth,	Monks,	Taylor,
Brown,	Harris,	Mooney,	Thompson, E. F.,
Cadwalader,	Heatherington,	Moran,	Thompson, R. L.,
Chudoff,	Helm,	Moul,	Trout,
Cochran,	Herman,	Muir,	Turner,
Cohen, M. M.,	Hersch,	Munley,	Van Allsburg,
Cohen, R. E.,	Hewitt,	Nunemacher,	Vincent,
Cook,	Hirsch,	O'Brien,	Vogt,
Cooper,	Holland,	O'Dare,	Voldow,
Cordier,	Huntley,	O'Mullen,	Voorhees,
Corrigan,	Imbrie,	O'Neill,	Wagner,
Croop,	James,	Owens,	Watkins,
Cullen,	Jefferson,	Petrosky,	Weingartner,
Dalrymple,	Jones, G. E.,	Pettit,	Weiss,
DiGenova,	Jones, P. N.,	Polaski,	Welsh, E. B.,
Dix,	Keenan,	Polen,	Welsh, M. J.,
D'Ortona,	Knoble,	Powers,	Williams,
Dolon,	Kolankiewicz,	Prosen,	Winner,
Duffy,	Komorofski,	Rank,	Wolf,
Early,	Krise,	Readinger,	Wood, L. H.,
Elder,	Lee, T. H.,	Reagan,	Wood, N.,
Elliott,	Leisey,	Reese, R. E.,	Woodring,
Ely	Leonard,	Regan,	Woodside,
Falkenstein,	Lesko,	Reynolds,	Wright,
Finestone,	Levy,	Rhea,	Yeakel,
Finnerty,	Leydic,	Riley,	Yester,
Fisher,	Lichtenwalter,	Rooney,	Young,
Fiss,	Longo,	Rose, S.,	Kilroy,
Fleming,	Lovett,	Rose, W. E.,	Speaker.
		Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 614, as follows:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follow

Section 1 The sum of sixty thou nd dollars ($60,000) or as much thereof a may be necessary is hereby specifically apporopriated to the Downingtown Industrial and Agricultural School of Downingtown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of maintenance to be paid according to law.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lovett,	Rose, W. E.,
Allmond,	Foor,	Lyons,	Rosenfeld,
Baker,	French,	Malloy,	Royer,
Balthaser,	Gallagher,	Marks,	Rush,
Baugher,	Gates,	Maxwell,	Sarge,
Bentley,	Gerard,	McClanaghan,	Scanlon,
Bentzel,	Gillan,	McClester,	Schwab,
Boles,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Gross,	McGrath,	Shaw,
Bower,	Gryskewicz,	McIntosh,	Shepard,
Bradley,	Gyger,	McKinney,	Simons,
Breth,	Habbyshaw	McLanahan,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Hall,	McSurdy,	Stank,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stine,
Brunner, P. A.,	Hare,	Mihm,	Stockham,
Burns,	Harkins,	Modell,	Tarr,
Burris,	Harmuth,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Muir,	Trout,
Cohen, R. E.,	Hersch,	Munley,	Turner,
Cook,	Hewitt,	Nunemacher,	VanAllsburg,
Cooper,	Hirsch,	O'Brien,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
DiGenova,	Jones, G. E.,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Williams,
Early,	Komorofski,	Rank,	Winner,
Elder,	Krise,	Readinger,	Wolf,
Elliott,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Leisey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 954, as follows:

An Act authorizing the Department of Property and Supplies to acquire by purchase gift lease or condemnation on behalf of the Commonwealth of Pennsylvania a tract of land near the present site of the Joseph T. Rothrock memorial for the purpose of erecting a new and suitable memorial to the memory of Joseph T. Rothrock thereon providing for the selection of such a site and memorial by and with the consent of the Pennsylvania Historical Commission providing for the control management supervision improvement and preservation and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of further perpetuating and preserving the memory of Joseph T. Rothrock the Department of Property and Supplies with the advice of the Pennsylvania Historical Commission is hereby authorized to acquire a tract of ground near the present site in the Borough of McVeytown by purchase gift lease or condem-

nation and to erect and construct thereon a suitable memorial to the memory of said Joseph T. Rothrock

Section 2 In the event of condemnation the Department of Property and Supplies shall follow the procedure prescribed by law for the condemnation of lands by said department

Section 3 After the property shall have been acquired by the Commonwealth the Pennsylvania Historical Commission shall have full control management and supervision thereof and shall have power to adopt and carry into effect plans for its restoration improvement and maintenance using therefor any funds at the disposal of the said commission not otherwise specifically appropriated or allocated

Section 4 The real estate so acquired shall be improved preserved and maintained as an historical and recreational spot for the people of the Commonwealth

Section 5 All powers now exercised or heretofore conferred by law upon the Pennsylvania Historical Commission may be exercised by the commission for the purpose of this act and the commission shall have power to make and enforce rules and regulations for the preservation maintenance and protection of the property and the visitation thereof by the public

Section 6 The sum of two thousand five hundred dollars ($2,500) or so much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Department of Property and Supplies to pay for the lands acquired under the provisions of this act and any costs and expenses in connection therewith

Section 7 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Farly,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yester,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1003, as follows:

An Act making an appropriation to the Moore Institute of Art Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty thousand dollars ($30,000) is hereby specifically appropriated to the Moore Institute of Art Science and Industry formerly Philadelphia School of Design for Women of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one Provided That in such school there shall be maintained a free scholarship for one pupil of each county in the State to be filled by appointment of the senator of each such county except that for counties having more than one senator as many scholarships shall be provided as there are senatorial districts in such counties and in case of the failure of any county to be properly represented by an appointee or appointees at the opening of any school year October first then any senator of any senatorial district shall have the power to fill such vacancy or vacancies by the appointment of additional applicants from his own district or any other senatorial district of the State.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baugher,	Gates,	McClanaghan,	Scanlon,
Bentley,	Gerard,	McClester,	Schwab,
Bentzel,	Gillan,	McDowell,	Serrill,
Boles,	Gillette,	McFall,	Shaffer,
Boney,	Goodwin,	McGrath,	Shaw,
Boorse,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Gyger,	McLanahan,	Sollenberger,
Breth,	Habbyshaw,	McMillen,	Sorg,
Bretherick,	Haberlen,	McSurdy,	Stank,
Brown,	Hall,	Melchiorre,	Stine,
Brunner, C. H.,	Hamilton,	Mihm,	Stockham
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Tarr,
Burris,	Harmuth,	Mooney,	Taylor,
Cadwalader,	Harris,	Moran,	Thompson, E. F.,
Chudoff,	Heatherington,	Moul,	Thompson, R. L.,
Cochran,	Helm,	Muir,	Trout,
Cohen, M. M	Herman,	Munley,	Turner,
Cohen, R. E.,	Hersch,	Nunemacher,	Van Allsburg,
Cook,	Hewitt,	O'Brien,	Vincent,
Cooper,	Hirsch,	O'Dare,	Vogt,
Cordier,	Holland,	O'Mullen,	Voldow,
Corrigan,	Huntley,	O'Neill,	Voorhees,
	Imbrie,	Owens,	Wagner,

Croop,	James,	Petrosky,	Watkins,
Cullen,	Jefferson,	Pettit,	Weingartner,
Dalrymple,	Jones, G. E.,	Polaski,	Weiss,
DiGenova,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dix,	Keenan,	Powers,	Welsh, M. J.,
Dolon,	Knoble,	Prosen,	Williams,
D'Ortona,	Kolankiewicz,	Rank,	Winner,
Duffy,	Komorofski,	Readinger,	Wolf,
Early,	Krise,	Reagan,	Wood, L. H.,
Elder,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Elliott,	Leisey,	Regan,	Woodring,
Ely,	Leonard,	Reynolds,	Woodside,
Falkenstein,	Lesko,	Rhea,	Wright,
Finestone,	Levy,	Riley,	Yeakel,
Finnerty,	Leydic,	Rooney,	Yester,
Fisher,	Lichtenwalter,	Rose, S.,	Young,
Fiss,	Longo,	Rose, W. E.,	Kilroy, Speaker.
Fleming,	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1065, as follows:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated to the National Farm School at Doylestown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of maintenance to be paid according to law.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. STOCKHAM. Mr. Speaker, the situation that applies to Delaware County applies also to this bill. Mr. Yeakel has always sponsored this measure for an appropriation to the National Farm School. The Farm School is in Mr. Yeakels district, and even back in the administration of Governor Earle, I believe he too was the sponsor. I want to say for Bucks County, it is one of the grandest counties in the Commonwealth. I do not believe it is worth five grand for anybody to sponsor this bill. However, we urge passage of it along with all of the other measures, as it is a worthy institution and it deserves the support of the Commonwealth.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baugher,	Gates	McClanaghan,	Scanlon,
Bentley,	Gerard,	McClester,	Schwab,
Bentzel,	Gillan,	McDowell,	Serrill,
Boles,	Gillette,	McFall,	Shaffer,
Boney,	Goodwin,	McGrath,	Shaw,
Boorse,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Gyger,	McLanahan,	Sollenberger,
Breth,	Habbyshaw,	McMillen,	Sorg,
Bretherick,	Haberlen,	McSurdy,	Stank,
Brown,	Hall,	Melchiorre,	Stine,
Brunner, C. H.,	Hamilton,	Mihm,	Stockham,
Brunner, P. A.,	Hare,	Modell,	Tarr,
Burns,	Harkins,	Monks,	Tate,
Burris,	Harmuth,	Mooney,	Taylor,
Cadwalader,	Harris,	Moran,	Thompson, E. F.,
Chudoff,	Heatherington,	Moul,	Thompson, R. L.,
Cochran,	Helm,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hersch,	Nunemacher,	Van Allsburg,
Cook,	Hewitt,	O'Brien,	Vincent,
Cooper,	Hirsch,	O'Dare,	Vogt,
Cordier,	Holland,	O'Mullen,	Voldow,
Corrigan,	Huntley,	O'Neill,	Voorhees,
Croop,	Imbrie,	Owens,	Wagner,
Cullen,	James,	Petrosky,	Watkins,
Dalrymple,	Jefferson,	Pettit,	Weingartner,
DiGenova,	Jones, G. E.,	Polaski,	Weiss,
Dix,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dolon,	Keenan,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winner,
Early,	Komorofski,	Readinger,	Wolf,
Elder,	Krise,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Woodside,
Finestone,	Levy,	Rhea,	Wright,
Finnerty,	Leydic,	Riley,	Yeakel,
Fisher,	Lesko,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy, Speaker.
	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1066, as follows:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred twenty-five thousand dollars ($125,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred forty-one for the purpose of maintenance of a school of medicine.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Baker,	French,	Malloy,	Rush,
Balthaser,	Gallagher,	Marks,	Sarge,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentley,	Gerard,	McClanaghan,	Schwab,
Bentzel,	Gillan,	McClester,	Serrill,
Boles,	Gillette,	McDowell,	Shaffer,
Boney,	Goodwin,	McFall,	Shaw,
Boorse,	Gross,	McGrath,	Shepard,
Bower,	Gryskewicz,	McIntosh,	Simons,

Bradley,	Gyger,	McKinney,	Sollenberger,
Breth,	Habbyshaw,	McLanahan,	Sorg,
Bretherick,	Haberlen,	McMillen,	Stank,
Brown,	Hall,	McSurdy,	Stine,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stockham,
Brunner, P. A.,	Hare,	Mihm,	Tarr,
Burns,	Harkins,	Modell,	Tate,
Burris,	Harmuth,	Monks,	Taylor,
Cadwalader,	Harris,	Mooney,	Thompson, E. F.,
Chudoff,	Heatherington,	Moran,	Thompson, R. L.,
Cochran,	Helm,	Moul,	Trout,
Cohen, M. M.,	Herman,	Muir,	Turner,
Cohen, R. E.,	Hersch,	Munley	VanAllsburg,
Cook,	Hewitt,	Nunemacher	Vincent,
Cooper,	Hirsch,	O'Brien,	Vogt,
Cordier,	Holland,	O'Dare,	Voldow,
Corrigan,	Huntley,	O'Mullen,	Voorhees,
Croop,	Imbrie,	O'Neill,	Wagner,
Cullen,	James,	Owens,	Watkins,
Dalrymple,	Jefferson,	Petrosky,	Weingartner,
DiGenova,	Jones, G. E.,	Pettit,	Weiss,
Dix,	Jones, P. N.,	Polaski,	Welsh, E. B.,
Dolon,	Keenan,	Polen,	Welsh, M. J.,
D'Ortona,	Knoble,	Powers,	Williams,
Duffy,	Kolankiewicz,	Prosen,	Winner,
Early,	Komorofski,	Rank,	Wolf,
Elder,	Krise,	Readinger,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reagan,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhe ,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy,
		Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1068, as follows:

An Act making an appropriation to the Trustees of the University of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million four hundred eighty-five thousand dollars ($1,485,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and forty-one for the general maintenance of the university and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the University of Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lovett,	Rose, W. E.,
Allmond,	Foor,	Lyons,	Rosenfeld,
Baker,	French,	Malloy,	Royer,
Balthaser,	Gallagher,	Marks,	Rush,
Baugher,	Gates,	Maxwell,	Sarge,
Bentley,	Gerard,	McClanaghan,	Scanlon,
Bentzel,	Gillan,	McClester,	Schwab,
Boies,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Gross,	McGrath,	Shaw,
Bower,	Gryskewicz,	McIntosh,	Shepard,
Bradley,	Gyger,	McKinney,	Simons,
Breth,	Habbyshaw,	McLanahan,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Hall,	McSurdy,	Stank,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stine,
Brunner, P. A.,	Hare,	Mihm,	Stockham,
Burns,	Harkins,	Modell,	Tarr,
Burris,	Harmuth,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Muir,	Trout,
Cohen, R. E.,	Hersch,	Munley,	Turner,
Cook,	Hewitt,	Nunemacher,	VanAllsburg,
Cooper,	Hirsch,	O'Brien,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
DiGenova,	Jones, G. E.,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Williams,
Early,	Komorofski,	Rank,	Winner,
Elder,	Krise,	Readinger,	Wolf,
Elliott,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leisey,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1083, as follows:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million two hundred fifty thousand dollars ($1,250,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of Temple University at Philadelphia for the two fiscal years beginning June first one thousand nine hundred and forty-one for the general maintenance of the university and the purchase of such apparatus and equipment as the Trustees may deem necessary for the best interests of the university.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SAMUEL ROSE. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Finestone, permit himself to be interrogated?

Mr. FINESTONE. I shall, Mr. Speaker.

Mr. SAMUEL ROSE. Mr. Speaker, will the gentleman tell me what the tuition is at Temple University Medical College.

Mr. FINESTONE. Two hundred fifty dollars, Mr. Speaker.

Mr. SAMUEL ROSE. Will the gentleman also tell me the additional cost that the student will have to pay?

Mr. FINESTONE. I am informed, Mr. Speaker, it is one hundred fifty dollars beside the two hundred fifty dollars, making a total of four hundred dollars a year.

Mr. SAMUEL ROSE. That will be all, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Baker,	French,	Malloy,	Rush,
Balthaser,	Gallagher,	Marks,	Sarge,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentley,	Gerard,	McClanaghan,	Schwab,
Bentzel,	Gillan,	McClester,	Serrill,
Boies,	Gillette,	McDowell,	Shaffer,
Boney,	Goodwin,	McFall,	Shaw,
Boorse,	Gross,	McGrath,	Shepard,
Bower,	Gryskewicz,	McIntosh,	Simons,
Bradley,	Gyger,	McKinney,	Sollenberger,
Breth,	Habbyshaw,	McLanahan,	Sorg,
Bretherick,	Haberlen,	McMillen,	Stank,
Brown,	Hall,	McSurdy,	Stine,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stockham,
Brunner, P. A.,	Hare,	Mihm,	Tarr,
Burns,	Harkins,	Modell,	Tate,
Burris,	Harmuth,	Monks,	Taylor,
Cadwalader,	Harris,	Mooney,	Thompson, E. F.,
Chudoff,	Heatherington,	Moran,	Thompson, R. L.,
Cochran,	Helm,	Moul,	Trout,
Cohen, M. M.,	Herman,	Muir,	Turner,
Cohen, R. E.,	Hersch,	Munley,	VanAllsburg,
Cook,	Hewitt,	Nunemacher,	Vincent,
Cooper,	Hirsch,	O'Brien,	Vogt,
Cordier,	Holland,	O'Dare,	Voldow,
Corrigan,	Huntley,	O'Mullen,	Voorhees,
Croop,	Imbrie,	O'Neill,	Wagner,
Cullen,	James,	Owens,	Watkins,
Dalrymple,	Jefferson,	Petrosky,	Weingartner,
DiGenova,	Jones, G. E.,	Pettit,	Weiss,
Dix	Jones, P. N.,	Polaski,	Welsh, E. B.,
Dolon,	Keenan,	Polen,	Welsh, M. J.,
D'Ortona,	Knoble,	Powers,	Williams,
Duffy,	Kolankiewicz,	Prosen,	Winner,
Early,	Komorofski,	Rank,	Wolf,
Elder,	Krise,	Readinger,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reagan,	Wood, N.,
Ely,	Leonard,	Reese, R. E.,	Woodring,
Falkenstein,	Leisey,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy, Speaker.

NAYS—1

Rose, S.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. SAMUEL ROSE filed the following reasons for his vote:

I voted "No" on this bill making an appropriation to the Trustee's of Temple University at Philadelphia, Pennsylvania, not because I am opposed to an adequate appropriation to this institution since, as an alumnus of this School, I am always interested in the further development of the school and its securing sufficient funds to aid in this development.

However, I had written several letters to the Dean of the Medical School in the interest of one of my constituents, and I was not even granted the courtesy of a reply. As a member of this House, who to-gether with my colleagues appropriate money to certain schools and colleges, I felt that I could not consciencously vote for the amount appropriated by this bill until I had further investigated and ascertained the attitude of responsible officials of the University toward those of us who, studying the needs of our institutions, are called upon to act with respect to those needs.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1106, as follows:

An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred eighty thousand dollars ($180,000) or as much thereof as may be necessary is hereby specifically appropriated to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania for the support and promotion of medical education for the two fiscal years beginning June first one thousand nine hundred forty-one payment to be made according to law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Baker,	French,	Malloy,	Rush,
Balthaser,	Gallagher,	Marks,	Sarge,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentley,	Gerard,	McClanaghan,	Schwab,
Bentzel,	Gillan,	McClester,	Serrill,
Boies,	Gillette,	McDowell,	Shaffer,
Boney,	Goodwin,	McFall,	Shaw,
Boorse,	Gross,	McGrath,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Gyger,	McLanahan,	Sollenberger,
Breth,	Habbyshaw,	McMillen,	Sorg,
Bretherick,	Haberlen,	McSurdy,	Stank,
Brown,	Hall,	Melchiorre,	Stine,
Brunner, C. H.,	Hamilton,	Mihm,	Stockham,
Brunner, P. A.,	Hare,	Modell,	Tarr,
Burns,	Harkins,	Monks,	Tate,
Burris,	Harmuth,	Mooney,	Taylor,
Cadwalader,	Harris,	Moran,	Thompson, E.,
Chudoff,	Heatherington,	Moul,	Thompson, R.,
Cochran,	Helm,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hersch,	Nunemacher,	Van Allsburg,
Cook,	Hewitt,	O'Brien,	Vincent,
Cooper,	Hirsch,	O'Dare,	Vogt,
Cordier,	Holland,	O'Mullen,	Voldow,
Corrigan,	Huntley,	O'Neill,	Voorhees,
Croop,	Imbrie,	Owens,	Wagner
Cullen,	James,	Petrosky,	Watkins,
Dalrymple	Jefferson,	Pettit,	Weingartner,
DiGenova,	Jones, G. E.,	Polaski,	Weiss,
Dix,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dolon,	Keenan,	Powers,	Welsh, M. J.,
D'Ortona	Knoble,	Prosen,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winner,
Early,	Komorofski,	Readinger,	Wolf,
Elder,	Krise,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Woodside,

Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1130, as follows:

An Act making an appropriation to the Department of Commerce towards expenses of the National Encampment in Philadelphia

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-five thousand dollars ($25,000) is hereby specifically appropriated to the Department of Commerce of the Commonwealth of Pennsylvania to help defray the necessary costs and expenses of the National Encampment of Veterans of Foreign Wars to be held in this Commonwealth in the City of Philadelphia during the week beginning the twenty-fourth day of August one thousand nine hundred forty-one

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
	Lesko,	Rhea,	Yeakel,
Finestone,	Levy,	Riley,	Yester,
Finnerty,	Leydic,	Rooney,	Young,
Fisher,	Lichtenwalter,	Ros. S.,	Kilroy,
Fiss,	Longo,	Rose, W. E.,	Speaker.
Fleming,	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1203, as follows:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred fifty thousand dollars ($150,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Jefferson Medical College of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred forty-one for the support and promotion of medical education

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. ROSENFELD. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. VOLDOW. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Rosenfeld.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. ROSENFELD. I shall, Mr. Speaker.

Mr. VOLDOW. I would like to know, Mr. Speaker, the reason for recommitting this bill.

Mr. ROSENFELD. In answer to the gentleman, Mr. Speaker, I might say that the dissertation given to us by Mr. Brown and Mr. Marshall Shepard indicates to my mind, since I am sponsor of this measure, that something is wrong at Jefferson, and I would like to know what it is.

Mr. VOLDOW. Mr. Speaker, I should like to know a specific reason for this sudden desire to recommit.

Mr. ROSENFELD. Mr. Speaker, I have already answered that.

Mr. VOLDOW. That is all, Mr. Speaker.

On the question, recurring,

Will the House agree to the motion?

The SPEAKER declared the "nays" appeared to have it,

Whereupon, a division was called for seventy-three members having voted in the affirmative and fifty-five in the negative, the question was determined in the affirmative and the motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1321, as follows:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital

Whereas By the act approved the thirteenth day of June one thousand nine hundred and thirty-one (Appropriation Acts page 77) certain moneys were appropriated to the Department of Property and Supplies for alterations and additions to the Harrisburg State Hospital at Harrisburg and

Whereas The appropriation thus made was subsequently lapsed although certain claims of contractors for such alterations and additions remained unsatisfied therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven hundred twenty-five dollars ($725.00) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment of balances due contractors for alterations and additions at the Harrisburg State Hospital at Harrisburg

Such money shall be paid on warrant drawn on the State Treasurer by the Auditor General and may be paid to any person firm association or corporation which shall by assignment subrogation or otherwise have become entitled to the balance due any contractor on account of such alterations and additions

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boies,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Tarr,
Brunner, C. H.,	Hamilton,	Mihm,	Tate,
Brunner, P. A.,	Hare,	Modell,	Taylor,
Burns,	Harkins,	Monks,	Thompson, E. F.,
Burris,	Harmuth,	Mooney,	Thompson, R. L.,
Cadwalader,	Harris,	Moran,	Trout,
Chudoff,	Heatherington,	Moul,	Turner,
Cochran,	Helm,	Muir,	Van Allsburg,
Cohen, M. M.,	Herman,	Munley,	Vincent,
Cohen, R. E.,	Hersch,	Nunemacher,	Vogt,
Cook,	Hewitt,	O'Brien,	Voldow,
Cooper,	Hirsch,	O'Dare,	Voorhees,
Cordier,	Holland,	O'Mullen,	Wagner,
Corrigan,	Huntley,	O'Neill,	Watkins,
Croop,	Imbrie,	Owens,	Weingartner,
Cullen,	James,	Petrosky,	Weiss,
Dalrymple,	Jefferson,	Pettit,	Welsh, E. B.,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, M. J.,
Dix,	Jones, P. N.,	Polen,	Williams,
Dolon,	Keenan,	Powers,	Winner,
D'Ortona,	Knoble,	Prosen,	Wolf,
Duffy,	Kolankiewicz,	Rank,	Wood, L. H.,
Early,	Komorofski,	Readinger,	Wood, N.,
Elder,	Krise,	Reagan,	Woodring,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodside,
Ely,	Leisey,	Regan,	Wright,
Falkenstein,	Leonard,	Reynolds,	Yeakel,
Finestone,	Lesko,	Rhea,	Yester,
Finnerty,	Levy,	Riley,	Young,
Fisher,	Leydic,	Rooney,	Kilroy,
Fiss,	Lichtenwalter,	Rose, S.,	Speaker.
Fleming,	Longo,	Rose, W. E.,	
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1330, as follows:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred forty-seven thousand five hundred dollars ($247,500) or as much thereof as may be necessary is hereby specifically appropriated out of the State Stores Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of one hundred five thousand five hundred dollars ($105,500) and to the credit of the Contingent Reserve Account the sum of one hundred forty-two thousand dollars ($142,000)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher	Lovett,	Rose, W. E.,
Allmond,	Foor,	Lyons,	Rosenfeld,
Baker,	French,	Maxwell,	Royer,
Balthaser,	Gallagher,	Marks,	Rush,
Baugher,	Gates,	Malloy,	Sarge,
Bentley,	Gerard,	McClanaghan,	Scanlon,
Bentzel,	Gillan,	McClester,	Schwab,
Boies,	Gillette,	McDowell,	Serrill,
Boney,	Goodwin,	McFall,	Shaffer,
Boorse,	Gross,	McGrath,	Shaw,
Bower,	Gryskewicz,	McIntosh,	Shepard,
Bradley,	Gyger,	McKinney,	Simons,
Breth,	Habbyshaw,	McLanahan,	Sollenberger,
Bretherick,	Haberlen,	McMillen,	Sorg,
Brown,	Hall,	McSurdy,	Stank,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stine,
Brunner, P. A.,	Hare,	Mihm,	Stockham,
Burns,	Harkins,	Modell,	Tarr,
Burris,	Harmuth,	Monks,	Tate,
Cadwalader,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Muir,	Trout,
Cohen, R. E.,	Hersch,	Munley	Turner,
Cook,	Hewitt,	Nunemacher	VanAllsburg,
Cooper,	Hirsch,	O'Brien,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,

Dalrymple,	Jefferson,	Petrosky,	Watkins,
DiGenova,	Jones, G. E.,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Williams,
Early,	Komorofski,	Rank,	Winner,
Elder,	Krise,	Readinger,	Wolf,
Elliott,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Leisey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1332, as follows:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five hundred seventy-nine thousand six hundred dollars ($579,600) or as much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of two hundred four thousand three hundred dollars ($204,300) to the credit of the Contingent Reserve Account the sum of two hundred seventy-five thousand three hundred dollars ($275,300) and to the credit of the Pennsylvania Motor Police Retirement Account the sum of one hundred thousand dollars ($100,000)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boies,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.
Cadwalader,	Harris,	Moran,	Thompson, R. L.
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley	VanAllsburg,
Cohen, R. E.,	Hersch,	Nunemacher	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No 1334, as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seventy three thousand eight hundred thirty one dollars and seventy seven cents ($73,831.77) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment of claims against the Commonwealth of Pennsylvania in connection with the erection and construction of the Eastern State Penitentiary at Graterford in Montgomery County including unpaid claims on contracts of consulting architects for preliminary plans and studies authorized in accordance with law under the provisions of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 761) entitled "An act providing for the preparation of plans and specifications and for the erection of the Eastern State Penitentiary on lands acquired therefor imposing duties in connection therewith upon the Governor the Board of Trustees of Eastern State Penitentiary and the Department of Welfare and making an appropriation" and as liquidating damages and compensation resulting from the cancellation of the contract of consulting architects relating to work drawings

Payment from said appropriations shall be made to the parties entitled thereto on requisition of the Department of Property and Supplies after proof of such claims to the satisfaction of the Department of Property and Supplies and after approval thereof by the Department of Welfare

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Baker,	French,	Malloy,	Rush,
Balthaser,	Gallagher,	Marks,	Sarge,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentley,	Gerard,	McClanaghan,	Schwab,
Bentzel,	Gillan,	McClester,	Serrill,
Boies,	Gillette,	McDowell,	Shaffer,
Boney,	Goodwin,	McFall,	Shaw,
Boorse,	Gross,	McGrath,	Shepard,
Bower,	Gryskewicz,	McIntosh,	Simons,
Bradley,	Gyger,	McKinney,	Sollenberger,
Breth,	Habbyshaw,	McLanahan,	Sorg,
Bretherick,	Haberlen,	McMillen,	Stank,
Brown,	Hall,	McSurdy,	Stine,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stockham,
Brunner, P. A.,	Hare,	Mihm,	Tarr,
Burns,	Harkins,	Modell,	Tate,
Burris,	Harmuth,	Monks,	Taylor,
Cadwalader,	Harris,	Mooney,	Thompson, E. F.,
Chudoff,	Heatherington,	Moran,	Thompson, R. L.,
Cochran,	Helm,	Moul,	Turner,
Cohen, M. M.,	Herman,	Muir,	Trout,
Cohen, R. E.,	Hersch,	Munley	VanAllsburg,
Cook,	Hewitt,	Nunemacher	Vincent,
Cooper,	Hirsch,	O'Brien,	Vogt,
Cordier,	Holland,	O'Dare,	Voldow,
Corrigan,	Huntley,	O'Mullen,	Voorhees,
Croop,	Imbrie,	O'Neill,	Wagner,
Cullen,	James,	Owens,	Watkins,
Dalrymple,	Jefferson,	Petrosky,	Weingartner,
DiGenova,	Jones, G. E.,	Pettit,	Weiss,
Dix,	Jones, P. N.,	Polaski,	Welsh, E. B.,
Dolon,	Keenan,	Polen,	Welsh, M. J.,
D'Ortona,	Knoble,	Powers,	Williams,
Duffy,	Kolankiewicz,	Prosen,	Winner,
Early,	Komorofski,	Rank,	Wolf,
Elder,	Krise,	Readinger,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reagan,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Regan,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy,
		Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1343, as follows:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty thousand dollars ($30,000) or as much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the Board of Finance and Revenue for the two fiscal years commencing June first one thousand nine hundred and forty-one for the payment of the compensation to the Commonwealth's Loan and Transfer Agent for services rendered in connection with the registration transfer and payment of interest on highway bonds and for other services required to be performed by the said Loan and Transfer Agent Payments from such appropriation shall be made at such times and in such amounts and upon such basis as may be provided by law or agreed upon between the Board of Finance and Revenue and the said Loan and Transfer Agent

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baugher,	Gates,	McClanaghan,	Scanlon,
Bentley,	Gerard,	McClester,	Schwab,
Bentzel,	Gillan,	McDowell,	Serrill,
Boies,	Gillette,	McFall,	Shaffer,
Boney,	Goodwin,	McGrath,	Shaw,
Boorse,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Gyger,	McLanahan,	Sollenberger,
Breth,	Habbyshaw,	McMillen,	Sorg,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harris,	Mooney,	Thompson, E.,
Cadwalader,	Heatherington,	Moran,	Thompson, R.,
Chudoff,	Helm,	Moul,	Trout,
Cochran,	Herman,	Muir,	Turner,
Cohen, M. M.,	Hersch,	Munley,	Van Allsburg,
Cohen, R. E.,	Hewitt,	Nunemacher,	Vincent,
Cook,	Hirsch,	O'Brien,	Vogt,
Cooper,	Holland,	O'Dare,	Voldow,
Cordier,	Huntley,	O'Mullen,	Voorhees,
Corrigan,	Imbrie,	O'Neill,	Wagner,
Croop,	James,	Owens,	Watkins,
Cullen,	Jefferson,	Petrosky,	Weingartner,
Dalrymple,	Jones, G. E.,	Pettit,	Weiss,
DiGenova,	Jones, P. N.,	Polaski,	Welsh, E. B.,
Dix,	Keenan,	Polen,	Welsh, M. J.,
Dolon,	Knoble,	Powers,	Williams,
D'Ortona,	Kolankiewicz,	Prosen,	Winner,
Duffy,	Komorofski,	Rank,	Wolf,
Early,	Krise,	Readinger,	Wood, L. H.,
Elder,	Lee, T. H.,	Reagan,	Wood, N.,
Elliott,	Leisey,	Reese, R. E.,	Woodring,
Ely,	Leonard,	Regan,	Woodside,
Falkenstein,	Lesko,	Reynolds,	Wright,
Finestone,	Levy,	Rhea,	Yeakel,
Finnerty,	Leydic,	Riley,	Yester,
Fisher,	Lichtenwalter,	Rooney,	Young,
Fiss,	Longo,	Rose, S.,	Kilroy,
Fleming,	Lovett,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for Concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1344, as follows:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eleven million two hundred eighteen thousand six hundred ninety-nine dollars and fifty-five cents ($11,218,699.55) is hereby specifically appropriated from the Motor License Fund to the Board of

Finance and Revenue for payment into the Sinking Fund to meet interest and sinking fund requirements on the State debt for the two fiscal years commecing June first one thousand nine hundred and forty-one The amount hereinbefore appropriated shall be transferred by the Auditor General and the State Treasurer upon requisition of the Board of Finance and Revenue from the Motor License Fund to the Sinking Fund on or before the dates and in the amounts set forth in the following schedule

Dates	Principal	Interest	Total
July 1 1941	$683,972.69	$445,465.00	$1,129,437.69
August 1 1941 ..	214,736.61	292,200.00	506,936.61
September 2 1941	660,138.29	228,440.00	888,578.29
October 1 1941 ..	313,818.29	120,000.00	433,818.29
December 1 1941	384,958.90	200,000.00	584,958.90
January 2 1942 .	20,440.00	445,465.00	465,905.00
February 2 1942	.....	292,200.00	292,200.00
March 2 1942 ...	10,150.00	188,440.00	198,590.00
April 1 1942....	687,591.66	146,666.67	834,258.33
June 1 1942	168,000.00	160,000.00	328,000.00
July 1 1942	683,972.69	445,465.00	1,129,437.69
August 7 1942 ..	214,736.61	292,200.00	506,936.61
September 1 1942	660,138.29	188,440.00	848,578.29
October 1 1942 ..	313,818.29	120,000.00	433,818.29
December 1 1942	384,958.90	160,000.00	544,958.90
January 2 1943 .	20,440.00	445,465.00	465,905.00
February 1 1943	.....	292,200.00	292,200.00
March 1 1943 ...	10,150.00	118,440.00	198,590.00
April 1 1943	687,591.66	120,000.00	807,591.66
June 1 1943	168,000.00	160,000.00	328,000.00
Total	$6,287,612.88	$4,931,086.67	$11,218,699.55

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Kroble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1345, as follows:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the State Workmen's Insurance Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-five thousand eight hundred dollars ($25,800) or as much thereof as may be necessary is hereby specifically appropriated out of the State Workmen's Insurance Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State Employes receiving compensation from the State Workmen's Insurance Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of eleven thousand one hundred dollars ($11,100) and to the credit of the Contingent Reserve Account the sum of fourteen thousand seven hundred dollars ($14,700)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Foor,	Lyons,	Rosenfeld,
Allmond,	French,	Malloy,	Royer,
Baker,	Gallagher,	Marks,	Rush,
Balthaser,	Gates,	Maxwell,	Sarge,
Baugher,	Gerard,	McClanaghan,	Scanlon,
Bentley,	Gillan,	McClester,	Schwab,
Bentzel,	Gillette,	McDowell,	Serrill,
Boles,	Goodwin,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Sollenberger,
Breth,	Haberlen,	McMillen,	Sorg,
Bretherick,	Hall,	McSurdy,	Stank,
Brown,	Hamilton,	Melchiorre,	Stine,
Brunner, C. H.,	Hare,	Mihm,	Stockham,
Brunner, P. A.,	Harkins,	Modell,	Tarr,
Burns,	Harmuth,	Monks,	Tate,
Burris,	Harris,	Mooney,	Taylor,
Cadwalader,	Heatherington,	Moran,	Thompson, E. F.,
Chudoff,	Helm,	Moul,	Thompson, R. L.,
Cochran,	Herman,	Muir,	Trout,
Cohen, M. M.,	Hersch,	Munley,	Turner,
Cohen, R. E.,	Hewitt,	Nunemacher,	Van Allsburg,
Cook,	Hirsch,	O'Brien,	Vincent,
Cooper,	Holland,	O'Dare,	Vogt,
Cordier,	Huntley,	O'Mullen,	Voldow,

Corrigan,	Imbrie,	O'Neill,	Voorhees,
Croop,	James,	Owens,	Wagner,
Cullen,	Jefferson,	Petrosky,	Watkins,
Dalrymple,	Jones, G. E.,	Pettit,	Weiss,
DiGenova,	Jones, P. N.,	Polaski,	Weingartner,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Knoble,	Powers,	Welsh, M. J.,
D'Ortona,	Kolankiewicz,	Prosen,	Williams,
Duffy,	Komorofski,	Rank,	Winner,
Early,	Krise,	Readinger,	Wolf,
Elder,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Leisey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
Fletcher,	Lovett,	Rose, W. E.,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1417, as follows:

An Act making an appropriation to The General State Authority to defray the costs and expenses of the said Authority in connection with the organization administration and operation thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three hundred eighty-five thousand dollars ($385,000) or as much thereof as may be necessary is hereby specifically appropriated to The General State Authority for the two fiscal years beginning June first one thousand nine hundred forty-one for the payment of all salaries and organization and general expenses of every description as provided by the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws 452)

Section 2 Payments from the foregoing appropriation shall be made to the Treasurer of The General State Authority upon requisition by the Governor

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boies,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cooper,	Hewitt,	O'Brien,	Vogt,
Cordier,	Hirsch,	O'Dare,	Voldow,
Cook,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1463, as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven million seven hundred eighty-one thousand two hundred forty dollars ($7,781,240) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the two fiscal years beginning June first one thousand nine hundred forty-one for the payment by the Commonwealth of annual rates rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority to the Commonwealth or for services rendered by the Authority or its projects Payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Fletcher,	Lyons,	Rosenfeld,
Allmond,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gates,	Maxwell,	Sarge,
Baugher,	Gerard,	McClanaghan,	Scanlon,
Bentley,	Gillan,	McClester,	Schwab,
Bentzel,	Gillette,	McDowell,	Serrill,
Boies,	Goodwin,	McFall,	Shaffer,

Boney,	Gross,	McGrath,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Sollenberger,
Breth,	Haberlen,	McMillen,	Stank,
Bretherick,	Hall,	McSurdy,	Stine,
Brown,	Hamilton,	Melchiorre,	Stockham,
Brunner, C. H.,	Hare,	Mihm,	Tarr,
Brunner, P. A.,	Harkins,	Modell,	Tate,
Burns,	Harmuth,	Monks,	Taylor,
Burris,	Harris,	Mooney,	Thompson, E. F.,
Cadwalader,	Heatherington,	Moran,	Thompson, R. L.,
Chudoff,	Helm,	Moul,	Trout,
Cochran,	Herman,	Muir,	Turner,
Cohen, M. M.,	Hersch,	Munley,	Van Allsburg,
Cohen, R. E.,	Hewitt,	Nunemacher,	Vincent,
Cook,	Hirsch,	O'Brien,	Vogt,
Cooper,	Holland,	O'Dare,	Voldow,
Cordier,	Huntley,	O'Mullen,	Voorhees,
Corrigan,	Imbrie,	O'Neill,	Wagner,
Croop,	James,	Owens,	Watkins
Cullen,	Jefferson,	Petrosky,	Weingartner,
Dalrymple,	Jones, G. E.,	Pettit,	Weiss,
DiGenova,	Jones, P. N.,	Polaski,	Welsh, E. B.,
Dix,	Keenan,	Polen,	Welsh, M. J.,
Dolon,	Knoble,	Powers,	Williams,
D'Ortona,	Kolankiewicz,	Prosen,	Winner,
Duffy,	Komorofski,	Rank,	Wolf,
Early,	Krise,	Readinger,	Wood, L. H.,
Elder,	Lee, T. H.,	Reagan,	Wood, N.,
Elliott,	Leisey,	Reese, R. E.,	Woodring,
Ely,	Leonard,	Regan,	Woodside,
Falkenstein,	Lesko,	Reynolds,	Wright,
Finestone,	Levy,	Rhea,	Yeakel,
Finnerty,	Leydic,	Riley,	Yester,
Fisher,	Lichtenwalter,	Rooney,	Young,
Fiss,	Longo,	Rose, S.,	Kilroy,
Fleming,	Lovett,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1534, as follows:

An Act making an appropriation to the Joint State Government Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred fifty thousand dollars ($150,000) together with the unexpended balance of the moneys appropriated for the two fiscal years ending May thirty-first one thousand nine hundred forty-one or so much thereof as may be necessary are hereby specifically appropriated and reappropriated to the Joint State Government Commission created by the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2460) entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" for the two fiscal years beginning June first one thousand nine hundred forty-one to continue the work of said commission and for the payment of the expenses of the members of said commission for the compensation and expenses of the director counsel and other appointees of the commission for printing postage supplies telephone telegraph and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of said act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Muir,	Trout,
Cochran,	Helm,	Munley,	Turner,
Cohen, M. M.,	Herman,	Nunemacher,	Van Allsburg,
Cohen, R. E.,	Hersch,	O'Brien,	Vincent,
Cook,	Hewitt,	O'Dare,	Vogt,
Cooper,	Hirsch,	O'Mullen,	Voldow,
Cordier,	Holland,	O'Neill,	Voorhees,
Corrigan,	Huntley,	Owens,	Wagner,
Croop,	Imbrie,	Petrosky,	Watkins,
Cullen,	James,	Pettit,	Weingartner,
Dalrymple,	Jefferson,	Polaski,	Weiss,
DiGenova,	Jones, G. E.,	Polen,	Welsh, E. B.,
Dix,	Jones, P. N.,	Powers,	Welsh, M. J.,
Dolon,	Keenan,	Prosen,	Williams,
D'Ortona,	Knoble,	Rank,	Winner,
Duffy,	Kolankiewicz,	Readinger,	Wolf,
Early,	Komorofski,	Reagan,	Wood, L. H.,
Elder,	Krise,	Reese, R. E.,	Wood, N.,
Elliott,	Lee, T. H.,	Regan,	Woodring,
Ely,	Leisey,	Reynolds,	Woodside,
Falkenstein,	Leonard,	Rhea,	Wright,
Finestone,	Lesko,	Riley,	Yeakel,
Finnerty,	Levy,	Rooney,	Yester,
Fisher,	Leydic,	Rose, S.,	Young,
Fiss,	Lichtenwalter,	Rose, W. E.,	Kilroy,
Fleming,	Longo,	Rosenfeld,	Speaker.
	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1590, as follows:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum Philadelphia

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-seven thousand dollars (27,000) is hereby specifically appropriated to the Board of Trustees of the Philadelphia Museum Philadelphia for the two fiscal years beginning June first one thousand nine hundred and forty-one for the purpose of maintenance to be paid according to law

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Scanlon
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy,
Fleming,	Longo,	Rose, W. E.,	Speaker.
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1591, as follows:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thousand dollars ($100,000) is hereby specifically appropriated to the Pennsylvania Museum and School of Industrial Art Philadelphia for the two fiscal years beginning June first one thousand nine hundred and forty-one for maintenance and the purchase of apparatus supplies and equipment

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Foor,	Malloy,	Rosenfeld,
Allmond,	French,	Marks,	Royer,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Scanlon,
Baugher,	Gillan,	McDowell,	Schwab,
Bentley,	Gillette,	McFall,	Serrill,
Bentzel,	Goodwin,	McGrath,	Shaffer,
Boles,	Gross,	McIntosh,	Shaw,
Boney,	Gryskewicz,	McKinney,	Shepard,
Boorse,	Gyger,	McLanahan,	Simons,
Bower,	Habbyshaw,	McLane,	Sollenberger,
Bradley,	Haberlen,	McMillen,	Sorg,
Breth,	Haines,	McSurdy,	Stank,
Bretherick,	Hall,	Melchiorre,	Stine,
Brown,	Hamilton,	Mihm,	Stockham,
Brunner, C. H.,	Hare,	Modell,	Tarr,
Brunner, P. A.,	Harkins,	Monks,	Tate,
Burns,	Harmuth,	Mooney,	Taylor,
Burris,	Harris,	Moran,	Thompson, E. F.,
Chudoff,	Heatherington,	Moul,	Thompson, R. L.,
Cochran,	Helm,	Muir,	Trout,
Cohen, M. M.,	Hersch,	Munley,	Turner,
Cohen, R. E.,	Hewitt,	Nunemacher,	Van Allsburg,
Cook,	Hirsch,	O'Brien,	Vincent,
Cooper,	Holland,	O'Dare,	Vogt,
Cordier,	Huntley,	O'Mullen,	Voldow,
Corrigan,	Imbrie,	O'Neill,	Voorhees,
Croop,	James,	Owens,	Wagner,
Cullen,	Jefferson,	Petrosky,	Watkins,
Dalrymple,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
Dolon,	Knoble,	Powers,	Welsh, M. J.,
D'Ortona,	Kolankiewicz,	Prosen,	Williams,
Duffy,	Komorofski,	Rank,	Winner,
Early,	Krise,	Readinger,	Wolf,
Elder,	Lee, T. H.,	Reagan,	Wood, L. H.,
Elliott,	Leisey,	Reese, R. E.,	Wood, N.,
Ely,	Leonard,	Regan,	Woodring,
Falkenstein,	Lesko,	Reynolds,	Woodside,
Finestone,	Levy,	Rhea,	Wright,
Finnerty,	Leydic,	Riley,	Yeakel,
Fisher,	Lichtenwalter,	Rooney,	Yester,
Fiss,	Longo,	Rose, S.,	Young,
Fleming,	Lovett,	Rose, W. E.,	Kilroy, Speaker.
Fletcher,	Lyons,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1070, Printer's No. 284, was passed over at the request of Mr. McLANAHAN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 870, as follows:

An Act to further amend sections twenty and twenty-one of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elec-

tions for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" by further regulating manufacturers and distributors and importing distributors of malt and brewed beverages

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections twenty and twenty-one of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1827) are hereby further amended to read as follows

Section 20 Sales by Manufacturers Minimum Quantities No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold nor sell or deliver any such malt or brewed beverages in other than original containers approved as to capacity by the board nor in quantities of less than two hundred and eighty-eight (288) fluid ounces nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken

No manufacturer shall sell or deliver (except to another manufacturer or distributor) any malt or brewed beverages after six o'clock postmeridian on Monday Tuesday Wednesday and Thursday nor after nine o'clock postmeridian on Friday or Saturday or any week day previous to a legal holiday

Section 21 Sales by Distributors and Importing Distributors No distributors or importing distributor shall purchase receive or resell any malt or brewed beverages except in the original containers as prepared for the market by the manufacturer at the place of manufacture No distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than [two hundred eighty-eight] seventy-two fluid ounces nor deliver any malt or brewed beverages in quantities of less than two hundred eighty-eight fluid ounces Provided That no malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or importing distributor or in any place provided for such purpose by such distributor or importing distributor Provided further That no malt or brewed beverages shall be delivered by any distributor or importing distributor after six o'clock postmeridian on Monday Tuesday Wednesday and Thursday nor after nine o'clock postmeridian on Friday or Saturday or any week day previous to a legal holiday

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. GEORGE E. JONES. Mr. Speaker, this bill makes practically a retailer out of a wholesale beer distributor. It allows him to sell six bottles or seventy-two ounces of beer off the premises. Mr. Speaker, what bill are we on?

Mr. Speaker, I would like to have the sponsor of this bill explain the bill.

The SPEAKER. Will the gentleman from Philadelphia, Mr. O'Mullen, permit himself to be interrogated?

Mr. O'MULLEN. Mr. Speaker, I yield to the gentleman from Philadelphia, Mr. Levy.

Mr. GEORGE E. JONES. Mr. Speaker, I ask the gentleman who sponsored the bill, to explain the bill, please.

Mr. LEVY. Mr. Speaker, in answer to the gentleman from Blair, I might say that the bill provides for the distributor in Pennsylvania to sell seventy-two ounces of beer or six bottles off the premises.

Mr. GEORGE E. JONES. May I interrogate the gentleman from Philadelphia?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Levy, permit himself to be interrogated?

Mr. LEVY. I will, Mr. Speaker.

Mr. GEORGE E. JONES. Will this allow more distributors or rather, will it interfere with our limitation of one for each thousand population?

Mr. LEVY. No, Mr. Speaker, it will not; it has no bearing on the quota law.

Mr. GEORGE E. JONES. That is all, Mr. Speaker. This bill has some good points, but it has a lot of very bad points and one is this, to allow a wholesaler to really be a retailer of beer in being able to sell six bottles. Now, we have plenty of retailers; I believe everybody in this House agrees that we have more retailers than we need in Pennsylvania, and here is something that opens it up real wide and allows the wholesaler to sell six bottles of beer.

What will happen if this bill goes into effect? We will have a lot of beer selling like we had some time ago, selling bottles around the corner and every place else. I think this is a very unfair bill and we ought to vote it down.

Mr. LEVY. Mr. Speaker, I desire to interrogate the gentleman from Blair, Mr. Jones.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. GEORGE E JONES. I shall, Mr. Speaker.

Mr. LEVY. Mr. Speaker, does the gentleman from Blair know the law prior to the passage of the 1937 liquor control amendment relative to distributors?

Mr. GEORGE E. JONES. No, I do not, Mr. Speaker.

Mr. LEVY. Mr. Speaker, when the gentleman talks about the loose practice of selling beer, may I ask the gentleman whether or not he is acquainted with the practice of selling beer prior to 1937?

Mr. GEORGE E. JONES. Yes, Mr. Speaker, I am very much.

Mr. LEVY. Then, Mr. Speaker, what does the gentleman mean by the loose practice of selling beer under this bill if it were enacted into law?

Mr. GEORGE E. JONES. Mr. Speaker, it will just mean it will make more retailers out of the wholesalers. That is all.

Mr. LEVY. Mr. Speaker, does the gentleman from Blair know the definition of a distributor under the act?

Mr. GEORGE E. JONES. Well, Mr. Speaker, I think I do, yes, but it still allows them to sell six bottles of beer. You can not get away from that.

Mr. LEVY. Mr. Speaker, does the gentleman from

Blair know that a distributor at the present time sells beer?

Mr. GEORGE E. JONES. Mr. Speaker, he sells beer, yes; he sells twenty-four bottles.

Mr. LEVY. Mr. Speaker, House Bill 870, is a bill that permits the distributor to break a package, in the common parlance of his business, and permit him to sell as little as 72 ounces of beer to a customer. I understand this bill has not much significance in the large cities because in the large cities the selling of beer is confined principally to a taproom and to the beverage licensee. However, it has been brought to the attention of the sponsor of this bill that in the rural communities where they have beer distributors who are permitted to sell merely a case and nothing less, that they do have the housewife who desires at times to purchase beer in small quantities and she cannot do so unless she purchases it in a taproom.. As you gentlemen know, many of the housewives do not wish to walk inside a taproom during the day or night and purchase beer in bottles for use in her house. I say, this is not the only provision; the fact remains that the distributors in attempting to get legislation of this kind are attempting to cleanse not only their own business, but the business in relation to their employees. Practically every distributor in Pennsylvania has one employee or more whom they use for the driving of their various trucks in their particular business. This bill provides that they close at a certain hour each evening of the week and at a certain hour on Fridays and Saturdays.

I say to the men of the House that this bill has merit, as Mr. Jones from Blair has pointed out, but I fail to see where the demerits lies in the bill, in view of the fact that the bill permits the consuming public to purchase a small quantity of beer where they would ordinarily be compelled to purchase a case.

I say to the Members of the House that House Bill 870 has merits and I ask the membership to vote for the bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—44

Allmond,	Falkenstein,	Marks,	Rosenfeld,
Bretherick,	Finestone,	McClanaghan,	Rush,
Brunner, C. H.,	Finnerty,	Melchiorre,	Scanlon,
Chudoff,	Fletcher,	Monks,	Shepard,
Cohen, R. E.,	Herman,	O'Brien,	Stank,
Cook,	Hersch,	O'Dare,	Voldow,
Cullen,	James,	O'Mullen,	Voorhees,
Dalrymple,	Kolankiewicz,	Prosen,	Welsh, E. B.,
DiGenova,	Lee, E. A.,	Reese, R. E.,	Young,
D'Ortona,	Lee, T. H.,	Rooney,	Kilroy,
Duffy,	Levy,	Rose, S.,	Speaker.

NAYS—139

Achterman,	French,	Leydic,	Schwab,
Auker,	Gallagher,	Lichtenwalter,	Shaffer,
Baker,	Gates,	Longo,	Simons,
Balthaser,	Gerard,	Lyons,	Sollenberger,
Baugher,	Gillan,	Maxwell,	Sorg,
Bentley,	Gillette,	McClester,	Stambaugh,
Bentzel,	Goodwin,	McDowell,	Stine,
Boles,	Greenwood,	McFall,	Stockham,
Boney,	Gross,	McGrath,	Tarr,
Boorse,	Gryskewicz,	McIntosh,	Tate,
Bower,	Gyger,	McKinney,	Taylor,
Bradley,	Habbyshaw,	McLanahan,	Thompson, R. L.,
Brown,	Haines,	McLane,	Trout,
Brunner, P. A.,	Hall,	McSurdy,	Turner,
Burns,	Hamilton,	Mihm,	VanAllsburg,
Burris,	Hare,	Mooney,	Verona,
Cadwalader,	Harkins,	Moran,	Vincent,
Cochran,	Harmuth,	Moul,	Vogt,
Cohen, M. M.,	Harris,	Muir,	Wagner,
Cooper,	Heatherington,	Munley	Watkins,
Cordier,	Helm,	O'Neill,	Weingartner,
Croop,	Hewitt,	Owens,	Weiss,
Dennison,	Hirsch,	Petrosky,	Welsh, M. J.,
Dix,	Holland,	Pettit,	Wilkinson,
Dolon,	Imbrie,	Polaski,	Williams,
Early,	Jones, G. E.,	Polen,	Winner,
Eckels,	Jones, P. N.,	Rank,	Wolf,
Elder,	Keenan,	Reagan,	Wood, L. H.,
Elliott,	Kenehan,	Reese, D. P.,	Wood, N.,
Ely,	Kline,	Rhea,	Woodring,
Fisher,	Knoble,	Riley,	Woodside,
Fiss,	Komorofski,	Rose, W. E.,	Wright,
Fleming,	Krise,	Royer,	Yeakel,
Flynn,	Leonard,	Sarge,	Yester,
Foor,	Lesko,	Sarraf,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative, and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1454, as follows:

An Act to further amend section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" prohibiting sales of liquor and malt or brewed beverages during certain hours unless the legislative body of a city borough town or township is in favor of the same

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last amended by the act approved the sixteenth day of June one thousand nine hundred thirty-seven (P. L. 1762) is hereby further amended to read as follows

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons and in the case of hotels to guests and in the case of clubs to members in their private rooms in the hotel or club No club licensee nor its officers servants agents or employes other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club holding a catering license nor its officers servants agents or employes shall sell on Sunday to non-members any liquor or malt or brewed beverages In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

[Hotel restaurant and public service licensees their servants agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day and shall not sell on Sunday or] No hotel restaurant or public service licensee or its servants agents or employes shall sell liquor or malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock antemeridian of the following Monday or between the hours of two o'clock antemeridian and seven o'clock antemeridian of any week day unless the council of the city borough or incorporated town or the commissioners or supervisors of the township shall by ordinance or resolution designate approval of the sale thereof during an additional period of two hours immediately following the hours hereinbefore specified as the hour after which liquor and malt or brewed beverages may not be sold in which event hotel restaurant and public service licensees their servants agents or employes may continue to sell liquor and malt or brewed beverages in such city borough town or township during such additional period of two hours on any day or days designated in the ordinance or resolution but no hotel restaurant or public service licensee or its servants agents or employes shall sell liquor or malt or brewed beverages after two o'clock antemeridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

Section 2 This act shall become effective immediately upon final enactment.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. O'BRIEN. Mr. Speaker, in relation to House Bill 1454 and also House Bill 1455, one dealing with the retail liquor dealers and the other with the malt beverage act, I want to say it has been erroneously reported in the newspapers to the effect that these two bills permit sales during week days until four o'clock, and sales on Saturday night until two o'clock Sunday morning. Such is not the case. I believe these two bills are simply a wee little bit of home rule. It is only, Mr. Speaker, through the legislative branches of city municipalities if they so desire to extend this time. Now the reason for the week-day extension is that possibly many of us have had the experience of New Year's Eve falling on Wednesday or Thursday with the result that if we do not extend the time the business is chased to other states. I honestly feel this is an opportunity for those city members who have not had the opportunity during this session to be given any legislation that would be in keeping with the majority of the people. It is safe to say that no council or no legislative branch of any municipality will extend these hours unless the majority of the people want them extended and I ask for your support on both these bills.

Mr. GATES. Mr. Speaker, I rise to oppose this bill, speaking for small towns such as the town I come from, Kittanning, where the councilmen are elected by the people without any remuneration, but rather serving from a patriotic sense of duty to the community. This bill would result in every election becoming a wet and dry fight in every small community in the state of Pennsylvania; men would not be elected according to their efficiency of service, but they would be elected to council according to whether they were wet or dry. It would be a continued wet and dry fight in every small town in the state of Pennsylvania and I think it would do away with what we now have. That is all I have to say.

Mr. HUNTLEY. Mr. Speaker, this bill and the one following it on the Calendar seems to be the same old bitter dose of medicine done up in a paper of different color.

The inevitable result of this bill is to desecrate the Sabbath day. Simply drinking liquor on that day does not desecrate it. The vice in this bill is the creating of a liquor business for Sunday. A business that is degrading and unworthy, a business that will turn Sunday morning into a time of sin and debauchery. Our jurisprudence is founded on the Ten Commandments. The Supreme Court has ruled that the United States is a Christian nation. This bill challenges both the Holy Bible and the Supreme Court. I call your attention to the Fourth Commandment which has become inherent in the American people. It admonishes you to "Remember the Sabbath day to keep it Holy because it is the day of the Lord thy God, who made it and blessed it and hallowed it." The desecration of the Sabbath day is morally wrong and whatever is morally wrong cannot be made legally right. This bill is false is principle. It is fraught with bad results. It should be defeated.

Mr. AUKER. Mr. Speaker, in rising to oppose these bills, I am rather surprised, you might say, at the nerve of the gentleman in bringing such bills to the House under the guise of home rule. Whether it is a little wee bit or a great lot, the liquor business, now, I believe, is on a pretty firm and well regulated basis under the State Liquor Control Board. These two bills, if passed, will throw the entire liquor supervision and regulation into hodge-podge. It would extend the provision possibly in some municipalities to close to two o'clock, some to three and some to four. Just how the Liquor Board is going to enforce the regulations in every municipality with the different closing hours is more than I am able to say.

Further, Mr. Speaker, I firmly believe if these bills are passed, it will open up our legislative bodies in our various cities and counties to political corruption such as this State has never seen. I am really surprised that the Liquor dealers come in and try to extend their business under such methods. I have warned them back home and I warn them publicly now, if they continue to pursue these methods they will find themselves out on a limb and the limb will be sawed off, and they will wonder why their business was taken away from them. These bills are no good, they can serve no useful purpose, and for that reason I trust the Members of the House will vote against these bills, and I ask my colleagues to do so.

Mr. O'BRIEN. Mr. Speaker, in answer to the gentleman from Blair, Mr. Auker, prior to the setting up of the Liquor Control Board there was a variance of closing hours in all municipalities, cities, boroughs, townships, and so forth.

Mr. Speaker, this bill was introduced by me, it was not at the request of any retail liquor dealers, and I honestly feel and sincerely feel, being a city member that there are many many violations on Saturday night closing time in the city of Philadelphia. It is a matter of record and many of the Members from Philadelphia can testify to that fact. This simply will permit the legislative bodies of those municipalities that are in favor of later closing hours, to extend the closing time. I am honestly astounded to hear any opposition to this bill, because I sincerely believe that the gentleman from Wayne, Mr. Dix, will be for this bill, inasmuch as this is the first bill that gives a little of the home rule we have heard so much about in this session.

Mr. DIX. Mr. Speaker, I thought the Member of the House understood my position on the question on home rule, but I certainly would not be for this bill with this wee little bit of home rule.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—45

Boles,	Gallagher,	Maxwell,	Regan,
Bradley,	Greenwood,	McGrath,	Rooney,
Breth,	Gryskewicz,	McLane,	Rose, S.,
Brunner, P. A	Harmuth,	Melchiorre,	Rosenfeld,
DiGenova,	Hersch,	Munley,	Scanlon,
Duffy,	Kenehan,	O'Brien,	Schwab,
Falkenstein,	Kline,	O'Dare,	Stank,
Finestone,	Kolankiewicz,	O'Mullen,	Vogt,
Finnerty,	Lee, E. A.,	O'Neill,	Weiss,
Fletcher,	Malloy,	Readinger,	Wolf,
Flynn,	Marks,	Reese, R. E.,	Woodring,
			Kilroy, Speaker.

NAYS—119

Achterman,	Elder,	Jefferson,	Reagan,
Auker,	Elliott,	Jones, G. E.,	Rhea,
Baker,	Ely,	Jones, P. N.,	Riley,
Balthaser,	Fisher,	Knoble,	Rose, W. E.,
Baugher,	Fiss,	Krise,	Royer,
Bentley,	Fleming,	Leisey,	Sarge,
Bentzel,	Foor,	Leonard,	Shaffer,
Boorse,	French,	Lesko,	Shepard,
Bower,	Gates,	Levy,	Simons,
Bretherick,	Gerard,	Leydic,	Sollenberger,
Brown,	Gillan,	Lichtenwalter,	Stambaugh,
Brunner, C. H.,	Gillette,	Longo,	Stine,
Burns,	Goodwin,	Lovett,	Stockham,
Burris,	Gross,	Lyons,	Tarr,
Cadwalader,	Gyger,	McClester,	Tate,
Chudoff,	Habbyshaw,	McDowell,	Taylor,
	Haberlen,	McFall,	Thompson, R. L.,
Cohen, M. M.,	Haines,	McIntosh,	Trout,
Cohen, R. E.	Hall,	McKinney,	Vincent,
Cook,	Hamilton,	McLanahan,	Wagner,
Cooper,	Hare,	McMillen,	Weingartner,
Cordier,	Harris,	McSurdy,	Welsh, M. J.,
Croop,	Heatherington,	Mihm,	Wilkinson,
Cullen,	Helm,	Modell,	Winner,
Dalrymple,	Herman,	Mooney,	Wood, L. H.,
Dennison,	Hewitt,	Moran,	Wood, N.,
Dix,	Hirsch,	Moul,	Woodside,
Dolon,	Holland,	Muir,	Wright,
D'Ortona,	Imbrie,	Polen,	Yeakel,
Early,	James,	Prosen,	Yester,
Eckels,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1455, as follows:

An Act to further amend clause two of section twenty-three of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for the collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" prohibiting sales of malt or brewed beverages during certain hours unless the legislative body of a city borough town or township is in favor of the same

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause two of section twenty-three of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1827) is hereby further amended to read as follows

Section 23 Unlawful Acts It shall be unlawful

* * * *

(II) For any hotel or eating place holding a retail dispenser's license or public service licensee or the servants agents or employes of such licensees to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday or between the hours of two o'clock antemeridian and seven o'clock antemeridian of any week day unless the council of the city borough or incorporated town or the commissioners or supervisors of the township shall by ordinance or resolution designate approval of the sale of trading or bar-

tering in malt or brewed beverages during an additional period of two hours immediately following the hour hereinabove specified as the hour after which it is unlawful to sell trade or barter in malt or brewed beverages in which event hotels and eating places holding a retail dispenser's license and public service licensees may continue to sell trade or barter in malt or brewed beverages in such city town or township during such additional period of two hours on any day or days designated in the ordinance or resolution

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—38

Boles,	Gallagher,	McSurdy,	Readinger,
Bradley,	Gryskewicz,	Melchiorre,	Regan,
Breth,	Harmuth,	Monks,	Rosenfeld,
Brunner, P. A.,	Hersch,	Munley,	Stank,
Croop,	Kenehan,	O'Brien,	Vogt,
DiGenova,	Kolankiewicz,	O'Mullen,	Weiss,
Finestone,	Malloy,	O'Neill,	Welsh, E. B.,
Finnerty,	Marks,	Petrosky,	Woodring,
Fletcher,	Maxwell,	Polaski,	Kilroy,
Flynn,	McGrath,	Reese, R. E.,	Speaker.

NAYS—109

Achterman,	Fies,	Jones, P. N.,	Reynolds,
Allmond,	Fleming,	K[illegible]dle,	Rhea,
Auker,	Foor,	Krise,	Riley,
Baker,	French,	Lee, T. H.,	Rooney,
Balthaser,	Gates,	Lesko,	Rose, S.,
Baugher,	Gerard,	Levy,	Rose, W. E.,
Bentley,	Gillan,	Leydic,	Royer,
Bentzel,	Gillette,	Longo,	Sarge,
Boorse,	Goodwin,	Lyons,	Serrill,
Bower,	Gross,	McClester,	Shepard,
Bretherick,	Gyger,	McDowell,	Simons,
Brown,	Habbyshaw,	McFall,	Sollenberger,
Brunner, C. H.,	Haberlen,	McIntosh,	Sorg,
Burns,	Haines,	McKinney,	Stine,
Burris,	Hall,	McLanahan,	Stockham,
Cadwalader,	Hamilton,	McMillen,	Tarr,
Chudoff,	Hare,	Modell,	Taylor,
Cohen, M. M.,	Harkins,	Mooney,	Thompson, R. L.,
Cohen, R. E.,	Harris,	Moran,	Trout,
Cooper,	Heatherington,	Moul,	VanAllsburg,
Dennison,	Helm,	Muir,	Verona,
Dix,	Herman,	Pettit,	Vincent,
Dolon,	Hewitt,	Polen,	Wagner,
Early	Holland,	Prosen,	Weingartner,
Eckels,	Imbrie,	Rank,	Wilkinson,
Eder,	James,	Reagan,	Wood, L. H.,
Fisher,	Jones, G. E.,	Reese, D. P.,	Wood, N.,
			Woodside,

Less than the majority required by the Constitution having voted in the negative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1524, as follows:

An Act to amend section one of the act approved the first day of May one thousand nine hundred and forty-one (Act No. 17) entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school districts (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof" eliminating the provision authorizing the rejection of the provisions of the act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the first day of May one thousand nine hundred and forty-one (Act No. 17) entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof" is hereby amended to read as follows

Section 1 All penalties and interest imposed on unpaid delinquent county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except counties of the second class) taxes for the tax year one thousand nine hundred and forty and all previous years assessed and levied against any parcel or parcels of real estate are hereby abated without the necessity of further action by the authority levying the tax if the unpaid delinquent taxes are paid as hereinafter provided [unless the authority levying the tax shall have notified the county treasurer within thirty days after this act becomes effective that the taxing authority has rejected by a majority vote the provisions of this act]

In order to receive the benefits of the installment system of payment provided by this act twenty per centum or more of the unpaid delinquent taxes due for the year one thousand nine hundred and forty and for all previous years shall be paid on or before the first day of November one thousand nine hundred and forty-one twenty per centum or more on or before the first day of November one thousand nine hundred and forty-two twenty per centum or more on or before the first day of November one thousand nine hundred and forty-three twenty per centum or more on or before the first day of November one thousand nine hundred and forty-four and the unpaid balance on or before the first day of November one thousand nine hundred and forty-five Provided That the taxes on such parcel or parcels of real estate levied for the year one thousand nine hundred and forty-one together with any interest and penalties due thereon shall be paid on or before the first day of November one thousand nine hundred and forty-one And provided further That the respective current taxes on such parcel or parcels of real estate levied for the years subsequent to the year one thousand nine hundred and forty-one during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purpose of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event the total amount of the abated penalties and interest shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. AUKER. Mr. Speaker, I am very sorry that this

bill has reached the floor of the House. This bill merely amends the bill that was recently passed by both Houses and signed by the Governor, allowing various municipalities of the State to say whether or not they will abate the penalties and interest on unpaid taxes. That bill passed the House and passed the Senate without any opposition, because it left to the various municipalities to say whether or not they would come under the provisions of the act. In other words, each municipality in the State knows best its own economic condition. They know best whether the people in each local tax division can or have been able to pay their taxes, and vice versa; other municipalities in the Commonwealth know best whether or not due to economic conditions the people have been able to pay their taxes. It was due to that fact, I think, more than anything else, that the previous act was a "may" measure that it passed this House without much trouble. Now we come along with another bill two weeks after that bill became law and amend it and say we must do it. It is against every home rule principal that can possibly be imagined, and I think it is a very bad breach of faith when we come along with this amendment and try to force it down the throats of the various municipalities. It is very bad law and we have no right as I said before to sit here as legislators and pass mandatory laws saying to the various municipalities of Pennsylvania, "You don't know anything about your local economic conditions. We know better down here and we are going to tell you what you must do." If we are going to persist in this kind of legislation, we might as well do away with all the municipal and local government of Pennsylvania, and just throw the whole thing into a State wide government. I, therefore, ask the Members of the House to vote down this bill as being a bad piece of legislaion.

Mr. ACHTERMAN IN THE CHAIR

Mr. WEISS. Mr. Speaker, in answer to the gentleman from Blair, Mr. Auker, I wish to say it was very necessary that the bill was passed the way it was that particular time in order to save many of the homes in the local communities. That bill was not as good a bill as we wanted to pass in the first place, but half a loaf at the time was better than none at all, and in order to save all those homes we passed such a law.

We believe the taxpayers and the home owners all over the state of Pennsylvania are entitled to justice from legislative bodies of different types in the various counties who take it upon themselves without finding out the economic conditions of the various taxpayers and say to them "You shall not take advantage of this tax abatement." Should you ask any of these home owners whether or not they were in favor of this abatement, I venture to say that practically every one of them would be in favor of this mandatory provision of tax abatement.

To show you, Members of the House this is not confined solely to this side of the House I wish to read a letter I have received from a very strong Republican in Grove City, an attorney by the name of Mr. McBride. Mr. McBride writes as follows:

"I am pleased to note that you are sponsoring a bill making the tax abatement provisions in the Dent Tax Abatement Act compulsory.

'I know of two municipalities that, without waiting for a copy of the act itself and without giving any persons opportunity to be heard, passed resolutions rejecting the optional provision of the Dent act. Tax collectors apparently don't like the provisions and fail to realize the immense good these Tax Abatement Acts have done in the past. I firmly believe that the taxables of the state are entitled to at least one more Tax Abatement Act which will give them ample opportunity to make payment by November 1st. Such ample opportunity was not given, as I recall, at the last Tax Abatement Act.

"I am a Republican and am sorry to see the sentiment of the Republican members opposed to tax abatement legislation. Apparently they just don't understand. Representing lenders and borrowers alike, I know that tax abatement legislation as set forth in the Dent Bill is wise and I think it should even be compulsory this time.

"If your time will permit, I would appreciate advice from you of the chances of passage of the bill sponsored by you and Representative Munley of Lackawanna County."

Mr. Speaker, this is not the only letter I have received. I have also received a number of letters from strong Republican districts in which they say they would like to see this particular act made mandatory, and if there ever was a time for the various taxpayers and small home owners to save the various penalties and interest, this is the time. As I have previously mentioned, due to the National Defense program, money is coming into the hands of a lot of home owners who never before had as good an opportunity to take advantage of this provision as they do now. Now that this money is coming into their hands, they are willing and would be glad to pay the taxes, but the shortsighted councilmen tell them, "No, you cannot take advantage of this particular thing." I think it is high time that we tell these shortsighted councilmen or school board members or county commissioners, if you please, "You must do this for the benefit of the small home owners."

I, therefore, ask the members of the House to support this bill.

Mr. WALTER E. ROSE. Mr. Speaker, I do not want to be put into the position by the previous speaker of being called on to oppose tax abatement legislation. I was a co-sponsor of a bill in the 1939 session which was similar to the one passed earlier in this session, allowing the option to the various municiplaities of rejecting the act. I also voted for these bills as we had them before, but I am not in favor of this bill for this reason; It is all right to say that a number of people now have money to pay taxes, which they could not pay before; it is all right to say that we are happy to help these people out, but a number of these municipalities are finding out that is not so. People who are taking advantage of this tax abatement act now, are in a number of instances monied people who come in and buy the homes which people have had to give up on account of their overburdening taxes. You might call them scavengers or vultures. They have lain back until the people lose their homes and then come in under the tax abatement act and attempt to pay less on the face of the tax and the penalties as they stand. They are not persons who are handicapped by inability to pay, but they are people who have deliberately lain back and have bought these homes when the peope had to give them up. These vultures are not entitled to the advantages of the tax abatement act, and if any municipality has rejected or intends to reject the provisions of the present act, we should uphold them in their power to do so. I think this act making it mandatory is a bad step, and is a backward step from the progressive legisla-

tion we have had. I oppose the bill and I ask the other Members of the House to oppose it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—99

Achterman,	Gryskewicz,	McClanaghan,	Rhea,
Ailmond,	Haberlen,	McFall,	Riley,
Baker,	Harkins,	McGrath,	Rooney,
Balthaser,	Harmuth,	McLanahan,	Rose, S.,
Bentzel,	Heatherington,	McLane,	Rosenfeld,
Boles,	Hering,	McSurdy,	Rush,
Bower,	Herman,	Mihm,	Schwab,
Bradley,	Hersch,	Modell,	Shepard,
Breth,	Hirsch,	Monks,	Stank,
Brunner, P. A.,	Holland,	Mooney,	Tarr,
Burns,	Jefferson,	Moran,	Tate,
Burris,	Jones, P. N.,	Munley,	Thompson, E. F.,
Cohen, M. M.,	Kenehan,	Nunemacher,	Vogt,
Cordier,	Kline,	O'Brien,	Voldow,
Corrigan,	Knoble,	O'Neill,	Watkins,
Cullen,	Kolankiewicz,	Owens,	Weiss,
DiGenova,	Komorofski,	Petrosky,	Welsh, E. B.,
Dolon,	Krise,	Pettit,	Welsh, M. J.,
Duffy,	Leonard,	Polaski,	Williams,
Early,	Lesko,	Polen,	Woodring,
Falkenstein,	Longo,	Powers,	Wright,
Finestone,	Lovett,	Prosen,	Yester,
French,	Malloy,	Reese, R. E.,	Young,
Gallagher,	Marks,	Regan,	Kilroy,
Gerard,	Maxwell,	Reynolds,	Speaker.

NAYS—49

Auker,	Habbyshaw,	Lyons,	Sorg,
Bretherick,	Haines,	McClester,	Stine,
Brunner, C. H.,	Hall,	McDowell,	Stockham,
Dennison,	Hare,	McIntosh,	Taylor,
Eckels,	Helm,	McKinney,	Thompson, R. L.,
Elder,	Hewitt,	McMillen,	Trout,
Fiss,	Imbrie,	O'Dare,	Voorhees,
Fletcher,	James,	Rank,	Wagner,
Foor,	Lee, E. A.,	Readinger,	Weingartner,
Gillan,	Lee, T. H.,	Reagan,	Wolf,
Greenwood,	Leydic,	Rose, W. E.,	Wood, N.,
Gross,	Lichtenwalter,	Royer,	Woodside,
		Serrill,	Yeakel,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Monroe, Mr. Achterman, for presiding.

28TH WARD DEMOCRATIC ASSOCIATION OF PHILADELPHIA WELCOMED

The SPEAKER. The Chair welcomes to the House today the Ladies Auxiliary of the 28th Ward Democratic Association of Philadephia. The ladies are the guest of the gentleman from Philadelphia, Mr. Rooney.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE, asked and obtained unanimous consent to address the House.

Mr. Speaker, the Legislative Journal has been filled with remarks by the gentleman from Monroe, Mr. Achterman, the gentleman from Philadelphia, Mr. Levy, the gentleman from Wayne, Mr. Dix, the gentleman from Delaware, Mr. Turner, and the gentleman from Dauphin, Mr. Woodside, and a lot of others who have made a lot of remarks in this House, which I do not think will be of much benefit to anybody in the future nor that anybody will get very much pleasure in reading. There have also been a number of bills introduced which are printed in the Legislative Journal, many of which were introduced by the gentlemen on the other side, as well as by gentlemen from this side, which we complain about, and many of which were introduced by the gentlemen on the other side, which we are very glad were not introduced from this side.

I think today something has been done which is well worth putting in the Journal that those few people who refer to it will find entertaining, amusing and beneficial. I received something in my mail box this morning which I would like to present to the Chair for printing in the Legislative Journal in about the form it is her. I am referring to House Bill 1275½, Printers No. 463½ by Ben James. I think it would be a good idea if the gentleman from Delaware, Mr. James, would sing the song or at least recite the poem for the benefit of the House. I at least might send to the desk with the request that the Chair direct it to be printed at length in the Legislative Journal.

The SPEAKER. If the gentleman from Delaware refuses to sing the song the Chair would request the gentleman from Dauphin, Mr. Woodside, to sing it. Will the gentleman from Delaware, Mr. James, sing the song?

Session of 1941

The General Assembly of Pennsylvania

HOUSE BILL 1275½, PRINTERS NO. 463½

By Ben James

1

We sing a song of our rolling hills,
—of sylvan dells and tumbling rills,
—of buckwheat bloom in the evening zephyr
And the milk prospects of a Woodring heifer.

CHORUS

Sing to the Senate, sing to the House,
Sing to the circumspect, sing to the 'souse';
Sing to the prophets, sing by heck!
Sing for the day of that last pay check!

2

We sing a song of our gorgeous skies,
—of birds and bees and butterflies,
—of the charm of moonlit rural lands,
And the unfair labor of schoolboy bands!

(Repeat Chorus)

3

We sing of the wilds where dwells the bear,
—of lush low meadows—of the timid hare,
—of the dove at morn and his mating wail,
And the Duke of Montgomery's horse's tail!

(Repeat Chorus)

4

We sing of the brook and the wary trout,
—of trees and flowers and wild life about,
—of deer in the stills and frogs in the cane,
And a long demonstration of Dix, of Wayne!

(Repeat Chorus)

5

We sing of our mines and farms and mills,
—of heroes and statesmen and authors of Bills,
—of patriots, school teachers, distillers and such,
And the fabulous wisdom of Sarge (spoke in Dutch).
(Repeat Chorus)

6

We sing of our homes in a State so blest
—of the helpmeet bidding us come—and rest,
—of the dreamy bliss of the old fireside,
And the value and worth of a floor-leader's hide!
(Repeat Chorus)

7

We sing of our votes—unbossed and true,
—of matters pertaining to State revenue,
—of Budgets and other political confections,
And how we'll be tagged in future elections!
(Don't Repeat Chorus)

(There may not be any more checks)

This Act shall become effective as soon as a co-sponsor can be found who can contribute a tune and 50 cents to cover expenses.

Mr. JAMES. Mr. Speaker, if those of you who have House Bill 1275½, will refer to the last line of the sheet, you will find there is a very good reason why I or nobody else has sung the song up to the present time. That line reads as follows:

"This act shall become effective as soon as a co-sponsor can be found who can contribute a tune and fifty cents to cover expenses."

However, Mr. Speaker, I feel very much flattered and pleased with the notice that has been given this little effort. I am particularly pleased that since these sheets have been out, there has not been a single case that has come to my notice where any person or any Member has taken umbrage, or has been hurt in any single line in my effort. I am pleased to think that the House, particularly the Chair, was willing to interrupt the regular order of business to take notice of this poor little effort of mine. I thank you.

The SPEAKER. Is there a singer in the House?

Mr. OWENS. Mr. Speaker, Mr. James' poem or song was fine, but I do disagree with him, in fact very vitally, because I am a Union printer and this does not have on it a union label.

The SPEAKER. The Chair hates to interrupt the gentleman from Philadelphia in his slumber, but the Chair would like to have the gentleman from Philadelphia Mr. Shepard, sing the song.

Mr. SHEPARD. I thought I heard the Speaker sing in my sleep. That is the thing that aroused me. I will agree to sing the song if the Speaker will join in with me.

Mr. O'BRIEN. Mr. Speaker, if the gentleman from Delaware, Mr. James, will waive that fifty cent item, I think we may be able to prevail upon the gentleman from Lackawanna, Mr. Munley, to provide the music because he is a celebrated musician.

Mr. DIX. Mr. Speaker, I did not intend to add anything to the amusement of the House, but last night after receiving this little effort of the gentleman from Delaware, I sat down and replied to the gentleman from Delaware, and with your permission I would just like to read a few lines in reply. I had no intention of doing this until Mr. Woodside opened up this situation. My little effort in reply to the gentleman from Delaware, Mr. James, is as follows

SESSION OF 1941½

The General Assembly of Pennsylvania
Harrisburg

No. 23 Skidoo HOUSE BILL Printer's No. 0000

(A Parody, not a Plagiarization, for Imitation is the Sincerest Flattery. With Apologies to Benjamin James, Gentlem n from Delaware)

(By Irving Sidney Dix. Poet of the Poconos).

We sing a song of our rolling Bills
—that the Legislative hopper fills
—that clog the Senate and clog the House.
Till some are dead as an old church mouse.

CHORUS

Sing to the Speaker, sing to the Chair,
Sing to the Governor and the old gray mare;
Sing to the prophet of the Pocono,
Gentleman Leo, the man from Monroe.

We sing a song of the good and wise,
—of laws and legislative lies
—of the harm committed in these Halls
When Legislature stalls and stalls.

We sing of the pretty dancing dames
—of the poetry of Benjamin James,
—of freedom by our Homer Brown,
That brings the Assembly much renoun.
(Don't repeat Chorus)

We sing to the wisdom of Editor Trout,
—of Philadelphia's Levy, who likes to shout,
—of Woodside, the man with the iron will,
And the Democrat "who stole my Bill."

We sing of the rural Legislator
—of Elwood Turner, the great debater,
—of liquor control, of trade and barter,
Of Home Rule and the City Charter.
(Don't repeat Chorus)

We sing the song of the wonderful State,
—of the liberties of which we prate,
—of teachers' pay and minimum wages,
And maximum labor for the House pages.

We sing of our ancient right to vote,
—of Bills and Budgets of various note.
—of all these matters of State we sing,
For songs in the House will forever ring.

Note: This act and song should not be effective until read in the Hall of the House Three Times on Three Different Days, Passed by the House and Senate and Vetoed By the Governor.

The SPEAKER. I do not believe the gentleman had anything in his contribution about the singing of the wood burner.

Mr. LEVY. I move that the able remarks of the gentleman from Wayne, Mr. Dix, be spread upon the Journal.

The SPEAKER. They are already on the Journal.

Mr. AUKER. Mr. Speaker, I have always had a great deal of respect for the Speaker as being a good Irishman who would not take a dare or a challenge. Now, he has been given a dare and a challange to sing this song, by Reverend Shepard. I am just wondering if the

Speaker of the House is going to fall from grace and let that dare and challenge go uncontested.

The SPEAKER. Down goes the Speaker.

Mr. TURNER. Mr. Speaker, at this point somebody ought to say what the parson sometimes says, "God save the Commonwealth".

Mr. REUBEN E. COHEN. Mr. Speaker, I would like to know from the gentleman from Wayne, Mr. Dix, what City No. 8½ has to say about the poem?

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHAFFER asked and obtained permission for the Committee on Congressional and Judicial Apportionment to meet during the session of the House.

PROCEEDINGS EXPUNGED

Mr. ACHTERMAN. Mr. Speaker, I ask unanimous consent to the House to make a motion at this time.

The SPEAKER. The gentleman from Monroe asks unanimous consent of the House to make a motion at this time. The Chair hears no objection and consent is granted.

Mr. ACHTERMAN. Mr. Speaker, I move that all of the proceedings under Senate Bill No. 507 be expunged from the record and the bill returned to Committee.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Walter E. Rose for Mr. O'CONNOR for today's session on account of illness.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1459, as follows:

An Act to enable the county commissioners of counties of the first second and third classes to establish by resolution the requirements of responsible bdiders for county printing and to repeal all acts and parts of acts inconsistent with the provisions of this act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The commissioners of any county of the first second and third classes may by proper resolution require that printing firms who are desirous of presenting bids for county printing shall be required to establish consideration as responsible bidders as follows

(a) That the printing shall be done within the county

(b) That the printing firms shall file with the chief clerk of the county commissioners a sworn statement to the effect that employes in the employ of the firm or firms which are to produce such printing are receiving the prevailing wage rate and are working under conditions prevalent in the locality in which the work is produced

(c) That a collective bargaining agreement shall be in effect between an employer and employes who are represented by a responsible organization which is in no way influenced or controlled by the management

(d) That in case any dispute arises as to what is the prevailing rate of wages for such work applicable to the contract which cannot be adjusted by the county commissioners the matter shall be referred to the county salary board and its decision thereon shall be conclusive

Section 2 The provisions of this act shall become effective immediately upon final enactment

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JAMES. Mr. Speaker, I dislike to appear to disagree with the reason that underlies this bill. We have had before us, I believe legislation of a similar character pertaining especially to printing in the state or border states and printing for cities, and with those ideas I am in hearty accord. I am in hearty accord too, with the situation that has been written into these measures which provide that the printing done at public expense shall be done under agreements, where a part of the provision is that the contractor shall have a collective bargaining agreement with employes. I wish not to be misunderstood in this matter. I have no objections whatever to the labor feature that is written into these bills which requires that the contract shall be made with those printing concerns who have collective bargaining agreements.

However, in the case of counties the situation differs very materially from what it is in the matter of state-wide printing or in municipalities for municipal printing. In the first place, the printing industry, except in large centers, is a very small industry indeed. I have no doubt that there are counties within the Commonwealth requiring printing, and in those counties by reasons of the small demand for printing, the local printer may be what we commonly call a "one man shop." In other words, it is not uncommon in small counties, and indeed in some fairly large centers, to find that the only printer has but one employe besides himself. I feel if this measure went through, it would very seriously handicap the counties in arranging for their printing because on the one hand, the bill tries to induce the placing of the county business within the county, which is highly proper, but on the other hand it would probably exclude the only printer in the county from sharing in that business if he happened to have a small one man plant. I believe honestly the sponsors of this bill had a very meritorious thought concerning the provisions in connection with this bill, and I think the bill is very well meant. However, I do believe in the case of the counties it would work greater harm than good. If it was found, that the only printer in the county, a man, who by all measurements is entitled to the work of the county, did not provide for collective bargaining agreement, or complied with labor requirements of the act then there would be no alternative but that the county commissioners make a contract with some printing concern outside of that community. I believe with the measure approved with respect to state-wide printing, with which I am in hearty accord, and with the printing of municipalities, we have gone as far as we can go to carry out the purpose of the broad underlying purpose of this measure. I regretfully will have to vote against this bill.

Mr. LEONARD. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. James.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. JAMES. I shall, Mr. Speaker.

Mr. LEONARD. Mr. Speaker, I would like to ask the gentleman from Delaware, how he voted on House Bill 1458.

Mr. JAMES. Mr. Speaker, I voted "aye" on House Bill 1458.

Mr. LEONARD. The gentleman voted in favor of that bill?

Mr. JAMES. Oh, yes, Mr. Speaker.

Mr. LEONARD. That is all. I thank the gentleman from Delaware.

Mr. Speaker, this is a companion bill to House Bill 1458 which was passed by this House and sent over to the Senate. Both of these bills come from the printing industry. The Allied Printing Trades of Pittsburgh, Philadelphia and Harrisburg endorsed; endorsed by the Pittsburgh Central Labor Unions and the Pennsylvania State Federation of Labor. That represents the side of the workers who are responsible for the introduction of these bills.

Now, for the employer's side I want to read to you a resolution sent to me by the Union Employing Printer's Association of Pittsburgh. This resolution reads as follows:

"Whereas, House Bills 1458 and 1459, now before the General Assembly of Pennsylvania, would authorize the City of Pittsburgh and the County of Allegheny to require that all printing ordered by the City and County shall be done by printers located within Allegheny County who pay "the prevailing wage rate" and who operate under collective bargaining agreements with their employes; and,

"Whereas, A deplorable situation now exists among the printers in the City of Pittsburgh and Allegheny County, by reason of the fact that out-of-town concerns, sometimes located in far distant cities, are coming into said City and County and carrying away printing orders at cut-throat prices with resultant injury to the local printing concerns who support the City of Pittsburgh and County of Allegheny through the payment of tax moneys into the City and County treasuries; therefore,

"Be It Resolved, That the officers of the Union Employing Printers' Association of Pittsburgh, at a meeting held this sixth day of May, 1941, do hereby endorse House Bills 1458 and 1459, and urge the members of the General Assembly to enact this legislation; and,

"Be It Further Resolved, That copies of this Resolution be sent to the Speaker of the House of Representatives and to the members of the several committees to which said Bills were referred, with the request that the Bills be favorably reported, and that suitable action be taken to place them upon the statute books of the Commonwealth."

Mr. Speaker, all concerned, who are affected by these bills, are for the bills. This is one time that the employers and the employes, through their union, are agreeable for their own preservation that bills of this kind should become law. I cannot understand why we should oppose measures that would protect our own community. Pittsburgh or Philadelphia or Harrisburg or any other community in my opinion should be privileged to let their printing in the way they want it done, to people who pay taxes in that community and not go out of the county or city, and especially out of the State, where wages are low and they are able to underbid the scale agreement that the union printers have in their agreements in their respective cities where this printing is to be done and for whom the printing is being done.

That is my reason for supporting this bill and I ask the House to support this bill the same as they supported House Bill 1458.

Mr. JAMES. Mr. Speaker, I am afraid that my previous argument on this bill has been misunderstood. Mr. Leonard, the last speaker, has just indicated he believes we should enact laws here that will protect communities and the people in those communities who pay taxes to the community, and in all that I heartily agree.

The remark made by the gentleman from the city of Pittsburgh simply reiterates what I said a little while ago, to the effect that in the big centers this sort of measure is fine, and I heartily agree with it. My contention is, however, that this bill relating as it does to counties, will definitely change the county work of some of the small counties and put it out of the hands of perhaps of the one little printer in that county, because if that printer cannot comply with all the provisions of the act, he cannot be the successful bidder for the printing of that county.

I believe thoroughly we should take measures to keep every bit of printing that originates in the state of Pennsylvania within the geographical limits of this state, and that all of this printing should go to the printers within this state. With all those things I am in hearty accord. I am in hearty accord with the labor side of this question. On personal privilege I happen to be a printer. I have no interest in state or county printing. I do not do that kind of printing. I don't want to do it. But I do know that there are quite a bit of chiseling tactics employed in the printing industry that we should do something to abolish. All of those things are with me matters of the heart, and I agree with them thoroughly, but I do not want to see legislation enacted here that will defeat one of the principal purposes that the people who have this legislation in mind must have thought of and that is keeping the printing requirements within the subdivision in which they originate. They could not be kept within the small county if within that county there was but one little printer who could not qualify with all of the provisions of this act.

Therefore, Mr. Speaker, I think that this bill relating to counties defeats the very purpose and the larger aspects of the whole question.

Mr. LEONARD. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. James.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. JAMES. I shall, Mr. Speaker.

Mr. LEONARD. Mr. Speaker, will the gentleman from Delaware explain to the House the difference between House Bill 1458 and House Bill 1459?

Mr. JAMES. Mr. Speaker they relate to two different types of political divisions.

Mr. LEONARD. Mr. Speaker, will the gentleman from Delaware interpret the first two lines of section one.——

Mr. JAMES. Mr. Speaker, if the gentleman will permit me to look at the bill, I will.

Mr. LEONARD. Mr. Speaker, I will read it for the gentleman.

Mr. JAMES. No, Mr. Speaker, I have the bill here. "The Commissioners of any counties of the first, second or third class may by proper resolution——"

Mr. LEONARD. That is enough Mr. Speaker, how does the gentleman interpret that?

Mr. JAMES. Mr. Speaker, I interpret that this is a "may" bill and they may or may not.

Mr. LEONARD. That is all, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—127

Achterman,	Gallagher,	McClanaghan,	Royer,
Allmond,	Gates,	McFall,	Rush,
Baker,	Gerard,	McGrath,	Schwab,
Balthaser,	Goodwin,	McKinney,	Shaffer,
Bentzel,	Greenwood,	McLanahan,	Shaw,
Boles,	Gryskewicz,	McLane,	Shepard,
Boney,	Haberlen,	McSurdy,	Simons,
Bradley,	Haines,	Melchiorre,	Stockham,
Brown,	Hamilton,	Modell,	Tarr,
Brunner, P. A.,	Harmuth,	Monks,	Tate,
Burns,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E.,
Cohen, M. M.,	Hering,	Moul,	Thompson, R.,
Cohen, R. E.,	Hersch,	Muir,	Trout,
Cordier,	Holland,	Munley,	Van Allsburg,
Corrigan,	Huntley,	Nunemacher,	Verona,
Croop,	Jefferson,	O'Brien,	Vincent,
Cullen,	Keenan,	O'Dare,	Vogt,
Dalrymple,	Kenehan,	O'Mullen,	Voldow,
DiGenova,	Kline,	Owens,	Watkins,
Dolon,	Kolankiewicz,	Petrosky,	Weiss,
Duffy,	Komorofski,	Polaski,	Welsh, E. B.,
Early,	Krise,	Polen,	Welsh, M. J.,
Elder,	Leonard,	Powers,	Williams,
Elliott,	Lesko,	Prosen,	Wolf,
Falkenstein,	Levy,	Readinger,	Woodring,
Finestone,	Leydic,	Reese, R. E.,	Wright,
Finnerty,	Longo,	Regan,	Yeakel,
Fleming,	Lovett,	Rhea,	Yester,
Fletcher,	Malloy,	Rooney,	Young,
Flynn,	Marks,	Rose, S.,	Kilroy,
French,	Maxwell,	Rosenfeld,	Speaker.

NAYS—12

Auker,	Foor,	James,	Riley,
Bretherick,	Gross,	McMillen,	Rose, W. E.,
Dix,	Gyger,	Rank,	Snyder,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 11, as follows:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth establishing the "Pennsylvania Board of Parole" conferring and defining its jurisdiction duties powers and functions including the supervision of persons placed upon probation in certain designated cases providing for the method of appointment of its members regulating the appointment removal and discharge of its officers clerks and employes dividing the Commonwealth into administrative districts for purposes of parole fixing the salaries of members of the board and of certain other officers and employes thereof making violations of certain provisions of this act misdemeanors providing penalties therefor and for other cognate purposes and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The value of parole as a disciplinary and corrective influence and process is hereby recognized and it is declared to be the public policy of this Commonwealth that persons subject or sentenced to imprisonment for crime shall on release therefrom be subjected to a period of parole during which their rehabilitation adjustment and restoration to social and economic life and activities shall be aided and facilitated by guidance and supervision under a competent and efficient parole administration and to that end it is the intent of this act to create a uniform and exclusive system for the administration of parole in this Commonwealth

Section 2 There shall be and there is hereby established an independent administrative board for the administration of the parole laws of this Commonwealth which shall be known as the "Pennsylvania Board of Parole" and which is hereinafter referred to as the "board" Said board shall consist of five members who shall be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate and each of whom shall hold office for a term of four years or until his successor shall have been duly appointed and qualified Provided however That in making the first appointments to said board two members shall be appointed for terms of two years each and three members shall be appointed for terms of four years each Vacancies occurring in an office of member of the board by expiration of term death resignation removal or for any other reason shall be filled in the manner aforesaid for a full term of four years Provided however That in filling vacancies on said board if the appointment of such person or persons for four years will result in the terms of more than three of the members expiring in the same calendar year then the Governor by and with the advice and consent of two-thirds of all the members of the Senate shall make such appointment for an additional period of one year

Subject to the provisions of this act the board shall have all the powers and shall perform the duties generaly vested in and imposed upon independent administrative boards and commissions by the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) designated as "The Administrative Code of 1929" and its amendments and shall be subject to all the provisions of such code which apply generaly to independent administrative boards and commissions

Section 3 The Governor shall from time to time as the occasion may arise designate one of the members of the board to be its chairman who shall preside at all meetings of the board and perform all the duties and functions of chairman thereof The board may designate one of its members to act as chairman during the absence or incapacity of the chairman and when so acting the member so designated shall have and perform all the powers and duties of chairman of the board but shall not receive any additional compensation for so acting

Section 4 A majority of the board shall constitute a quorum for transacting business and except as hereinafter otherwise provided a majority vote of those present at any meeting shall be sufficient for any official action taken by the board No person shall be paroled discharged from parole or the parole of any person revoked except by a majority of the entire membership of the board

Section 5 The chairman of the board shall receive a salary of ten thousand five hundred dollars ($10,500) per annum and each of the other members of the board shall receive a salary of ten thousand dollars ($10,000) per annum

Section 6 The members of the board shall not hold any other public office or employment nor engage in any business profession or employment during their terms of service as members thereof and shall hold their offices during the terms for which they shall have been appointed if they shall so long behave themselves well A member of the board may be removed by the Governor by and with the advice and consent of two thirds of all the members of the Senate During a recess of the Senate the Governor may suspend a member of the board for cause and before suspension he shall furnish to such member a statement in writing of the reasons for his proposed suspension and such suspension shall operate and be effective only until the adjournment of the next session of the Senate following such suspension.

Section 7 As soon as may be convenient after their appointment the members of the Board of Parole shall meet and organize They shall appoint a secretary who shall not be a member of the board who shall hold office at their pleasure who shall have such powers and perform such duties not inconsistent with any law of this Commonwealth as the board shall prescribe and who shall receive such compensation as the board shall determine In the absence or incapacity of the secretary to act the board may designate such other person as it may choose to perform temporarily the duties of secretary

Section 8 The board shall adopt an official seal by which its acts and proceedings shall be authenticated and of which the courts shall take judicial notice The certificate of the chairman of the board under the seal of the board and attested by the secretary shall be accepted in evidence in any judicial proceeding in any court of this Commonwealth as adequate and sufficient proof of the acts and proceedings of the board therein certified to

Section 9 There shall be a General Director of Parole who shall be appointed by and hold office during the pleasure of the board The General Director of Parole shall receive a salary to be fixed by the board not exceeding seven thousand five hundred dollars ($7,500) per annum together with such necessary expenses actually incurred by him in the discharge of his duties and as may be authorized and approved by the board The said General Director of Parole shall subject to the direction and approval of the board have supervision and control of all district parole offices supervisors and agents and generally be the executive head and director of the administration of parole in this Commonwealth

Section 10 The principal office of the board and of the General Director of Parole shall be in Harrisburg and the board shall appoint and employ therein such number and character of officers agents clerks stenographers and employes as may be necessary to carry out the purposes of this act The salaries of persons so appointed and employed by the board shall be fixed by the board The board shall divide the Commonwealth for administrative purposes into a suitable number of districts not to exceed ten in each of which there shall be a district office which shall have immediate charge of the supervision of cases of parole arising in the courts of the judicial districts embraced within its territorial limits but as occasion may require the supervision of particular parolees may be transferred by the board to other appropriate parole districts

The board shall fix and determine the location of the various district offices within their respective districts having regard to local conditions in each district and to the most convenient and efficient functioning of the office therein established and at each of the locations so fixed and determined shall provide such office accommodations furniture equipment and supplies as may be reasonably suitable and adequate for the proper handling and dispatch of the parole business of the district and to this end the board is hereby authorized and empowered to enter into contracts on behalf of the Commonwealth for such office accommodations furniture equipment and supplies aforesaid through the Department of Property and Supplies

Section 11 Each district parole office shall be in charge of a district supervisor who shall be appointed by the board as hereinafter provided and who shall receive such annual salary not exceeding five thousand dollars ($5,000) as the board shall determine Said district supervisor shall be the executive head of the district office to which he shall be appointed and shall have the control management and direction of all employes of the board assigned to said district subject to the supervision of the Director General of Parole as aforesaid

Section 12 The board shall appoint in the various district offices a sufficient number of parole officers clerks stenographers and other agents and employes to fully and efficiently administer the parole laws of this Commonwealth but no employe of the board other than its secretary and its General Director of Parole shall be appointed by the board except in the manner hereinafter provided The salaries of such appointees as aforesaid shall be fixed by the board It shall be the duty of the board from time to time by appropriate rule or regulation to prescribe the qualifications to be possessed by its appointees Said qualifications shall be such as will best promote the efficient operations of parole

Section 13 The board shall from time to time as may be necessary prepare and conduct or cause to be prepared and conducted free competitive examinations for all positions to which it shall have power to appoint except that of the General Director of Parole and of the secretary of the board Said examinations shall be practical in character and so far as may be possible shall fairly test the relative capacity and fitness of the applicants to discharge the duties of the service into which they seek to be appointed but no applicant for appointment shall be excluded from the examinations conducted by the board for political racial or religious reasons or because of a lack of previous scholastic education or special training or experience Provided however That in grading applicants the board may give fair credit for previous education training and experience Written examinations shall be so conducted that the identity of those taking the same shall be unknown to the examiners

Section 14 From the examinations conducted as hereinbefore provided the board shall compile lists of eligibles from which it shall make its appointments to the positions for which the examination shall have been held A list shall not remain in existence for a longer period than two years and at the expiration of said period or the exhaustion of a list a new list shall be compiled by the board before another appointment may be made to a position for which the expired or exhausted list was applicable Provided however That in an emergency the board may provisionally appoint to a position for which no eligible list is available but no such provisional appointment shall be for a longer period than three months and successive provisional appointments shall not be made by the board The persons taking an examination shall take rank upon the eligible list compiled therefrom in the order of their relative fitness as determined by the examination without reference to priority of time of examination In making appointments from an eligible list compiled in the manner aforesaid the board shall select for its first appointment from the names of the three persons standing highest on said list Thereafter as each appointment is made by the board the next selection shall be made in the same manner from the three names then standing highest on said list and so on until the expiration of said list or the exhaustion thereof If any name has been three times rejected by the board the said name shall be stricken from the eligible list and shall not thereafter be considered by the board in making an appointment therefrom All appointments made from an eligible list shall be for a probationary period of not more than six months and during such probationary period the appointee may be dismissed at the pleasure of the board

At its inception the board may in its discretion provisionally appoint and employ its officers clerks and employes from among the officers clerks and employes of the various parole departments operating in this Commonwealth at the effective date of this act without requiring such persons initially to submit themselves to and to pass competitive examinations as herein provided for but no such employment shall continue after the preparation and establishment of an appropriate eligible list for the position occupied by such appointee and in no event for a longer period than two years

Section 15 No employe of the board except the Secretary and General Director of Parole shall be removed discharged or reduced in pay or position except for cause and only after giving him the reasons therefor in writing and affording him an opportunity to be heard in answer thereto Provided however That an employe may be suspended without pay and without hearing for a period not exceeding thirty days but the reason or reasons for such suspension shall be given to the employe by the board in writing And provided further That successive suspen-

sions of the same employe under the power hereby granted shall not be made

Section 16 No member of the board or officer clerk or employe thereof or any person officially connected therewith shall take any active part in politics or be a member of or delegate or alternate to any political convention or be present at such convention except in the performance of his official duties hereunder No member of the board officer clerk or employe thereof or any person officially connected therewith shall serve as a member of or attend the meetings of any committee of any political party or take any part in political management or political campaigns or use his office to influence political movements or to influence the action of any other officer clerk or employe of said board No member of the board officer clerk or employe thereof or any person officially connected therewith shall in any way or manner interfere with or participate in the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the votes or returning the ballot boxes books papers election paraphernalia and machinery to the place provided by law or be within any polling place save only for the purpose of voting as speedily as it reasonably can be done or be otherwise within fifty feet thereof except for purposes of ordinary travel or residence during the period of time beginning with one hour preceding the opening of the polls for holding the election and ending with the time when the election officers shall have finished counting the votes and have left the polling place No member of the board officer clerk or empoye thereof or any person officially connected therewith shall directly or indirectly make or give demand or solicit or be in any manner concerned in making giving demanding soliciting or receiving any assessments subscriptions or contributions whether voluntary or involuntary to any political party or for any political purpose whatsoever Any person or persons who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine not exceeding five hundred dollars ($500) and imprisonment not exceeding one year either or both in the discretion of the court and in addition thereto shall forfeit his office or employment as the case may be and shall not thereafter be appointed or employed by the board in any position or capacity whatsoever It shall be the duty of the board to dismiss from his office or employment any officer clerk or employe thereof who shall violate this section

Section 17 The board shall have exclusive power to parole and reparole commit and recommit for violations of parole and to discharge from parole all persons heretofore or hereafter sentenced by any court in this Commonwealth to imprisonment in any prison or penal institution thereof whether the same be a state or county penitentiary prison or penal institution as hereinafter provided however That the powers and duties herein conferred shall not extend to persons sentenced for a period of less than one year and nothing herein contained shall prevent any court of this Commonwealth from paroling any person sentenced by it for a period of less than one year And provided further That the period of one year herein referred to shall mean the entire continuous term of sentence to which a person is subject whether the same be by one or more sentences either to simple imprisonment or to an indeterminate imprisonment at hard labor as now or hereafter authorized by law to be imposed for criminal offenses

Section 18 It shall be the duty of the court sentencing any person for a term as to which power to parole is herein given to the board to transmit to the said board within thirty days after the imposition of such sentence a full and complete copy of the record upon which sentence is imposed including any notes of testimoy which may have been filed of record in the case together with copies of any criminal identification records secured from the Federal Bureau of Investigation copies of presentence investigation reports and of behavior clinic reports if any were submitted to the court the last two of which records being confidential records of the court are to be treated confidentially by the members of the board who shall not permit examination of the same by any one other than its duly appointed agents or representatives except upon court order A judge in his discretion may make at any time any recommendation he may desire to the board respecting the person sentenced and the term of imprisonment said judge believes such person should be required to serve before a parole is granted to him but a recommendation made by a judge as aforesaid respecting the parole or terms of parole of such person shall be advisory only and no order in respect thereto made or attempted to be made as a part of a sentence shall be binding upon the board in performing the duties and functions herein conferred upon it

Section 19 It shall be the duty of the Board of Parole upon the commitment to prison of any person whom said board is herein given the power to parole to investigate and inform itself respecting the circumstances of the offense for which said person shall have been sentenced and in addition thereto it shall procure information as full and complete as may be obtainable with regard to the character mental characteristics habits antecedents connections and environment of such person The board shall further procure the stenographic record if any of the trial conviction and sentence together with such additional information regarding the crime for which sentence was imposed as may be available The board shall further cause the conduct of the person while in prison and his physical mental and behavior condition and history and his complete criminal record as far as the same may be known to be investigated and reported All public officials having possession of such records or information are hereby required and directed to furnish the same to the board upon its request and without charge therefor Said investigation shall be made by the board so far as may be practicable while the case is recent and in granting paroles the board shall consider the nature and character of the offense committed and any recommendation made by the trial judge as well as the general character and history of the prisoner

Section 20 It shall be the duty of all prison officials at all reasonable times to grant access to any prisoner whom the board has power to parole to the members of said board or its properly accredited representatives and all prison officials shall at all reasonable times provide for the board or its properly accredited representatives facilities for communicating with and observing such prisoner while imprisoned and shall furnish to the board from time to time such reports concerning the conduct of prisoners in their custody as the board shall by general rule or special order require together with any other facts deemed pertinent in aiding the board to determine whether such prisoners shall be paroled

Section 21 The board is hereby authorized to release on parole any convict confined in any penal institution of this Commonwealth as to whom power to parole is herein granted to said board except convicts condemned to death or serving life imprisonment whenever in its opinion the best interests of the convict justify or require his being paroled and it does not appear that the interests of the Commonwealth will be injured thereby If at the time a person is paroled he has been imprisoned for a period in excess of the minimum term of imprisonment to which he shall have been sentenced the period of parole may be extended by the board beyond the maximum term imposed but in no case in excess of the maximum sentence provided by law for the offense for which he shall have been sentenced The power to parole herein granted to the Board of Parole may be exercised in its discretion at any time after sentence is imposed regardless of any minimum term of imprisonment fixed by the court in its sentence Said board shall have the power during the period for which a person shall have been sentenced to recommit one paroled for violation of the terms and conditions of his parole and from time to time to reparole and recommit in the same manner and with the same procedure as in the case of an original parole or recommitment if in the judgment of the said board there is a reasonable probability that the convict will be benefited by again according him liberty and it does not

appear that the interests of the Commonwealth will be injured thereby

It is further provided that the parole board in its discretion in any case where after complete study the board is of the opinion that the minimum term imposed was in excess of that needed to protect the public interest that insistence upon the prisoner's serving the minimum term imposed would be against the best interests of the prisoner and would mitigate against the possibilities of his successful rehabilitation may petition the sentencing judge or court for a modification of the said minimum term imposed and the court shall have authority upon presentation of the petition and after public hearing notwithstanding the term having passed to make such modification as the court shall deem proper in the protection of the public interest and in consideration of the prisoner's probable rehabilitation which decision of the court upon the board's petition shall be final The court in the exercise of sound discretion may upon presentation of such a petition by the board order a public hearing thereon not later than ten days after the filing of the said petition

Section 22 The board shall have the power to grant paroles of its own motion whenever in its judgment the interests of justice require the granting of the same In addition thereto the board shall have the power and it shall be its duty to consider applications for parole by a prisoner or by his attorney relatives or friends or by any person properly interested in the matter Hearings of applications shall be held by the board whenever in its judgment hearings are necessary Reasonable rules and regulations shall be adopted by the board for the presentation and hearing of applications for parole Provided however That whenever any prisoner is paroled by the board whether of its own motion or after hearing of an application therefor a brief statement of the reasons for the board's action shall be filed of record in the offices of the board and shall be at all reasonable times open to public inspection Applications shall be disposed of by the board within six months of the filing thereof

In granting and revoking paroles and in discharging from parole the members of the board acting thereon shall not be required to personally hear or see all the witnesses and evidence submitted to them for their action but they may act on report submitted to them by their agents and employes together with any pertinent and adequate information furnished to them by fellow members of the board or by others

At least ten days before paroling a prisoner on its own motion the board shall give written notice of such contemplated parole to the district attorney of the county wherein the prisoner shall have been sentenced and in cases of hearings on applications for parole as herein provided for at least ten days written notice of the time and place fixed for such hearing shall be given either by the board or by the applicant as the board shall direct to the court and district attorney of the county wherein the applicant shall have been sentenced

Section 23 The board shall have the power and it shall be its duty to make general rules for the conduct and supervision of persons heretofore or hereafter placed upon parole In addition to the power to make general rules and reguations hereby granted the board may in particular cases as it deems necessary to effectuate the purpose of parole prescribe special regulations for particular parolees

Section 24 The board shall have power to discharge from parole at any time prior to the expiration of his parole period any parolee if the interests of the Commonwealth will not be injured thereby and if the board is of the opinion that the parolee will be benefited by such discharge

Section 25 Whenever any person shall be found guilty of any criminal offense by verdict of a jury plea or otherwise except murder in the first degree in any court of this Commonwealth the court shall have the power in its discretion if it believes the character of the person and the circumstances of the case to be such that he is not likely again to engage in a course of criminal conduct and that the public good does not demand or require the imposition of a sentence to imprisonment instead of imposing such sentence to place the person on probation for such definite period as the court shall direct not exceeding the maximum period of imprisonment allowed by law for the offense for which such sentence might be imposed

Section 26 Paroles from imprisonment for less than one year shall be granted by the sentencing court and shall together with all probations except probation as to which supervision is specially ordered by the court as provided for in section seventeen of this act be without supervision by the board

Section 27 Parole officers appointed by the board are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest without warrant writ rule or process any parolee or probationer under the supervision of the board for failing to report as required by the terms of his probation or parole or for any other violation thereof

Section 28 The board shall appoint and employ a sufficient number of women as parole officers and supervisors to act as such for the women over whom it shall have power and jurisdiction and no person of one sex shall be paroled in charge of a parole officer of the opposite sex

Section 29 In fixing compensation for its officers clerks and employes under the provisions of this act the board shall have regard to the kind grade or class of service to be rendered and whenever any standard compensation has been fixed by the executive board of the Commonwealth for any kind grade or class of service or employment the compensation of all persons appointed or employed by the board in the same kind grade or class shall be fixed by it in accordance with such standard

Section 30 Wherever in this act the masculine is used it shall include the feminine

Section 31 Anything herein contained to the contrary notwithstanding this act shall not apply to persons sentenced to imprisonment in the Pennsylvania Industrial School at Huntingdon the Pennsylvania Training School houses of refuge for boys or girls institutions for the discipline or correction of juveniles as defined by existing laws or persons imprisoned in any county jail workhouse or other penal or correctional institution under sentence by an alderman justice of the peace or magistrate or committed in default of payment of any fine or of bail Provided however That the board herein created shall supervise the parole of all persons sentenced to imprisonment in the Pennsylvania Industrial School at Huntingdon when paroled or reparoled as now provided by law

Section 32 The provisions of this act are hereby extended to all persons who at the effective date hereof may be on parole or liable to be placed on parole under existing laws with the same force and effect as if this act had been in operation at the time such persons were placed on parole or became liable to be placed thereon as the case may be

Section 33 The act of the first day of May one thousand nine hundred and twenty-nine (P. L. 1182) entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole and fixing the penalty for such violation" and the act of the first day of May one thousand nine hundred and twenty-nine (P. L. 1184) entitled "An act conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole" and the act of the nineteenth day of June one thousand nine hundred and eleven (P. L. 1059) entitled "An act extending the powers of judges of courts of quarter sessions and of oyer and terminer in relation to releasing prisoners in jails and workhouses on parole" and all amendments and supplements to said acts in so far as the same relate to persons over whom exclusive jurisdiction to parole is hereby vested upon the Board of Parole herein established are hereby repealed All acts and parts of acts inconsistent with this act are hereby repealed

Section 34 It shall be the duty of the Governor in the

manner heretofore provided in this act to appoint the members of the board on or before the first day of October one thousand nine hundred and forty-one The board as so constituted shall immediately thereafter set up the system herein provided for and make the necessary appointments of its officers clerks and employes To this extent this act shall become effective immediately upon its final enactment but in all respects it shall become effective on the first day of June one thousand nine hundred and forty-one

Section 35 The sum of four hundred thousand dollars ($400,000) or so much thereof as may be necessary is hereby specifically appropriated to the board for the fiscal biennium ending the thirty-first day of May one thousand nine hundred and forty-three for the payment of the compensation and expenses of the members officers and employes of the board for postage telegraph and telephone charges for the use of automobiles for witness fees allowed by the board for supplies and printing and for all other expenses deemed necessary and proper by the board

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor,	Malloy,	Rush,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDowell,	Serrill,
Bentzel,	Gillette,	McFall,	Shaffer,
Boles,	Goodwin,	McGrath,	Shaw,
Boney,	Gross,	McIntosh,	Shepard,
Boorse,	Gryskewicz,	McKinney,	Simons,
Bower,	Gyger,	McLanahan,	Sollenberger,
Bradley,	Habbyshaw,	McMillen,	Song,
Breth,	Haberlen,	McSurdy,	Stank,
Bretherick,	Haines,	Melchiorre,	Stine,
Brown,	Hall,	Mihm,	Stockham,
Brunner, C. H.,	Hamilton,	Modell,	Tarr,
Brunner, P. A.,	Hare,	Monks,	Tate,
Burns,	Harkins,	Mooney,	Taylor,
Burris,	Harmuth,	Moran,	Thompson, E. F.,
Cadwalader,	Harris,	Moul,	Thompson, R. L.,
Chudoff,	Heatherington,	Muir,	Trout,
Cochran,	Helm,	Munley,	Turner,
Cohen, M. M.,	Herman,	Nunemacher,	Van Allsburg,
Cohen, R. E.,	Hersch,	O'Brien,	Vincent,
Cook,	Hewitt,	O'Dare,	Vogt,
Cooper,	Hirsch,	O'Mullen,	Voldow,
Cordier,	Holland,	O'Neill,	Voorhees,
Corrigan,	Huntley,	Owens,	Wagner,
Croop,	Imbrie,	Petrosky,	Watkins
Cullen,	James,	Pettit,	Weingartner,
Dalrymple,	Jefferson,	Polaski,	Weiss,
DiGenova,	Jones, G. E.,	Polen,	Welsh, E. B.,
Dix,	Jones, P. N.,	Powers,	Welsh, M. J.,
Dolon,	Keenan,	Prosen,	Williams,
D'Ortona,	Knoble,	Rank,	Winner,
Duffy,	Kolankiewicz,	Readinger,	Wolf,
Early,	Komorofski,	Reagan,	Wood, L. H.,
Elder,	Krise,	Reese, R. E.,	Wood, N.,
Elliott,	Lee, T. H.,	Regan,	Woodring,
Ely,	Leisey,	Reynolds,	Woodside,
Falkenstein,	Leonard,	Rhea,	Wright,
Finestone,	Lesko,	Riley,	Yeakel,
Finnerty,	Levy,	Rooney,	Yester,
Fisher,	Leydic,	Rose, S.,	Young,
Fiss,	Lichtenwalter,	Rose, W. E.,	Kilroy,
Fleming,	Longo,	Rosenfeld,	Speaker,
	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection, House Bill No. 1444, Senate Bill No. 315, Printers No. 184, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1406, (Senate Bill No. 588), entitled:

An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof either by prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. SKALE. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 849, Printer's No. 639, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1167, as follows:

An Act to amend section three hundred seventeen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" changing the provisions of said act as to the right of residents to hunt and trap without a license

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred seventeen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 317 Legal Hearing or Trapping by Residents Without License [Nothing in this article shall be construed to prevent any citizen of the United States residing within this Commonwealth from having a gun in his home or from using such gun in defense of either person or property or from shooting at targets or to prevent any bona fide owner or any bona fide lessee of lands within this Commonwealth or any member of the family or household or regularly hired help of such owner or lessee if such person is a citizen of the United States actually residing upon and cultivating such lands from hunting or trapping thereon or by and with the consent of the owner thereof from hunting or trapping upon the lands immediately adjacent and connected with his own

lands without securing the license provided for by this article unless the Commission has denied or this act does deny to such person the right to hunt or trap anywhere] Unless the right to procure a license or to hunt or trap anywhere within the Commonwealth has been denied under the provisions of this act any citizen of the United States residing within this Commonwealth who is regularly and continuously engaged in cultivating the soil for general farm crop purposes commercial truck growing commercial orchards or commercial nurseries as either the owner or lessee or tenant of said lands or as a member of the family or household or regularly hired help of such owner or lessee or tenant shall be eligible to hunt and trap on said lands including the woodlands connected therewith and operated as a part thereof without a resident hunter's license if such owner lessee tenant member of the family or household or hired help resides in a dwelling situated upon the property so being cultivated and shall have continuously resided thereon and assisted in the cultivation of said land for a period of sixty or more days prior to the general open hunting or trapping season

Any of the persons enumerated above who shall be eligible to hunt or trap on certain lands without securing a resident hunter's license also may by and with the written consent of the owner or lessee thereof hunt or trap upon any lands other than those publicly-owned which lie immediately adjacent and are connected with the lands upon which such persons may lawfully hunt or trap without securing a license

And said bill having been read at length the third time, considered nad agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fletcher,	Lovett,	Rose, W. E.,
Allmond,	Foor,	Lyons,	Rosenfeld,
Auker,	French,	Malloy,	Royer,
Baker,	Gallagher,	Marks,	Rush,
Balthaser,	Gates,	Maxwell,	Sarge,
Baugher,	Gerard,	McClanaghan,	Scanlon,
Bentley,	Gillan,	McClester,	Schwab,
Bentzel,	Gillette,	McDowell,	Serrill,
Boles,	Goodwin,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Sollenberger,
Breth,	Haberlen,	McLane,	Sorg,
Bretherick,	Haines,	McMillen,	Stank,
Brown,	Hall,	McSurdy,	Stine,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stockham,
Brunner, P. A.,	Hare,	Mihm,	Tarr,
Burns,	Harkins,	Modell,	Tate,
Burris,	Harmuth,	Monks,	Taylor,
Cadwalader,	Harris,	Mooney,	Thompson, E. F.,
Chudoff,	Heatherington,	Moran,	Thompson, R. L.,
Cochran,	Helm,	Moul,	Trout,
Cohen, M. M.,	Herman,	Muir,	Turner,
Cohen, R. E.,	Hersch,	Munley,	VanAllsburg,
Cook,	Hewitt,	Nunemacher,	Vincent,
Cooper,	Hirsch,	O'Brien,	Vogt,
Cordier,	Holland,	O'Dare,	Voldow,
Corrigan,	Huntley,	O'Mullen,	Voorhees,
Croop,	Imbrie,	O'Neill,	Wagner,
Cullen,	James,	Owens,	Watkins,
Dalrymple,	Jefferson,	Petrosky,	Weingartner,
DiGenova,	Jones, G. E.,	Pettit,	Weiss,
Dix,	Jones, P. N.,	Polaski,	Welsh, E. B.,
Dolon,	Keenan,	Polen,	Welsh, M. J.,
D'Ortona,	Knoble,	Powers,	Williams,
Duffy,	Kolankiewicz,	Prosen,	Winner,
Early,	Komorofski,	Rank,	Wolf,
Elder,	Krise,	Readinger,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reagan,	Wood, N.,
Ely,	Leisey,	Reese, R. E.,	Woodring,
Falkenstein,	Leonard,	Regan,	Woodside,
Finestone,	Lesko,	Reynolds,	Wright,
Finnerty,	Levy,	Rhea,	Yeakel,
Fisher,	Leydic,	Riley,	Yester,
Fiss,	Lichtenwalter,	Rooney,	Young,
Fleming,	Longo,	Rose, S.,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1538, as follows:

An Act to further amend section one and to amend section four of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties and amplifying the provisions relating to appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties" as amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-nine (P. L. 1084) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Speaker of the House of Representatives shall appoint ten members of the House and the President pro tempore shall appoint seven members of the Senate who together with the President pro tempore of the Senate and the Speaker of the House of Representatives shall constitute a continuing joint legislative commission to be known as the Joint State Government Commission The members of the commission shall be appointed during each odd-numbered year and shall continue as members of the commission until the first day of February of the next odd-numbered year Said commission shall organize by the selection of a chairman The commission shall have power to employ a director and such clerical and other assistance as may be demed necessary Said commission shall have power to call upon any department or agency of the State Government for such information as it deems pertinent to the studies in which it is engaged.

The commission is auhorized to require the attendance and testimony of witnesses and the production of any books accounts papers records documents and files relating to such business which the commission has authority to investigate or study and for this purpose the chairman of the commission may sign subpoenas and any member of the commission may administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or the contumacy of any witness appearing before the commission or any subcommittee thereof the commission may invoke the aid of the courts of Dauphin County or any court of the Commonwealth and such court shall thereupon issue an order requiring the person subpoenaed to obey the subpoena or to give evidence or to produce books accounts papers records documents and files relative to the matter in question Any failure to obey such order of the court may be punished by such court as a contempt thereof The commission shall also have the power to designate members of the General Assembly to such sub-committees as it shall create for the purpose of making investigations

and studies and to designate persons other than members of the General Assembly to act in advisory capacities

Section 2 Section four of said act is hereby amended to read as follows

Section 4 Biennially an item of appropriation shall be inserted in the General Appropriation Bill to pay the expenses of the members of the commission constituted by this act and for the salary of the director clerical and other hire and incidental expenses

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fletcher,	Lyons,	Royer,
Allmond,	Foor.	Malloy,	Rush,
Auker,	French,	Marks,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarraf,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baugher,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDowell,	Serrill,
Bentzel,	Gillette,	McFall,	Shaffer,
Boies,	Goodwin,	McGrath,	Shaw,
Boney,	Gross,	McIntosh,	Shepard,
Boorse,	Gryskewicz,	McKinney,	Simons,
Bower,	Cyger,	McLanahan,	Sollenberger,
Bradley,	Habbyshaw,	McMillen,	Sorg,
Breth,	Haberlen,	McSurdy,	Stank,
Bretherick,	Hall,	Melchiorre,	Stine,
Brown,	Hamilton,	Mihm,	Stockham,
Brunner, C. H.,	Hare,	Modell,	Tarr,
Brunner, P. A.,	Harkins,	Monks,	Tate,
Burns,	Harmuth,	Mooney,	Taylor,
Burris,	Harris,	Moran,	Thompson, E. F.,
Cadwalader,	Heatherington,	Moul,	Thompson, R. L.,
Chudoff,	Helm,	Muir,	Turner,
Cochran,	Herman,	Munley	Trout,
Cohen, M. M.,	Hersch,	Nunemacher	VanAllsburg,
Cohen, R. E.,	Hewitt,	O'Brien,	Vincent,
Cook,	Holland,	O'Dare,	Vogt,
Cooper,	Hirsch,	O'Mullen,	Voldow,
Cordier,	Huntley,	O'Neill,	Voorhees,
Corrigan,	Imbrie,	Owens,	Wagner,
Croop,	James,	Petrosky,	Watkins,
Cullen,	Jefferson,	Pettit,	Weingartner,
Dalrymple,	Jones, G. E.,	Polaski,	Weiss,
Dennison,	Jones, P. N.,	Polen,	Welsh, E. B.,
DiGenova,	Keenan,	Powers,	Welsh, M. J.,
Dix,	Knoble,	Prosen,	Williams,
Dolon,	Kolankiewicz,	Rank,	Winner,
D'Ortona,	Komorofski,	Rausch,	Wolf,
Duffy,	Krise,	Readinger,	Wood, L. H.,
Early,	Lee, T. H.,	Reagan,	Wood, N.,
Elder,	Leisey,	Reese, R. E.,	Woodring,
Elliott,	Leonard,	Regan,	Woodside,
Ely,	Lesko,	Reynolds,	Wright,
Falkenstein,	Levy,	Rhea,	Yeakel,
Finestone,	Leydic,	Riley,	Yester,
Finnerty,	Lichtenwalter,	Rooney,	Young,
Fisher,	Longo,	Rose, S.,	Kilroy,
Fiss,	Lovett,	Rose, W. E.,	
Fleming,		Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 955, as follows:

An Act to amend section ninety-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating use of nets in boundary lakes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section ninety-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish and amending revising consolidtaing and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended to read as follows

Section 95 Nets Not to be Used in Certain Places No net except a gill or net fastened to and supported by poles driven in the ground and known as a pound-net shall be set fastened drawn or used within sixteen miles from the entrance to any bay nor within one-half mile from any stream measured in a direct line

No gill-net or pound-net shall be set fastened drawn or used within two miles of the entrance of any bay

No net of any character shall be set fastened drawn or used within [three-fourth of a mile] one and one-eighth miles from shore measured in a direct line

A person violating any provision of this section shall on conviction as provided in chapter fourteen of this act be subject to a penalty of one hundred dollars or imprisonment in the county jail for a period of three months

Section 2 The provisions of this act shall become effective ten days after final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fleming,	Lovett,	Royer,
Allmond,	Fletcher,	Lyons,	Rush,
Auker,	Foor.	Malloy,	Sarge,
Baker,	French,	Marks,	Sarraf,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boies,	Gillette	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Cyger,	McLanahan,	Sorg,
Breth	Habbyshaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall	Melchiorre,	Stockham,
Brunner C. H.,	Hamilton,	Mihm,	Tarr,
Brunner P. A.,	Hare,	Modell,	Tate
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley	VanAllsburg,
Cohen, R. E.,	Hersch,	Nunemacher	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper	Hirsch	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens	Watkins,
Cullen,	James,	Petrosky	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
Dennison,	Jones, G. E.,	Polaski,	Welsh, E. B.,
DiGenova,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dix,	Keenan,	Powers,	Wilkinson,
Dolon	Knoble,	Prosen,	Winner,
D'Ortona	Kolankiewicz	Rank,	Wolf,
Duffy,	Komorofski,	Readinger,	Wood, L. H.
Early,	Krise,	Reagan,	Wood, N.,
Elder,	Lee, T. H.,	Reese, R. E.,	Woodring,
		Regan,	

Elliott,	Leisey,	Reynolds,	Woodside,
Ely,	Leonard,	Rhea,	Wright,
Falkenstein,	Lesko,	Riley,	Yeakel,
Finestone,	Levy,	Rooney,	Yester,
Finnerty,	Leydic,	Rose, S.,	Young,
Fisher,	Lichtenwalter,	Rose, W E.,	Kilroy,
Fiss,	Longo,	Rosenfeld,	Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 757, as follows:

An Act roviding for and regulating the validation of certain borough ordinances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 When a borough ordinance has heretofore been duly enacted and approved by the burgess as required by law and has been published in a newspaper published in said borough or county and transcribed in the ordinance book of such borough but has not been published by advertisements thereof put up in public places of such borough or if so published that proof thereof cannot be made or where the burgess and president and secretary of town council or either or all of them have failed or neglected to sign their names to said ordinance in the ordinance book of said borough or where said ordinances have heretofore been duly enacted in the several boroughs of this Commonwealth by the proper authorities and no entry of the same has been made upon the minutes as kept by the secretary of the said borough any such ordinance shall be in full force and effect without any further signing or publication or entry thereof upon the books of said borough if the council of such borough passes a resolution accepting the provisions of this act and if the resolution is signed by the burgess and is published and is transcribed in the ordinance book of such borough as ordinances in boroughs are required by existing laws to be published and transcribed

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fleming,	Lyons,	Royer,
Allmond,	Fletcher,	Malloy,	Rush,
Auker,	Foor,	Marks,	Sarge,
Baker,	French,	Maxwell,	Sarraf,
Balthaser,	Gallagher,	McClanaghan,	Scanlon,
Baugher,	Gates,	McClester,	Schwab,
Bentley,	Gerard,	McDowell,	Serrill,
Bentzel,	Gillan,	McFall,	Shaffer,
Boles,	Gillette,	McGrath,	Shaw,
Boney,	Goodwin,	McIntosh,	Shepard,
Boorse,	Gross,	McKinney,	Simons,
Bower,	Gryskewicz,	McLanahan,	Sollenberger,
Bradley,	Gyger,	McMillen,	Sorg,
Breth,	Habbyshaw	McSurdy,	Stank,
Bretherick,	Haberlen,	Melchiorre,	Stine,
Brown,	Hall,	Mihm,	Stockham,
Brunner, C H	Hamilton,	Modell,	Tarr,
Brunner, P A	Hare,	Monks,	Tate,
Burns,	Harkins,	Mooney,	Taylor,
Burris,	Harmuth,	Moran,	Thompson, E. F.,
Cadwalader,	Harris,	Moul,	Thompson, R. L.,
Chudoff,	Heatherington,	Muir,	Trout,
Cochran,	Helm,	Munley,	Turner,
Cohen, M. M.,	Herman,	Nunemacher,	Van Allsburg,
Cohen, R. E.,	Hersch,	O'Brien,	Vincent,
Cook,	Hewitt,	O'Dare,	Vogt,
Cooper,	Hirsch,	O'Mullen,	Voldow,
Cordier,	Holland,	O'Neill,	Voorhees,
Corrigan,	Huntley,	Owens,	Wagner,
Croop,	Imbrie,	Petrosky,	Watkins,
Cullen,	James,	Pettit,	Weingartner,
Dalrymple,	Jefferson,	Polaski,	Weiss,
Dennison,	Jones, G E.,	Polen,	Welsh, E. B.,
DiGenova,	Jones, P. N.,	Powers,	Welsh, M. J.,
Dix,	Keenan,	Prosen,	Williams,
Dolon,	Knoble,	Rank,	Winner,
D'Ortona,	Kolankiewicz,	Readinger,	Wolf,
Duffy,	Komorofski,	Reagan,	Wood, L. H.,
Early,	Krise,	Reese, R. E.,	Wood, N.,
Elder,	Lee, T H.,	Regan,	Woodring,
Elliott,	Leisey,	Reynolds,	Woodside,
Ely,	Leonard	Rhea,	Wright,
Falkenstein,	Lesko,	Riley,	Yeakel,
Finestone,	Levy,	Rooney,	Yester,
Finnerty,	Leydic,	Rose, S.,	Young,
Fisher,	Lichtenwalter	Rose, W. E.,	Kilroy,
Fiss,	Longo,	Rosenfeld,	Speaker.
	Lovett,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1230, as follows:

An Act to further amend section one and to amend section three of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 730), entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparating mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" by excluding certain juices and combinations of juices from the operation of the act and requiring separate registration for each bottling or manufacturing plant

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" as last amended by the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (P. L. 2140) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "carbonated beverages" or "still drinks" as used in this act shall include all carbonated beverages or still drinks fruit juices and mineral waters when ready for use as a beverage whether still or carbonated and whether simple mixed

or compounded The term shall not include undiluted fruit juice unsweetened or sweetened undiluted vegetable juice unseasoned or seasoned with salt or spices or any combination of two or more of the foregoing provided such juice or juices are pasteurized or sterilized at the time of preparation and are packed in air-tight sealed non-returnable containers provided further the term shall not include natural apple cider unfermented grape juice cereal beverages or carbonated beverages or still drinks made in imitation of beer bitter drinks or other similar beverages

The term "fruit juices" shall mean the natural juices of fruits sweetened or unsweetened which are marketed in bottles cans or other containers

The word "person" shall include individuals associations copartnerships and corporations

The singular shall include the plural the masculine shall include the feminine and neuter

Section 2 Section three of said act is hereby amended to read as follows

Section 3 Any person whether a resident or nonresident of this Commonwealth manufacturing or bottling any carbonated beverages or still drinks shall register such beverages with the Department of Agriculture by filing an application for such purpose on a form to be prescribed by the Department of Agriculture Such application shall state (a) the name and address of the applicant (b) the location of his manufacturing or bottling plant (c) the name of each beverage to be registered and (d) such other information as may be required by the Department of Agriculture The application shall be accompanied by a fee of fifty dollars The Department of Agriculture shall issue to each applicant a certificate of registration for all carbonated beverages or still drinks manufactured or bottled by him Where the applicant manufactures or bottles in more than one plant separate application shall be made for each plant Such registration shall expire one year from the issuance thereof unless renewed annually by the payment of a fee of fifty dollars

The Department of Agriculture may revoke any registration whenever it is determined by it that any of the provisions of this act or of any other act relating to carbonated beverages or still drinks have been violated

Section 3 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LEVY. Mr. Speaker, I desire to interrogate either of the sponsors of this bill.

The SPEAKER. Will the gentleman from Allegheny, Mr. Sarraf permit himself to be interrogated?

Mr. SARRAF. I shall, Mr. Speaker.

Mr. LEVY. Mr. Speaker, will the gentleman from Allegheny kindly explain to the House the provisions of this bill?

Mr. SARRAF. Mr. Speaker, if the gentleman will be kind enough, I will yield to the gentleman from Erie, Mr. Van Allsburg.

The SPEAKER. Will the gentleman from Erie, Mr. Van Allsburg permit himself to be interrogated?

Mr. VAN ALLSBURG. I shall, Mr. Speaker.

In response to the request of the gentleman from Philadelphia, Mr. Levy I wish to say that the purpose of this bill is to exclude from some of the provisions of the carbonated beverage law which has been on the statute books for some years fruit juices, sweetened or unsweetened, natural fruit juices undiluted or unadulterated which are pasteurized or sterilized at the time of preparation and are packed in air tight, sealed containers, which is different from the products put up by the carbonated beverage manufacturing plants.

I might say I am glad the question was asked because I would like you all to note this point: the products of the carbonated beverage manufacturing plants are put up for the most part, if not entirely, in bottles that are returnable, which involves a lot of work if inspection by the Department of Agriculture to control the method of sanitation. However, if the fruit juices or vegetable juice, as the case may be, are put up in sealed, air tight containers it does not involve any more inspection than is necessary in the processing plants where they are manufactured.

I might say in this connection that the advantage on the part of the producers of the undiluted fruit juices which it is planned to exempt by this bill, is that the carbonated people are required, of course, because of a lot of inspection, to pay an annual permit fee of fifty dollars. That is saved, of course, to the processers of these other fruit juices.

I might say further that this bill was sponsored by the gentleman from Allegheny, Dr. Sarraf and myself, at the request not only of the canners of Pennsylvania but also at the request of the Wholesale Grocer's Association. I think the bill is very simple and I hope that there will be no objections to it I cannot see that there are any objections.

Mr. LEVY. Mr. Speaker, I thank the gentleman from Erie.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fleming,	Lovett,	Rosenfeld,
Allmond,	Fletcher,	Lyons,	Royer,
Auker,	Foor,	Malloy,	Rusn,
Baker,	French,	Marks,	Sarge,
Balthaser,	Gallagher,	Maxwell,	Sarraf,
Baugher,	Gates,	McClanaghan,	Scanlon,
Bentley,	Gerard,	McClester,	Schwab,
Bentzel,	Gillan,	McDowell,	Serrill,
Boles,	Gillette,	McFall,	Shaffer,
Boney,	Goodwin,	McGrath,	Shaw,
Boorse,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Gyger,	McLanahan,	Sollenberger,
Breth,	Habbyshaw,	McMillen,	Sorg,
Bretherick,	Haberlen,	McSurdy,	Stank,
Brown,	Hall,	Melchiorre,	Stine,
Brunner, C. H.,	Hamilton,	Mihm,	Stockham,
Brunner, P. A.,	Hare,	Modell,	Tarr,
Burns,	Harkins,	Monks,	Tate,
Burris,	Harmuth,	Mooney,	Taylor,
Cadwalader,	Harris,	Moran,	Thompson, E. F.,
Chudoff,	Heatherington,	Moul,	Thompson, R. L.,
Cochran,	Helm,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hersch,	Nunemacher,	VanAllsburg,
Cook,	Hewitt,	O'Brien,	Vincent,
Cooper,	Hirsch,	O'Dare,	Vogt,
Cordier,	Holland,	O'Mullen,	Voldow,
Corrigan,	Huntley,	O'Neill,	Voorhees,
Croop,	Imbrie,	Owens,	Wagner,
Cullen,	James,	Petrosky,	Watkins,
Dalrymple,	Jefferson,	Pettit,	Weingartner,
Dennison,	Jones, G. E.,	Polaski,	Weiss,
DiGenova,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dix,	Keenan,	Powers,	Welsh, M. J.,
Dolon,	Knoble,	Prosen,	Williams,
D'Ortona,	Kolankiewicz,	Rank,	Winner,
Duffy,	Komorofski,	Readinger,	Wolf,
Early,	Krise,	Reagan,	Wood, L. H.,
Elder,	Lee, T. H.,	Reese, R. E.,	Wood, N.,

Elliott,	Leisey,	Regan,	Woodring,
Ely,	Leonard,	Reynolds,	Woodside,
Falkenstein,	Lesko,	Rhea,	Wright,
Finestone,	Levy,	Riley,	Yeakel,
Finnerty,	Leydic,	Rooney,	Yester,
Fisher,	Lichtenwalter,	Rose, S.,	Young,
Fiss,	Longo,	Rose, W. E.,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 940, as follows:

An Act to amend section 1202 by adding thereto clause LX of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to appropriate moneys for the support of hospitals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 1202 of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended by adding thereto clause LX as follows

LX Hospital Appropriations To appropriate moneys for the support of any hospital which is engaged in charitable work and extends treatment and medical attention to residents of such county

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fleming,	Longo,	Rose, W. E.,
Allmond,	Fletcher,	Lovett,	Rosenfeld,
Auker,	Foor,	Lyons,	Royer,
Baker,	French,	Malloy,	Rush,
Balthaser,	Gallagher,	Marks,	Sarge,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentley,	Gerard,	McClanaghan,	Schwab,
Bentzel,	Gillan,	McClester,	Serrill,
Boies,	Gillette,	McDowell,	Shaffer,
Boney,	Goodwin,	McFall,	Shaw
Boorse,	Gross,	McGrath,	Shepard,
Bower,	Gryskewicz,	McIntosh,	Simons,
Bradley,	Gyger,	McKinney,	Sollenberger,
Breth,	Habbyshaw,	McLanahan,	Sorg,
Bretherick,	Haberlen,	McMillen,	Stank,
Brown,	Haines,	McSurdy,	Stine,
Brunner, C. H.,	Hall,	Melchiorre,	Stockham
Brunner, P. A.,	Hamilton,	Mihm,	Tarr,
Burns,	Hare,	Modell,	Tate,
Burris,	Harkins,	Monks,	Taylor,
Cadwalader,	Harmuth,	Mooney,	Thompson, E. F.,
Chardoff,	Harris,	Moran,	Thompson, R. L.,
Cochran,	Heatherington,	Moul,	Trout,
Cohen, M. M.,	Helm,	Muir,	Turner,
Cohen, R. E.,	Herman,	Munley,	VanAllsburg,
Cook,	Hersch,	Nunemacher,	Vincent,
Cooper,	Hewitt,	O'Brien,	Vogt,
Cordier,	Hirsch,	O'Dare,	Voldow,
Corrigan,	Holland,	O'Mullen,	Voorhees,
Croop,	Hunsicker,	O'Neill,	Wagner,
Cullen,	Imbrie,	Owens,	Watkins,
Dalrymple,	James,	Petrosky,	Weingartner,
Dennison,	Jefferson,	Pettit,	Weiss,
DiGenova,	Jones, G. E.,	Polaski,	Welsh, E. B.,
Dix,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dolon,	Keenan,	Powers,	Williams,
D'Ortona,	Knoble,	Prosen,	Winner,
Duffy,	Kolankiewicz,	Rank,	Wolf,
Early,	Komorofski,	Readinger,	Wood, L. H.,
Elder,	Krise,	Reagan,	Wood, N.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Woodring,
Ely,	Leisey,	Regan,	Woodside,
Falkenstein,	Leonard,	Reynolds,	Wright,
Finestone,	Lesko,	Rhea,	Yeakel,
Finnerty,	Levy,	Riley,	Yester,
Fisher,	Leydic,	Rooney,	Young,
Fiss,	Lichtenwalter,	Rose, S.,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1399, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight hundred seven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows

Section 807 Filing of Articles of Amendment Payment

of Fees Approval by Department of State A The articles of amendment [and] the proof of publication of the advertisement required by this act and a certificate or certificates from the proper department or departmens evidencing payment by the corporation of all taxes bonus and charges as required by law except fees for examinations by the Department of Banking herein provided shall be delivered to the Department of State

B The Department of State shall examine such articles of amendment [and] such proof of publication and such certificate or certificates to determine whether they contain all the information and are in the form required by this act After all the bonus fees taxes and other charges have been paid as required by law except for the costs of any examination made by the Department of Banking pursuant to the provisions of this act to determine whether to approve the amendment or any other charges made by the Department of Banking the Department of State shall if the articles of amendment [and] the proof of publication and the certificate or certificates as herein required evidencing payment of all taxes bonus and charges contain the information and are in the form required by this act forthwith but not prior to the day specified in the advertisement of the articles of amendment required by this act endorse its approval thereon and shall forthwith transmit them to the Department of Banking

C If the Department of State shall disapprove the articles of amendment pursuant to the provisions of this act it shall forthwith give notice thereof to the incorporated institution stating in detail its reasons for doing so and stating how such incorporated institution can remedy the nonconformance with the provisions of this act Upon remedying the defect such incorporated institution may in the same manner file the same or amended articles whichever the particular case may require

Section 2 Section one thousand four hundred five of said act is hereby amended to read as follows

Section 1405 Filing of Articles of Merger or Consolidation Payment of Fees Approval by Department of State A The articles of merger or articles of consolidation as the case may be [and] the proof of publication of the advertisement required by this act and a certificate or certificates from the proper department or departments evidencing payment by the corporation of all taxes bonus and charges as required by law shall be delivered to the Department of State

B In addition to any bonus fees taxes and charges provided by law in the case of any corporation an incorporated institution shall pay to the Department of State such reasonable fees as shall be established by rule and regulation by the Department of Banking for the investigation made by the Department of Banking pursuant to the provisions of this act to determine whether the articles of merger or articles of consolidation as the case may be should be approved Such fee for the investigation by the Department of Banking shall be paid to the Department of State at the time of the filing with it of the articles of merger or articles of consolidation and shall be paid by the Department of State through the Department of Revenue into the Banking Department Fund

C The Department of State shall examine such articles of merger or articles of consolidation [and] such proof of publication and such certificate or certificates herein required to be delivered therewith to determine whether they contain all the information and are in the form required by this act and also whether the name of the surviving or new incorporated institution as the case may be conforms with the requirements of law for the name of such an incorporated institution or if the name is not the same as either or any of the merging or consolidating institutions whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public

After all the bonus fees taxes and other charges have been paid as required by law if the articles of merger or articles of consolidation [and] the proof of publication and the certificate or certificates herein required to be delivered therewith contain the information and are in the form required by this act the Department of State shall forthwith but not prior to the day specified in the advertisement of the articles of merger or consolidation required by this act endorse its approval upon the articles of merger or articles of consolidation and shall forthwith transmit them to the Department of Banking

D If the Department of State shall disapprove the articles of merger or the articles of consolidation pursuant to this act it shall forthwith give notice thereof to the incorporated institution stating in detail its reasons for doing so and stating how such institution can remedy the nonconformance with the provisions of this act Upon remedying the defect such incorporated institution may in the same manner file the same or amended articles whichever the particular case may require

Section 3 Section one thousand four hundred sixteen of the said act as amended by the act approved the twenty-first day of June one thousand nine hundred thirty-five (P. L. 369) is hereby further amended to read as follows

Section 1416 Filing of Articles of Conversion of National Bank into Bank or Bank and Trust Company Payment of Fees Approval by Department of State A The articles of conversion of the national banking association into a bank or a bank and trust company [and] the proof of publication of the advertisement required by this act and a certificate or certficates from the proper department or departments evidencing payment by the corporation of all bonus taxes and charges as required by law shall be delivered to the Department of State

B In addition to any bonus fees taxes and charges provided by law in the case of any corporation the national banking association shall pay to the Department of State such reasonable fees as shall be established by rule or regulation by the Department of Banking for the investigation made by the Department of Banking pursuant to the provisions of this act to determine whether the articles of conversion should be approved Such fee for the investigation by the Department of State at the time of the filing with it of the articles of conversion and shall be paid by the Department of State through the Department of Revenue to the Banking Department Fund

C The Department of State shall examine such articles of conversion [and] such proof of publication and such certificate or certificates herein required to be delivered therewith to determine whether they contain all the information and are in the form required by this act and also whether the name of the proposed bank or bank and trust company as the case may be conforms with the requirements of law for the name of such an incorporated institution or whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public

After all the bonus fees taxes and other charges have been paid as required by law if the articles of conversion the certificate or certificates herein required to be delivered therewith and the proof of publication contain the information and are in the form required by this act the Department of State shall forthwith but not prior to the day specified in the advertisement of the articles of conversion required by this act endorse its approval upon the articles of conversion and shall forthwith transmit them to the Department of Banking

D If the Department of State shall disapprove the articles of conversion pursuant to this act it shall forthwith give notice thereof to the national banking association stating in detail its reasons for doing so and stating how such national banking association can remedy the nonconformance with the provisions of this act Upon remedying the defect such national banking association may in the same manner file the same or amended articles whichever the particular case may require

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fleming,	Longo,	Rose, W. E.,
Allmond,	Fletcher,	Rush,	Rosenfeld,
Auker,	Foor,	Lovett,	Royer,
Baker,	French,	Lyons,	Rush,
Balthaser,	Gallagher,	Malloy,	Sarge,
Baugher,	Gates,	Marks,	Sarraf,
Bentzel,	Gerard,	Maxwell,	Scanlon,
Bentley,	Gillan,	McClanaghan,	Schwab,
Boles,	Gillette,	McClester,	Serrill,
Boney,	Goodwin,	McDowell,	Shaffer,
Boorse,	Gross,	McFall,	Shaw,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Simons,
Breth,	Habbyshaw,	McKinney,	Sollenberger,
Bretherick,	Haberlen,	McLanahan,	Sorg,
Brown,	Haines,	McMillen,	Stank,
Brunner, C. H.,	Hall,	McSurdy,	Stine,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stockham,
Burns,	Hare,	Mihm,	Tarr,
Burris,	Harkins,	Modell,	Tate,
Cadwalader,	Harmuth,	Monks,	Taylor,
Chudoff,	Harris,	Mooney,	Thompson, E. F.,
Cochran,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Helm,	Moul,	Trout,
Cohen, R. E.,	Herman,	Muir,	Turner,
Cook,	Hersch,	Munley,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Vincent,
Cordier,	Hirsch,	O'Brien,	Vogt,
Corrigan,	Holland,	O'Dare,	Voldow,
Croop,	Huntley,	O'Mullen,	Voorhees,
Cullen,	Imbrie,	O'Neill,	Wagner,
Dalrymple,	James,	Owens,	Watkins,
DiGenova,	Jefferson,	Petrosky,	Weingartner,
Dix,	Jones, G. E.,	Pettit,	Weiss,
Dolon,	Jones, P. N.,	Polaski,	Welsh, E. B.,
D'Ortona,	Keenan,	Polen,	Welsh, M. J.,
Duffy,	Knoble,	Powers,	Williams,
Early,	Kolankiewicz,	Prosen,	Winner,
Elder,	Komorofski,	Rank,	Wolf,
Elliott,	Krise,	Readinger,	Wood, L. H.,
Ely,	Lee, T. H.,	Reagan,	Wood, N.,
Falkenstein,	Leisey,	Reese, R. E.,	Woodring,
Finestone,	Leonard,	Regan,	Woodside,
Finnerty,	Lesko,	Reynolds,	Wright,
Fisher,	Levy,	Rhea,	Yeakel,
Fiss,	Leydic,	Riley,	Yester,
	Lichtenwalter,	Rooney,	Young,
		Rose, S.,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence..

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1218, as follows:

An Act to amend section two hundred eighty-two of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for payment of one-fourth of fines collected for violation of said act to the counties for maintenance of prisoners committed for such violations and imposing duties on magistrates aldermen and justices of the peace

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred eighty-two of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as added by section seven of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 801) is hereby amended to read as follows

Section 282 Fines to Be Forwarded to Commissioner and County [All] Three-fourth of all fines recovered in cases where the prosecutor is a salaried officer of the Commonwealth shall be immediately surrendered by the court receiving the same to the prosecutor who in turn as soon as may be shall forward or deliver such fines and penalties to the commissioner Where any officer of the Commonwealth other than a salaried officer is the prosecutor three-fourths of the fines and penalties shall as soon as the case is fully determined by any magistrate alderman or justice of the peace be forwarded by such magistrate alderman or justice of the peace to the Commissioner at Harrisburg together with a statement of the cause for which such fines were collected the cost of which statement is hereby fixed at fifty cents and made a part of the costs of prosecution All fines received by the commissioner shall be paid into the State Treasury monthly by and through the Department of Revenue for the use of the fish fund In either of the above cases the remaining one-fourth of all fines and penalties recovered shall as soon as the case is fully determined be forwarded to the county commissioners of the county in which the offender was convicted for the use of the county in maintaining persons committed to the county jail for violations of the law to which this is an amendment

Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate alderman or justice of the peace imposing or receiving the same to the commissioner and to the county commissioners upon forms furnished by the Department of Revenue such reports shall be made monthly not later than the tenth day of the following month

Any magistrate alderman or justice of the peace who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of one hundred dollars and costs of prosecution or undergo imprisonment for not more than sixty days or suffer both such fine and imprisonment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fletcher,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Auker,	French,	Malloy,	Rush,
Baker,	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	Maxwell,	Sarraf,
Baugher,	Gerard,	McClanaghan,	Scanlon,
Bentley,	Gillan,	McClester,	Schwab,
Bentzel,	Gillette,	McDowell,	Serrill,
Boles,	Goodwin,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Sollenberger,
Breth,	Haberlen,	McMillen,	Sorg,
Bretherick,	Haines,	McSurdy,	Stank,
Brown,	Hall,	Melchiorre,	Stine,
Brunner, C. H.,	Hamilton,	Mihm,	Stockham,
Brunner, P. A.,	Hare,	Modell,	Tarr,
Burns,	Harkins,	Monks,	Tate,
Burris,	Harmuth,	Mooney,	Taylor,
Cadwalader,	Harris,	Moran,	Thompson, E. F.,
Chudoff,	Heatherington,	Moul,	Thompson, R. L.,
Cochran,	Helm,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hersch,	Nunemacher,	VanAllsburg,

Cook,	Hewitt,	O'Brien,	Vincent,
Cooper,	Hirsch,	O'Dare,	Vogt,
Cordier,	Holland,	O'Mullen,	Voldow,
Corrigan,	Huntley,	O'Neill,	Voorhees,
Croop,	Imbrie,	Owens,	Wagner,
Cullen,	James,	Petrosky,	Watkins,
Dalrymple,	Jefferson,	Pettit,	Weingartner,
DiGenova,	Jones, G. E.,	Polaski,	Weiss,
Dix,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dolon,	Keenan,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winner,
Early,	Komorofski,	Readinger,	Wolf,
Elder,	Krise,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence..

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1359, (Senate Bill No. 447), entitled:

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188.

Achterman,	Fletcher,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Auker,	French,	Malloy,	Rush,
Baker	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	Maxwell,	Sarraf,
Baugher,	Gerard,	McClanaghan,	Scanlon,
Bentley,	Gillan,	McClester,	Schwab,
Bentzel,	Gillette,	McDowell,	Serrill,
Boles,	Goodwin,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Sollenberger,
Breth,	Haberlen,	McMillen,	Sorg,
Bretherick,	Haines,	McSurdy,	Stank,
Brown,	Hall,	Melchiorre,	Stine,
Brunner, C. H.,	Hamilton,	Mihm,	Stockham,
Brunner, P. A.,	Hare,	Modell,	Tarr,
Burns,	Harkins,	Monks,	Tate,
Burris,	Harmuth,	Mooney,	Taylor,
Cadwalader,	Harris,	Moran,	Thompson, E. F.,
Chudoff,	Heatherington,	Moul,	Thompson, R. L.,
Cochran,	Helm,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hersch,	Nunemacher,	VanAllsburg,
Cook,	Hewitt,	O'Connor	Vincent,
Cooper,	Hirsch,	O'Dare,	Vogt,
Cordier,	Holland,	O'Mullen,	Voldow,
Corrigan,	Huntley,	O'Neill,	Voorhees,
Croop,	Imbrie,	Owens,	Wagner,
Cullen,	James,	Petrosky,	Watkins,
Dalrymple,	Jefferson,	Pettit,	Weingartner,
DiGenova,	Jones, G. E.,	Polaski,	Weiss,
Dix,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dolon,	Keenan,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winner,
Early,	Komorofski,	Readinger,	Wolf,
Elder,	Krise,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy, Speaker

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreebly to order,

The House proceeded to the third reading and consideration of House Bill No. 872, (Senate Bill No. 66), entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," imposing additional duties on and providing for additional compensation of veterans' grave registrars.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188.

Achterman,	Foor,	Lovett,	Rose, W. E.,
Allmond,	French,	Lyons,	Rosenfeld,
Auker,	Gallagher,	Malloy,	Royer,
Baker,	Gates,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baugher,	Gillan,	McClanaghan,	Scanlon,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Goodwin,	McDowell,	Serrill,
Boles,	Gross,	McFall,	Shaffer,
Boney,	Gryskewicz,	McGrath,	Shaw,
Boorse,	Gyger,	McIntosh,	Shepard,
Bower,	Habbyshaw,	McKinney,	Simons,
Bradley,	Haberlen,	McLanahan,	Sollenberger,
Breth,	Haines,	McMillen,	Sorg,
Bretherick,	Hall,	McSurdy,	Stank,
Brown,	Hamilton,	Melchiorre,	Stine,
Brunner, C. H.,	Hare,	Mihm,	Stockham,
Brunner, P. A.,	Harkins,	Modell,	Tarr,
Burns,	Harmuth,	Monks,	Tate,
Burris,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Muir,	Trout,
Cohen, R. E.,	Hersch,	Munley,	Turner,
Cook,	Hewitt,	Nunemacher,	VanAllsburg,
Cooper,	Hirsch,	O'Brien,	Vincent,
Cordier,	Holland,	O'Dare,	Vogt,
Corrigan,	Huntley,	O'Mullen,	Voldow,
Croop,	Imbrie,	O'Neill,	Voorhees,
Cullen,	James,	Owens,	Wagner,
Dalrymple,	Jefferson,	Petrosky,	Watkins,
Dennison,	Jones, G. E.,	Pettit,	Weingartner,
DiGenova,	Jones, P. N.,	Polaski,	Weiss,
Dix,	Keenan,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Williams,
Elder,	Komorofski,	Rank,	Winner,
Elliott,	Krise,	Readinger,	Wolf,
Ely,	Lee, T. H.,	Reagan,	Wood, L. H.,

Falkenstein,	Leisey,	Reese, R. E.,	Wood, N.,
Finestone,	Leonard,	Regan,	Woodring,
Finnerty,	Lesko,	Reynolds,	Woodside,
Fisher,	Levy,	Rhea,	Wright,
Fiss,	Leydic,	Riley,	Yeakel,
Fleming,	Lichtenwalter,	Rooney,	Yester,
Fletcher,	Longo,	Rose, S.,	Young,
			Kilroy, Speaker

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1315, as follows:

An Act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of the act" by adding new sections making certain changes in the designation of certain streets taken over as State highways and adding thereto certain additional streets providing for the taking opening relocation widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and the city or either of them designating the city as agent for the Commonwealth in such taking opening relocation widening or change of grade and the determination of damages arising therefrom authorizing agreements for the taking opening relocation widening change of grade construction reconstruction repair and maintenance of such State highways appropriating money in the Motor License Fund for the purposes of the act as amended.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and sections two three four five six and seven of the act approved the seventh day of May one thousand nine hundred thirty-seven (P. L. 589) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstructon of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilites of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" are hereby amended to read as follows

An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets providing for the taking opening relocation widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and any such city or either of them and authorizing agreements between cities and the Commonwealth for the opening taking relocating widening or change of grade of said streets and designating the city as agent of the Commonwealth in such opening taking relocating widening or change of grade and the determination of damages to private property arising therefrom imposing duties on such cities and on public utility companies using such streets [providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon] authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

In the City of Philadelphia

Beginning at a point on the Philadelphia City-Yeadon Borough line on Baltimore Avenue thence over Baltimore Avenue to an intersection with Forty-second Street thence northerly over Forty-second Street to an intersection with Spring Garden Street thence easterly over Spring Garden Street to an intersection with Thirty-first Street thence northerly over Thirty-first Street to an intersection with Haverford Avenue thence westerly over Haverford Avenue to an intersection with Forty-second Street thence southerly over Forty-second Street to the intersection of Forty-second Street and Spring Garden Street beginning again at the intersection of Thirty-first Street and Spring Garden Street thence easterly over Spring Garden Street to an intersection with the Parkway thence southeasterly over the Parkway to City Hall beginning again at the intersection of the Parkway and Race Street thence easterly over Race Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Vine Street thence westerly over Vine Street to an intersection with the Parkway a distance of about 8.25 miles

Beginning at a point on the Philadelphia [City-Melbourne] City-Melbourne Borough line thence over Market Street to an intersection with Cobb's Creek Parkway thence southerly over Cobb's Creek Parkway to an intersection with Chestnut Street thence easterly over Chestnut Street to an intersection with Fifth Street thence northerly over Fifth Street to an intersection with Spring Garden Street beginning again at the intersection of Spring Garden Street and Sixth Street thence southerly over Sixth Street to an intersection with Walnut Street thence westerly over Walnut Street to an intersection with Cobb's Creek Parkway thence northerly over Cobb's Creek Parkway to an intersection with Chestnut Street beginning again at the intersection of Cobb's Creek Parkway and Walnut Street thence southerly over Cobb's Creek Park-

way to an intersection with [Sixty-third] Sixty-first Street thence southerly over Sixty-first Street to an intersection with Baltimore Avenue a distance of about 14.00 miles

Beginning at a point on the Philadelphia City-Yeadon Borough line on Sixty-fifth Street thence easterly over Sixty-fifth Street Chester Avenue and Sixty-fifth Street to an intersection with Kingsessing Avenue thence northeasterly over Kingsessing Avenue to an intersection with Fifty-second Street thence northwesterly over Fifty-second Street to an intersection with Chester Avenue thence northeasterly over Chester Avenue to an intersection of Chester Avenue and Forty-second Street thence northerly over Forty-second Street to an intersection with Baltimore Avenue thence northeasterly over Baltimore Avenue to an intersection with Woodland Avenue thence northeasterly over Woodland Avenue to an intersection with Chestnut Street near Thirty-third Street a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Bucks County line on Roosevelt Boulevard thence over the Roosevelt Boulevard to an intersection with Hunting Park Avenue thence over Hunting Park Avenue to an intersection with Allegheny Avenue thence westerly over Allegheny Avenue to an intersection with Ridge Avenue thence over Ridge Avenue and Park Drive to an intersection with City Avenue thence southwesterly over City Avenue to the Philadelphia City-Delaware County line at Cobb's Creek a distance of about 20.00 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Lancaster Avenue thence southeasterly over Lancaster Avenue to an intersection with Spring Garden Street near Thirty-ninth Street a distance of about 3.05 miles

[Beginning at a point on the Philadelphia City-Montgomery County line on Conshohocken Avenue thence southeasterly on Conshohocken Avenue to an intersection with Belmont Avenue thence southerly on Belmont Avenue to the intersection of Belmont Avenue and Lancaster Avenue beginning again at the intersection of Thirty-ninth Street and Lancaster Avenue thence southerly over Thirty-ninth Street Filbert Street and Thirty-ninth Street to the intersection of Thirty-ninth Street and Baltimore Avenue thence southeasterly over University Avenue to an intersection with Thirty-fourth Street thence southerly over Thirty-fourth Street to an intersection with Maiden Lane thence southeasterly over Maiden Lane to an intersection with Snyder Avenue thence easterly over Snyder Avenue to an intersection with South Twenty-fourth Street thence southerly over South Twenty-fourth Street to the intersection of South Twenty-fourth Street and Passyunk Avenue] Beginning at the intersection of Thirty-ninth Street and Lancaster Avenue thence southerly on Thirty-ninth Street Filbert Street and Thirty-ninth Street to the intersection of Thirty-ninth Street and Baltimore Avenue thence southeasterly on University Avenue to an intersection with Thirty-fourth Street thence southerly over Thirty-fourth Street to an intersection with Vare Avenue thence southeasterly over Vare Avenue to an intersection with Oregon Avenue thence easterly over Oregon Avenue to an intersection with South Broad Street beginning again at the intersection of Thirty-ninth and Filbert Streets thence northerly over Filbert Street Saunders Avenue and Lancaster Avenue to the intersection of Thirty-ninth Street and Lancaster Avenue a distance of about [6.70] 4.65 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Old York Road thence southerly over Old York Road to an intersection with North Broad Street thence southerly over North Broad Street to City Hall thence by West Penn Square to the intersection of South Broad Street and South Penn Square a distance of about 8.00 miles

Beginning [at a point on the Philadelphia City-Montgomery County line on Wadsworth Avenue thence southwesterly on Wadsworth Avenue to an intersection with Easton Road thence along Easton Road to an intersection with Mt. Airy Avenue thence along Mt. Airy Avenue to an intersection with Germantown Avenue beginning again] at the intersection of Germantown Avenue and Mt. Pleasant Avenue thence southwesterly over Mt. Pleasant Avenue to an intersection with Lincoln Drive a distance of about [2.66] 0.83 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Ogontz Avenue thence southerly on Ogontz Avenue to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to the intersection of Stenton Avenue and North Broad Street a distance of about 2.20 miles

Beginning at a point on the Philadelphia City-Bucks County line on Bustleton Avenue thence southerly on Bustleton Avenue to an intersection with Welsh Road thence over Welsh Road to the intersection of Welsh Road and Roosevelt Boulevard a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Philmont Avenue thence northeasterly over Philmont Avenue to its intersection with Bustleton Avenue a distance of about 0.70 of a mile.

Beginning at a point on the Philadelphia City-Bucks County line on Frankford Avenue thence southwesterly on Frankford Avenue to an intersection with Levick Street thence northwesterly on Levick Street to the intersection of Levick Street and the Roosevelt Boulevard a distance of about 6.00 miles

Beginning at a point on the Philadelphia City-Montgomery line on Cottman Avenue thence southeasterly over Cottman Avenue to an intersection with Frankford Avenue beginning again at the intersection of Frankford Avenue and Levick Street thence southeasterly over Levick Street to the approach to the Tacony-Palmyra Bridge a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Delaware County line on Eighty-fourth Street thence southeasterly over Eighty-fourth Street to an intersection with Tinicum Avenue thence northeasterly over Tinicum Avenue to an intersection with South 80th Street thence southeasterly over South 80th Street to an intersection with Penrose Ferry Road thence northeasterly over Penrose Ferry Road to an intersection with Penrose Avenue near Schuylkill Avenue] thence northeasterly on Penrose Avenue to an intersection with Moyamensing Avenue thence over Moyamensing Avenue to an intersection with South Broad Street thence northerly on South Broad Street to City Hall thence by way of East Penn Square to the intersection of North Penn Square and North Broad Street a distance of about [7.40] 7.09 miles

[Beginning at a point on the Philadelphia City-Delaware County line on Tinicum Avenue thence northeasterly on Tinicum Avenue to the intersection of Tinicum Avenue and Eighty-fourth Street beginning again at the intersection of Moyamensing Avenue and Oregon Avenue thence easterly on Oregon Avenue to an intersection with Swanson Street thence northerly on Swanson Street to an intersection with Delaware Avenue thence northerly on Delaware Avenue to an intersection with Richmond Street thence northeasterly on Richmond Street to an intersection with Bridge Street thence northwesterly on Bridge Street to an intersection with Tacony Street thence northeasterly on Tacony Street and State Road to the approach to the Tacony-Palmyra Bridge a distance of about 12.70 miles]

Beginning at a point on the Philadelphia City-Montgomery County Line on Germantown Avenue thence southeasterly over Germantown Avenue to an intersection with Mt Pleasant Avenue [thence northeasterly on Mt Pleasant Avenue to Chew Street thence southeasterly on Chew Street to an intersection with Olney Avenue thence asterly over] [Olney Avenue to an intersection with Rising Sun Avenue] beginning again at the intersection of Rising Sun Avenue and Adams Avenue thence over Adams Avenue to an intersection with Roosevelt Boulevard a distance of about [8.76] 4.26 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Bethlehem Pike thence southeasterly on the Bethlehem Pike to an intersection with

the Germantown Avenue beginning again at an intersection of Germantown Avenue and Allen's Lane thence southerly over Allen's Lane to an intersection with Lincoln Drive thence southerly on Lincoln Drive to an intersection with Cliveden Street thence southerly on Cliveden Street to an intersection with Park Line thence over Park Line to an intersection with Walnut Lane thence over Walnut Lane to an intersection with Ridge Avenue thence southerly on Ridge Avenue to the intersection of Park Drive and Ridge Avenue beginning again at the intersection of Allegheny Avenue and Ridge Avenue thence southerly on Ridge Avenue to an intersection with Twenty-ninth Street thence southerly on Twenty-ninth Street to an intersection with Girard Avenue thence easterly on Girard Avenue to an intersection with West College Avenue thence southerly on West College Avenue to an intersection with Twenty-fifth Street thence southerly on Twenty-fifth Street to an intersection with Pennsylvania Avenue thence southeasterly on Pennsylvania Avenue to an intersection with Spring Garden Street thence over Spring Garden Street to the intersection of Spring Garden Street and Delaware Avenue beginning again at the intersection of Pennsylvania Avenue and Twenty-fifth Street thence northwesterly on Pennsylvania Avenue to the intersection of Twenty-sixth Street thence northerly over Twenty-sixth Street to the intersection of Twenty-sixth Street and Girard beginning again at the intersection of Girard Avenue and Twenty-ninth Street thence westerly on Girard Avenue to an intersection with a park drive near Thirty-first Street beginning again at the intersection of Spring Garden Street and Pennsylvania Avenue thence westerly over Spring Garden Street to an intersection with a park drive a distance of about 11.00 miles

Begining at a point on the Philadelphia City-Rockledge Borough line on Oxford Avenue thence southerly on Oxford Avenue to an intersection with Rising Sun Avenue thence southwesterly on Rising Sun Avenue to the intersection of Rising Sun Avenue and the Roosevelt Boulevard a distance of about 3.40 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Haverford Avenue thence southeasterly on Haverford Avenue to an intersection with Forty-second Street a distance of about 4.25 miles

Beginning at a point on the Philadelphia City-Delaware County line on Lansdowne Avenue thence northerly over Lansdowne Avenue to an intersection with Haverford Avenue beginning again at an intersection of Haverford Avenue and Girard Avenue thence easterly over Girard Avenue to an intersection with a park drive near Thirty-first Street thence souterly over the park drive to an intersection with the Parkway at Spring Garden Street a distance of about 4.80 miles

Beginning at a point on the Philadelphia City-Delaware County line on Seventy-first Street thence northerly over Seventy-first Street to an intersection with Lansdowne Avenue a distance of about 0.50 of a mile

Beginning at a point on the Philadelphia City-Montgomery County line on East Washington Lane thence southwesterly over East Washington Lane to an intersection with [Stenton Avenue thence southeasterly on Stenton Avenue to an intersection with Washington Lane thence southwesterly on Washington Lane to an intersection with Wayne Avenue thence northwesterly on Wayne Avenue to the intersection of Wayne Avenue and Lincoln Drive a distance of about 3.20 miles] "Ogontz Avenue beginning again at the intersection of Washington Lane and Stenton Avenue thence southeasterly on Washington Lane to an intersection with Wayne Avenue thence northwesterly on Wayne Avenue to the intersection of Wayne Avenue and Lincoln Drive a distance of about 2.42 miles"

[Beginning at a point on the Philadelphia City-Montgomery County line on Ridge Avenue thence southeasterly on Ridge Avenue to an intersection with Walnut Lane [beginning again at the intersection of Alegheny Avenue and Hunting Park Avenue thence easterly over Allegheny Avenue to an intersection with Sedgley Avenue thence northeasterly on Sedgley Avenue to an intersection with Ninth] [Street thence southeasterly on Ninth Street to an intersection with Allegheny Avenue thence easterly over Allegheny Avenue to an intersection with Richmond Street] a distance of about [9.00] 4.24 miles]

Beginning at the Philadelphia City-Darby Borough line on Woodland Avenue thence northeasterly on Woodland Avenue to an intersection [with Island Avenue thence southeasterly on Island Avenue to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with Buist Avenue thence northeasterly on Buist Avenue to an intersection with South Sixty-third Street thence southeasterly on South Sixty-third Street to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with South Broad Street beginning again at the intersection of Washington Avenue and South Broad Street thence easterly on Washington Avenue to the intersection of Washington Avenue and Delaware Avenue] "at Island Road thence southeasterly on Island Road to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with South Broad Street a distance of about [6.25] "4.57 miles

Beginning at a point on the boundary line between Delaware County and Philadelphia City on Marshall Road and extending in an easterly direction on Marshall Road to an intersection with Cobb's Creek Parkway a distance of 0.10 miles

Beginning at a point at the intersection of Roosevelt Boulevard and Aramingo Avenue thence southeasterly and southwesterly on Aramingo Avenue to Norris Street thence southeasterly on Norris Street to Dyott Street thence southeasterly on Dyott Street to Delaware Avenue thence southwesterly on Delaware Avenue to Swanson Street thence southwesterly on Swanson Street to Oregon Avenue thence southwesterly on Oregon Avenue to an intersection with Moyamensing Avenue a distance of 12.1 miles

Beginning at a point at the intersection of Tacony Street and Aramingo Avenue thence northeasterly along Tacony Street and State Road to an intersection with Levick Street a distance of about 1.3 miles

Beginning at a point on the Philadelphia City-Montgomery County line at the intersection with the Bethehem Pike thence easterly on Stenton Avenue to an intersection with Stenton Avnue and Ogontz Avenue Beginning again at the intersection of North Broad Street and Godfrey Avenue thence in an easterly direction on Godfrey Avenue to an intersection of Godfrey Avenue and Adams Avenue thence over Adams Avenue to an intersection with Rising Sun Avenue a distance of 6.0 miles

Beginning at an intersection of Allegheny Avenue and Hunting Park Avenue thence in a southwesterly direction on Hunting Park Avenue to an intersection with East River Drive a distance of about .8 miles

Beginning at an intersection of Ridge Avenue and Vine Street thence in a southeasterly direction on Ridge Avenue to an intersection of Ridge Avenue with Race Street a distance of about 0.15 mile

Beginning at a point at the intersection of Island Road and Passyunk Avenue thence on Island Road in a southeasterly direction to an intersection with Penrose Avenue thence northeasterly over Penrose Avenue to an intersection with Eightieth Street a distance of about 2.30 miles

Beginning at a point on the Philadelphia City-Delaware County line on Essington Avenue thence northeasterly and northerly on Essington Avenue to an intersection with Passyunk Avenue a distance of 3.1 miles

Beginning at a point on the Philadelphia City-Montgomery County line on Ridge Avenue thence southeasterly on Ridge Avenue to an intersection with Ridge Avenue and Henry Avenue and thence southeasterly on Henry Avenue to an intersection with Walnut Lane a distance of about 3.75 miles"

Provided however that no part or portion of any street hereinbefore described shall be taken over as a State highway under the provisions of this act until after such part or portion shall have been legally opened by the city authorities in the same manner as other streets are now opened which form a part of the same route as herein described "or an agreement shall have been entered into between the Commonwealth and city for such opening."

Section 3 The city streets of sections thereof hereinbefore described shall be taken over by the Commonwealth through the Department of Highways not later than the first day of January [one thousand nine hundred thirty-eight] "one thousand nine hundred forty-two" subject however to the following exceptions

(a) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if an order or decree for the improvement thereof has been issued until there has been full compliance with the terms of such order or decree

(b) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or the city authorities or both until the contract has been completed

(c) No city street or part thereof described in section two of this act shall be taken over if an agreement has been entered into between the city authorities and "any party other than" the Commonwealth [or any other party] for the maintenance or construction of such street even though no formal contract has been executed pursuant to such agreement and no work has been done until the terms of the agreement have been fulfilled

Section 4 This act is not intended and shall not be construed

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth but such duty shall be and remain the obligation of the cities

[(b) To place upon the Commonwealth any obligation for the maintenance construction reconstruction or resurfacing of said streets other than the base or surface courses

(c) To place upon the Commonwealth through the Department of Highways any obligation to maintain construct] lor reconstruct any structure of any kind or character whatsoever situate upon or forming part of any city street or section thereof described in section two of this act except that the Secretary of Highways may assume the obligation to maintain construct or reconstruct drainage structures with a total spanned length not exceeding ten feet measured along the center line of the street other than storm or sanitary sewers and which were the sole obligation of the city prior to the passage of this act Responsibility for the construction reconstruction and maintenance of any other structures shall remain with the city person association or corporation responsible therefor at the date of the approval of this act

(d) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing or the alteration or reconstruction of an existing overhead or under grade crossing on any street described and designated in section two of this act and no such assessment shall hereafter be made under any act of Assembly heretofore enacted

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted]

[(f)] "(b)" To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of the streets or sections thereof taken over by the Commonwealth for maintenance or improvement under the provisions of this act Provided however That the Department of Highways shall be and is hereby authorized to close to traffic all of the streets or sections thereof described in section two of this act during such time as improvements are being made thereon and in such case the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act

Section 5 After the streets described in section two of this act shall have been taken over by the Commonwealth they shall be maintained constructed reconstructed [and] resurfaced "and repaired" by the Department of Highways at the expense of the Commonwealth and such construction reconstruction and resurfacing shall be of such type as shall be determined by the Secretary of Highways with the approval of the Governor and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways [The obligation of the Commonwealth in the construction reconstruction resurfacing or maintenance as hereinbefore provided shall be limited to that part of the street or section thereof between curb lines as established at the time of passage of this act but shall not include the portions of such streets which are or may be used and occupied by the structures or surface facilities of any public utility company] Provided "however That nothing in this section shall be construed to place upon the Commonwealth any obligation to repair and maintain the curbing and footways of any such street And provided further" That it shall nevertheless be lawful for the Department of Highways to enter into agreements in the discretion of the Secretary of Highways with the cities or with persons associations or corporations for the sharing with the Commonwealth of the cost of construction reconstruction or resurfacing of the streets or sections thereof taken over by the Commonwealth under this act "The Secretary of Highways is authorized prior to and for the purpose of the construction reconstruction or improvement of any such street or section thereof to enter into agreements with any city of the first class for the revision or change of the lines widths and grades thereof as hereinafter provided"

Section 6 The maintenance of said streets authorized under the provisions of this act shall not include snow removal or street cleaning [and shall be limited to the portions of the street between existing curb lines available to vehicular traffic]

Section 7 [The Department of Highways shall not change the width lines or grades of the streets taken over under the provisions of this act or any section thereof but such changes as may be approved or recommended by the Secretary of Highways shall be made by the city as heretofore by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment of any damages which may be occasioned] [thereby in the manner provided by law such damages to be ascertained and paid in accordance with the laws applicable thereto] "Whenever the Secretary of Highways shall deem it necessary or desirable that the lines widths or grades of any such street or section thereof be revised or changed prior to and for the purpose of facilitating the construction reconstruction or improvement of any such street the Secretary of Highways may with the approval of the Governor enter into agreements with any such city within the limits of which such streets or section thereof to be constructed reconstructed or improved are located for the revision and change of lines widths and grades of such street or section thereof and such revision and changes shall be made by such city on the city plan in accordance with the law and procedure applicable thereto"

Section 2 That after Section 15 of the said act the following new sections are hereby added

"Section 16 The type of improvement shall include opening widening and change of grade on any street or section thereof clearing grading demolition removal of existing paving repaving surfacing the construction of traffic islands circle or other traffic channelizations the construction of storm water conduits drains and gutters culverts bridges viaducts and retaining walls curbing and recurbing the paving and repaving of sidewalks the planting of trees and shrubs seeding and sodding street and traffic signs traffic signals and conduits and lighting fixtures for same and such other work excepting water pipe and sanitary sewers as may be necessary fully and satisfactorily to complete such improvement

Section 17 The Secretary of Highways with the approval of the Governor and any such city of the first class are hereby authorized to enter into agreements for the taking opening relocation widening or change of grade by the Commonwealth of any State highway or section thereof

within the limits of such city Such agreements may provide inter alia for the payment by the city of all or part of the property damages resulting by reason of the taking opening relocation widening or change of grade by the Commonwealth of such highway or section thereof

The amount of damages payable for such taking opening relocation widening or change of grade by the Commonwealth shall be ascertained in accordance with existing laws relating to the payment of damages for the taking opening relocation widening or change of grade of State highway routes Each city of the first class is hereby appointed and constituted the agent of the Commonwealth in the taking opening relocation widening or change of grade of any such highway or section thereof within its limits and in the determination of property damages payable therefor under the provisions of this act The city as agent for and on behalf of the Commonwealth shall determine by amicable settlement legal proceedings or otherwise all claims for damages in accordance with the procedure established by law for the determination of damages resulting from the exercise of eminent domain by cities of the first class provided however that no agreement for the settlement of any claim for damages shall become effective until approved by the Secretary of Highways and the Secretary of Highways shall at the expense of the Commonwealth have the right to be represented by counsel and witnesses in any judicial proceedings to ascertain the damages payable but all other expenses of such judicial proceedings exclusive of damages shall be paid by the city The damages resulting from such taking opening relocation widening or change of grade of any such street or section thereof when finally ascertained whether by settlement award judgment or otherwise shall be paid out of moneys in the Motor License Fund and all sums if any due by such city as its share thereof under any such an agreement with the Commonwealth shall be paid by such city to the Commonwealth and shall be credited in the Motor License Fund"

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fletcher,	Lovett,	Rose, W. E.,
Allmond,	Foor,	Lyons,	Rosenfeld,
Auker,	French,	Malloy,	Royer,
Baker,	Gallagher,	Marks,	Rush,
Balthaser,	Gates,	Maxwell,	Sarge,
Baugher,	Gerard,	McClanaghan,	Sarraf,
Bentley,	Gillan,	McClester,	Scanlon,
Bentzel,	Gillette,	McDowell,	Schwab,
Boies,	Goodwin,	McFall,	Serrill,
Boney,	Gross,	McGrath,	Shaffer,
Boorse,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Breth,	Haines,	McLane,	Sollenberger,
Bretherick,	Hall,	McMillen,	Sorg,
Brown,	Hamilton,	McSurdy,	Stank,
Brunner, C. H.,	Hare,	Melchiorre,	Stine,
Brunner, P. A.,	Harkins,	Mihm,	Stockham,
Burns,	Harmuth,	Modell,	Tarr,
Burris,	Harris,	Monks,	Tate,
Cadwalader,	Heatherington,	Mooney,	Taylor,
Chudoff,	Helm,	Moran,	Thompson, E. F.,
Cochran,	Herman,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Muir,	Trout,
Cohen, R. E.,	Hewitt,	Munley,	Turner,
Cook,	Hirsch,	Nunemacher,	VanAllsburg,
Cooper,	Holland,	O'Brien,	Vincent,
Cordier,	Huntley,	O'Dare,	Vogt,
Corrigan,	Imbrie,	O'Mullen,	Voldow,
Croop,	James,	O'Neill,	Voorhees,
Cullen,	Jefferson,	Owens,	Wagner,
Dalrymple,	Jones, G. E.,	Petrosky,	Watkins,
DiGenova,	Jones, P. N.,	Pettit,	Weingartner,
Dix,	Keenan,	Polaski,	Weiss,
Dolon,	Kenehan,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Williams,
Early,	Komorofski,	Rank,	Winner,
Elder,	Krise,	Readinger,	Wolf,
Elliott,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Leisey,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leonard,	Regan,	Woodring,
Finestone,	Lesko,	Reynolds,	Woodside,
Finnerty,	Levy,	Rhea,	Wright,
Fisher,	Leydic,	Riley,	Yeakel,
Fiss,	Lichtenwalter,	Rooney,	Yester,
Fleming,	Longo,	Rose, S.,	Young,
			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 861, as follows:

An Act to further amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine hundred two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 902 When Court to Fill Vacancies If the council of any borough shall refuse fail or neglect or be unable for any reason whatsoever to fill any vacancy within thirty days after the vacancy happens as provided by the preceding section then the court of quarter sessions shall upon petition of the burgess or council or five citizens fill the vacancy in such office by the appointment of a qualified resident of the borough for the unexpired term of the office "Provided That if no petition be filed within ten days after the expiration of the said thirty days then council shall again have power to fill the vacancy"

Section 2 Section nine hundred five of said act as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 689) is hereby further amended to read as follows

Section 905 Right of Council to Declare Seat of Councilman Vacant for Failure to Attend Meetings If any person having qualified as a member of council shall neglect or refuse to attend two successive regular meetings unless detained by sickness or "temporarily" prevented by [necessary absence from the borough] "fortuitous circumstances of a serious nature and beyond his control" or if in attendance at any meetings shall neglect or refuse to act in his official capacity as a member of council the borough council acting without such person may declare his office as a member of council vacant and may fill such vacancy as provided in section nine hundred one of this act For such actions a majority of the remaining members of the council shall constitute a quorum

Section 3 Sections one thousand one and one thousand three of said act are hereby amended to read as follows

Section 1001 Organization of Council No Compensation Eligibility The borough council shall organize at

eight o'clock post meridian on the first Monday [after the first day] of January of each even numbered year by electing a president treasurer and secretary which shall constitute the organization of council The council may at the organization meeting elect such other officers as may be provided for by law or ordinance "and may transact any other business properly coming before a general meeting" The president shall preside over the meetings of council and when absent his place shall be filled by a president pro tempore The councilmen shall not receive any compensation for their services as councilmen A school director shall not be eligible to the office of member of council

Section 1003 When the Burgess May Preside Over Council and Vote The burgess shall preside over the organization "meeting" of the council until [it is organized as provided in section one thousand one but he shall not vote thereat unless his vote shall for any reason whatsoever be required to effect the organization of council or to elect any officer elected at the organization meeting] "the president secretary and treasurer have been elected The burgess shall continue to preside unless and until a majority of the councilmen present adjourn the organization meeting after which the president shall preside" In case of the unavoidable absence of the burgess at the organization meeting one of the members of council chosen by the members present at the meeting shall preside

[In all cases where by reason of a tie vote the council of any borough shall be unable to enact or pass any ordinance or fill a vacancy in its membership or in any other borough office and such disagreement shall continue until the next regular meeting of council it shall be the duty of the burgess of such borough to attend said meeting and cast the deciding vote]

"Whenever at any meeting and for any purpose or on any question there be a tie vote or if the vote of the burgess will facilitate the transaction of business he shall cast the deciding vote if present and if he be not present he may cast the deciding vote at the next meeting and if no meeting be held within thirty-five days he may cast his vote by notifying the secretary to that effect Provided That his vote on the matter requiring the formalities of an ordinance shall not affect his right to either approve or veto the ordinance as heretofore And provided further That he shall not vote on any matter affecting himself or his office or affecting persons suspended or dismissed by him or on any question relating to the passage of an ordinance over his own veto

Section 4 The first paragraph and clauses eleven seventeen and eighteen of section one thousand six of said act as last amended by the act approved the twenty-first day of May one thousand nine hundred and thirty-seven (P. L. 761) and by the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1608) are hereby further amended to read as follows

Section 1006 Duties "and Powers" of Council [It shall be the duty of the] "The borough" council a majority of whom shall be a quorum "shall have power and unless discretion is vested it shall be its duty"

XI [To] "In its discretion to mitigate or remit fines and forfeitures in reasonable cases"

* * * *

XVII [To] "In its discretion to" employ certified public accountants by a two-thirds vote of the entire number of councilmen elected

XVIII To adopt an annual budget [On or before the fifteenth day] During the month of January a proposed budget or annual estimate of revenues and expenditures shall be prepared in a manner designated by the council The budget shall be prepared on a uniform form prepared and furnished as hereafter provided

Upon the preparation of the proposed budget the council shall give public notice "in such manner as the council shall deem appropriate" of the fact that the proposed budget will be available for public inspection at the office of the borough secretary or such other place as may be designated in [a] "the public notice After the expiration of fifteen (15) days following the giving of such public notice council shall after making such revisions therein as appear advisable adopt the budget the tax ordinance and [the necessary appropriation measures required to put the budget into effect] "an annual appropriation resolution appropriating the amount needed for the conduct of each activity of the borough and for other purposes for the fiscal year in conformity with the budget" The total amount appropriated shall not exceed the receipts of the borough estimated as available for the fiscal year

In all boroughs the council shall [within fifteen (15) days] "on or before the first day of April and" after the adoption of the budget file a copy of the same with the Department of Internal Affairs "together with a copy of the tax ordinance and annual appropriation resolution"

The council shall have power to authorize by resolution the transfer of any unencumbered balance of an appropriation or any portion thereof from one purpose to another within the same fund but transfers to cover lawful deficits and surpluses may be made between the general borough fund and special funds Such action shall not be taken during the first three months of the fiscal year

The council may during any fiscal year [adopt] by resolution "make supplementary appropriations [but any reso-] [lution authorizing such supplementary appropriations shall provide for unencumbered receipts sufficient to cover such appropriations] "for any lawful purpose from any funds on hand or estimated to be received and not appropriated to any other purpose including the proceeds of any borrowing now or hereafter authorized by law"

Payments shall not be authorized or made from the treasury except upon appropriation in the [budget] "annual appropriations resolution" or supplementary appropriation resolutions The council or other officers shall not hire any work to be done purchase any material make any contract or issue any order for the payment of moneys by any agent of the borough which will cause the sums appropriated to specific purposes to be exceeded "Provided That for the purpose of paying current operating expenses pending the final adoption of the budget and the annual appropriation resolution the council or other officers authorized by law may during the months of January February and March purchase materials and supplies hire work to be done enter into any contract and order the payment of moneys by any agency of the borough for the ordinary recurring operating and maintenance expenses of the borough to an amount in each case not exceeding one-fourth of the amount appropriated for each item of operating and maintenance expense during the preceding fiscal year Provided further That nothing herein contained shall be construed to prevent the payment during the months of January February and March in any fiscal year of any money due and owing by any borough for or on account of any service rendered work performed materials or supplies ordered or delivered in the prior fiscal year when at the time such service work materials or supplies were ordered there existed an unencumbered balance of an appropriation for the purpose for which such service work materials or supplies were ordered sufficient to cover the cost of such service work materials or supplies When the annual appropriation resolution has been finally adopted any expense incurred prior to the adoption of such resolution during the months of January February and March for ordinary recurring operating and maintenance expenses shall be a charge against the several items of appropriation to which such expense would have been charged had the annual appropriation resolution been adopted prior to the incurring of such expense and any payments made on account of service work materials or supplies ordered in the prior fiscal year shall be charged to an appropriation for the payment of bills of prior years which shall be included in the annual appropriation resolution as finally adopted"

Section 5 Article eleven of said act is hereby amended by adding thereto after section one thousand one hundred and three a new section to read as follows

"Section 1104 Appointments Unless there be incompatibility in fact any elective or appointive officer of the borough shall be eligible to serve on any board commission bureau authority or other agency created by or for the borough or any borough office created or authorized by statute and may accept appointments thereunder provided no burgess or councilman shall receive compensation therefor except in the case of authorities where compensation is allowed or provided for by statute Where there is no incompatibility in fact and subject to the foregoing provisions as to compensation appointees of council or appointments made by the burgess with the approval of council or by the corporate authorities or by the corporate officers may hold two or more appointive borough offices but no burgess or member of council may serve as secretary or treasurer and the offices of secretary and treasurer shall not be held by the same person Provided That nothing herein contained shall affect the eligibility of any borough official to hold any other public office or receive compensation therefor In all cases in which it is provided that an appointment is to be made by the burgess and council such appointment shall hereafter be made by the burgess with the approval of a majority of the members of council attending the meeting at which the appointment is made unless a different vote is required by statute and all appointments to be made by the council or the corporate officers or corporate authorities shall be made by a majority of the members of council attending the meeting at which the appointment is made unless a different vote is required by statute"

Section 6 The first paragraph of section one thousand two hundred and two of said act is hereby amended to read as follows

Section 1202 Specific Powers [The powers of the borough shall be vested in the corporate officers They shall have power] "The words "corporate authorities" or "corporate officers" when applied to boroughs shall mean the borough council even though the action undertaken is by ordinance and subject to the approval or veto of the burgess The legislative powers of boroughs including any capital expenditures not payable out of the current funds for the year shall be exercised by or based upon an ordinance and all other powers by vote of the majority of council present at a meeting unless otherwise prescribed Routine ministerial or administrative purchases and powers may be made and exercised by officers or committees if authority therefor is previously given or the action is subsequently ratified by council As thus defined boroughs shall have power"

Section 7 The last two paragraphs of clause LIII of section one thousand two hundred two of said act as last amended by the act approved the twenty-first day of May one thousand nine hundred and thirty-seven (P. L. 767) and the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 689) are hereby further amended to read as follows

Section 1202 Specific Powers The powers of the borough shall be vested in the corporate officers They shall have power

* * * * *

LIII Regulation of Contracts

* * * *

"(e) Those made for any public utility service where the service is to be provided by a public utility under tariffs on file with the Pennsylvania Public Utility Commission"

It shall not be lawful for any burgess or member of council of any borough or any officer agent or employe thereof to be in any way interested either directly or indirectly in any contract for the sale or furnishing of any supplies or materials to be furnished to or for the use of "or any work to be done for" such borough involving the expenditure by the borough of more than [twenty-five ($25) in any one month or more than] three hundred dollars ($300) in any year or to receive any reward or gratuity from any person interested in such contract or sale nor shall any burgess member of council officer agent or employe of any borough be a member of any partnership or a stockholder or officer of any corporation or an agent or employe of any individual partnership or corporation in any way interested in any contract for the sale or furnishing of any supplies or materials to be furnished to or for the use of or any work to be done for such borough involving the expenditure by the borough of more than [twenty-five dollars ($25) in any one month or more than] three hundred dollars ($300) in any year and any person violating these provisions or any of them shall forfeit his office or appointment in such borough and also be guilty of a misdemeanor and upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars ($500)

[(e) Those made for any public utility service where the service is to be provided by a public utility under tariffs on file with the Pennsylvania Public Utility Commission]

Section 8 Clause LVIII of section one thousand two hundred two of said act as added by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1290) is hereby amended and renumbered to read as follows

Section 1202 Specific Powers The powers of the borough shall be vested in the corporate officers They shall have power

* * * * *

LVIII "A Contracts with Adjacent Muncipalities for Fire Protection To enter into contracts with the proper authorities of near or adjacent cities boroughs or townships either for mutual aid or assistance in "police and" fire protection or for the furnishing to or receiving from such cities boroughs or townships aid and assistance in "police and" fire protection" and to make appropriations therefor Provided That in connection with such contracts it shall not be necessary to advertise for bids or receive bonds as required for other contracts under existing law

Section 9 Article thirteen of said act is hereby amended by adding thereto after section one thousand three hundred and one a new section to read as follows

"Section 1301.1 Additional Levy The Council of the borough shall have power to levy and collect annually on the valuation assessed for county purposes as now is or may be provided by law an additional tax sufficient to pay interest and sinking fund charges on its indebtedness together with any taxes covenanted to be paid thereon and all property offices professions and persons made taxable by the laws of the commonwealth for county rates and levies may in the discretion of council be taxed after the same manner for this additional levy Provided That nothing herein contained shall prevent the application of monies received from taxes levied for general purposes to the purposes of this additional levy"

Section 10 Sections two thousand seven hundred three two thousand seven hundred four two thousand seven hundred seven and two thousand seven hundred twenty of said act are hereby amended to read as follows

Section 2703 Limit on Obligations No appropriation purchase or lease shall be made pursuant to the preceding sections whereby any borough shall within any period of three years obligate itself to pay in the aggregate any sum exceeding one and one-half mills on the dollar on the assessed valuation of all property offices professions and persons in the borough upon which county taxes are rated and levied without the consent of a majority of the electors obtained as hereinafter provided "Provided however That no such election shall be required in any case where the question of the increase of the indebtedness of the borough for any of the foregoing purposes shall have been submitted to and assented to by a majority of the electors of the borough voting on such question at any election held according to law"

Section 2704 Submission to Voters Whenever any borough shall by ordinance provide for the appropriation purchase or leasing of private property for the purposes aforesaid and the value of such property or the rental thereof shall alone or when added to the amount of liability incurred for any of the purposes aforesaid within the preceding three years exceed one and one-half mills on the dollar of valuation as provided in the pre-

ceding section "and the question of the increase of indebtedness of the borough for any of said purposes has not been submitted to and assented to by a majority of the electors voting on such question at an election held for the purpose of obtaining such assent according to law" the council shall cause the question of such appropriation purchase or leasing to be submitted to the electors of the borough at [the municipal or general election next occurring after the expiration of forty days from the date of such ordinance] "an election to be held at the places of holding elections in said borough on a day to be fixed by council"

Section 2707 Result of Submission to Voters The result of the vote on such question shall be ascertained and certified in the [same] manner [as the vote on the election of officers named on the same ballots] "provided by the election laws of this Commonwealth" No such question determined negatively by the voters shall be again submitted [until one municipal or general election shall intervene] "within fifty-one weeks"

Section 2720 Composition of Board If the borough council shall determine that the power to equip operate and maintain playgrounds playfields gymnasiums public baths bathing places swimming pools or recreation centers shall be exercised by a recreation board they may establish in said borough such recreation board which shall possess all the powers and be subject to all the responsibilities of the respective authorities under this article Such board when established shall consist of five persons and when established in a borough "having a school board" two of the members shall be members of the school board The board shall be appointed by the burgess of such borough and shall serve for terms of five years or until their successors are appointed except that the members of such board first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter Members of such board shall serve without pay Women shall be eligible for appointment Vacancies in such board occurring otherwise than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments

Section 11 All acts and parts of acts inconsistent herewith are hereby repealed

Section 12 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fletcher,	Lovett,	Rose, W. E.,
Allmond,	Foor,	Lyons,	Rosenfeld,
Auker,	French,	Malloy,	Royer,
Baker,	Gallagher,	Marks,	Rush,
Balthaser,	Gates,	Maxwell,	Sarge,
Baugher,	Gerard,	McClanaghan,	Scanlon,
Bentley,	Gillan,	McClester,	Schwab,
Bentzel,	Gillette,	McDowell,	Serrill,
Boles,	Goodwin,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Sollenberger,
Breth,	Haberlen,	McMillen,	Sorg,
Pretherick,	Haines,	McSurdy,	Stank,
Brown,	Hall,	Melchiorre,	Stine,
Brunner, C. H.,	Hamilton,	Mihm,	Stockham,
Brunner, P. A.,	Hare,	Modell,	Tarr,
Burns,	Harkins,	Monks,	Tate,
Burris,	Harmuth,	Mooney,	Taylor,
Chudoff,	Harris,	Moran,	Thompson, E. F.,
Cochran,	Heatherington,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Helm,	Muir,	Trout,
Cohen, R. E.,	Herman,	Munley,	Turner,
Cook,	Hersch,	Nunemacher,	Van Allsburg,
	Hewitt,	O'Brien,	Vincent,
Cooper,	Hirsch,	O'Dare,	Vogt,
Cordier,	Holland,	O'Mullen,	Voldow,
Corrigan,	Huntley,	O'Neill,	Voorhees,
Croop,	Imbrie,	Owens,	Wagner,
Cullen,	James,	Petrosky,	Watkins,
Dalrymple,	Jefferson,	Pettit,	Weingartner,
DiGenova,	Jones, G. E.,	Polaski,	Weiss,
Dix,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dolon,	Keenan,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winner,
Early,	Komorofski,	Readinger,	Wolf,
Elder,	Krise,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,		Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No 1193,

An Act to further amend section fifty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the taking of eels

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section fifty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as last amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 801) is hereby further amended to read as follows

Section 50 Devices to Catch Game-fish Bait-fish and Fish-bait No person shall use any device means or method whatsoever except as in this article otherwise provided for taking fish from waters within this Commonwealth except the following that is to say for

(a) Game-fish two rods and two lines and one hand line with not more than three hooks attached to either line

(b) Bait-fish and fish-bait two rods and two lines with not more than three hooks attached to each line a dip-net or minnow seine not over four feet square or four feet in diameter a minnow trap with not more than one opening which shall not exceed one inch in diameter. The rods hooks and lines must be under the immediate control of the person using the same.

(c) Pickerel not more than five tip-ups when fishing only through holes in the ice.

(d) It shall be unlawful to take or attempt to take fish of any kind by the methods known as snatch-fishing foul hooking or snag-fishing or the taking or fishing for fish with hook or hooks baited or otherwise attached to rod or line or other device for the taking of or fishing for fish with any device whatsoever which may be used to capture any fish by engaging such device in to or with any part of the body of a fish.

(e) Eels in rivers of this Commonwealth in addition to such rods and lines eel chutes "and outlines" from the first day of August to the last day of November in each year Sundays excepted but only from four o'clock in the after-

noon to eight o'clock in the morning on such days when a special license therefor in addition to the regular fishing license has been first secured. Eel chutes to be lawful shall not have any wings of netting of any kind or any cloth or wire netting but shall be constructed of wooden slats or lath which shall not be closer than one-half inch in the bottom. Eel chutes shall not be more than five feet long and the width of entrance of an eel chute shall not be more than ten feet. A metal tag issued at the time the special license is secured shall be securely fastened to "or near" the eel chute "or outline" in a conscicuous place. "Upon the making of an application by any person to the Department of Revenue for a special license to catch eels by the use and operation of outlines and the payment of a fee of one dollar ($1.00) for the use of the Commonwealth such person shall be entitled to a special eel outline license and a special metal tag which shall give him the right to use and operate an eel outline in the Susquehanna River below the boundary line of the city of Pittston and the Duryea borough line on the north branch below the bridge at the Northumberland-Lycoming County line on the west branch in the Juniata River below Mount Union and in the Delaware River below Easton in accordance with the provisions of this act"

No wing walls of stone or other material shall be constructed for more than three-fourths of the distance across any river. The heads of no two wing walls when constructed side by side shall be closer together than a distance of twenty feet. "Out lines may be placed the entire distance across any river"

All eel chutes must be kept free of rubbish and all game fish found therein must be immediately returned to the water of the river uninjured.

During the hours of each day and on Sunday when the operation and use of eel chutes is not legal under this section a portion of the bottoms of such chutes shall be removed to facilitate the unobstructed passage of fishes.

(f) It shall be unlawful to take or attempt to take fish of any kind by trolling from a moving boat electrically propelled or propelled by an internal combustion motor.

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fleming,	Lovett,	Royer,
Allmond,	Fletcher,	Lyons,	Rush,
Auker,	Foor,	Malloy,	Sarge,
Baker,	French,	Marks,	Sarraf,
Balthaser,	Gallagher,	Maxwell,	Scanlon,
Baugher,	Gates,	McClanaghan,	Schwab,
Bentley,	Gerard,	McClester,	Serrill,
Bentzel,	Gillan,	McDowell,	Shaffer,
Boles,	Gillette,	McFall,	Shaw,
Boney,	Goodwin,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McKinney,	Sollenberger,
Bradley,	Gyger,	McLanahan,	Sorg,
Breth,	Habbyhaw,	McMillen,	Stank,
Bretherick,	Haberlen,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
	Imbrie,	Owens,	Watkins,
Croop,	James,	Petrosky,	Weingarten,
Cullen,	Jefferson,	Pettit,	Weiss,
Dalrymple,	Jones, G. E.,	Polaski,	Welsh, E. B.,
DiGenova,	Jones, P. N.,	Polen,	Welsh, M. J.,
Dix,	Keenan,	Powers,	Williams,
Dolon,	Knoble,	Rank,	Winner,
D'Ortona,	Kolankiewicz,	Readinger,	Wolf,
Duffy,	Komorofski,	Reagan,	Wood, L. H.,
Early,	Krise,	Reese, R. E.,	Wood, N.,
Elder,	Lee, T. H.,	Regan,	Woodring,
Elliott,	Leisey,	Reynolds,	Woodside,
Ely,	Leonard,	Rhea,	Wright,
Falkenstein,	Lesko,	Riley,	Yeakel,
Finestone,	Levy,	Rooney,	Yester,
Finnerty,	Leydic,	Rose, S.,	Young,
Fisher,	Lichtenwalter,	Rose, W. E.,	Kilroy,
Fiss,	Longo,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 938, (Senate Bill No. 270), entitled:

An Act to amend section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by authorizing such townships to regulate the use of certain parks and recreational grounds; providing penalties for violation of rules prescribed therefor; and authorizing police officers to arrest violators thereof on view.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fletcher,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Auker,	French,	Malloy,	Rush,
Baker,	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	Maxwell,	Scanlon,
Baugher,	Gerard,	McClanaghan,	Schwab,
Bentley,	Gillan,	McClester,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Gross,	McGrath,	Shepard,
Boorse,	Gryskewicz,	McIntosh,	Simons,
Bower,	Gyger,	McKinney,	Sollenberger,
Bradley,	Habbyshaw,	McLanahan,	Sorg,
Breth,	Haberlen,	McMillen,	Stank,
Bretherick,	Haines,	McSurdy,	Stine,
Brown,	Hall,	Melchiorre,	Stockham,
Brunner, C. H.,	Hamilton,	Mihm,	Tarr,
Brunner, P. A.,	Hare,	Modell,	Tate,
Burns,	Harkins,	Monks,	Taylor,
Burris,	Harmuth,	Mooney,	Thompson, E. F.,
Cadwalader,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Moul,	Trout,
Cochran,	Helm,	Muir,	Turner,
Cohen, M. M.,	Herman,	Munley,	Van Allsburg,
Cohen, R. E.,	Hersch,	Nunemacher,	Vincent,
Cook,	Hewitt,	O'Brien,	Vogt,
Cooper,	Hirsch,	O'Dare,	Voldow,
Cordier,	Holland,	O'Mullen,	Voorhees,
Corrigan,	Huntley,	O'Neill,	Wagner,
Croop,	Imbrie,	Owens,	Watkins,
Cullen,	James,	Petrosky,	Weingartner,
Dalrymple,	Jefferson,	Pettit,	Weiss,
Dennison,	Jones, G. E.,	Polaski,	Welsh, E. B.,
	Jones, P. N.,	Polen,	Welsh, M. J.,

DiGenova,	Keenan,	Powers,	Williams,
Dix,	Knoble,	Prosen,	Winner,
Dolon,	Kolankiewicz,	Rank,	Wolf,
D'Ortona,	Komorofski,	Readinger,	Wood, L. H.,
Duffy,	Krise,	Reagan,	Wood, N.,
Early,	Lee, T. H.,	Reese, R. E.,	Woodring,
Elder,	Leisey,	Regan,	Woodside,
Elliott,	Leonard,	Reynolds,	Wright,
Ely,	Lesko,	Rhea,	Yeakel,
Falkenstein,	Levy,	Riley,	Yester,
Finestone,	Leydic,	Rooney,	Young,
Finnerty,	Lichtenwalter,	Rose, S.,	Kilroy,
Fisher,	Longo,	Rose, W. E.,	**Speaker.**
Fiss,			
Fleming,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 654, as follows:

An Act authorizing counties cities except cities of the first class boroughs towns townships school districts poor districts and institution district at any sale of real property for the nonpayment of taxes or municipal claims to take title jointly in proportion to their tax claims provide for the management of such real property and for the resale and conveyance of their interests to a purchaser

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any real property has been heretofore or shall be hereafter sold at any public sale for the nonpayment of taxes or municipal claims due any county city except city of the first class borough town township school district poor district or institution district any two or more of such political subdivisions or the Commonwealth having tax or municipal claims against such real property may by agreement of the properly constituted authorities of such subdivisions and in the event there are no other successful bidders at such sale agree to take title to such real property jointly in proportion to their tax claims and on the bid of any one of them regardless of the amount bid at such sale

Section 2 Such agreement between said subdivisions aforesaid may provide for the appointment of a manager or agent of such real property the application of the rents or income from such real property to the payment of compensation or commission to such manager or agent to repairs fire insurance liability insurance or such other expense necessary to the maintenance of such real property as well as the payment of any balance to such political subdivisions in proportion to their interests or as such agreement may provide or make any other arrangements in connection with said real property as they deem to be best for their mutual interests

Section 3 After the period for redemption of such real property as provided by law has expired and the said real property has not been redeemed by the former owner or party in interest the political subdivisions holding title to such real property may by agreement sell the said real property at a private sale for any price agreed upon or at a public sale under terms and conditions set forth in the agreement for the best price obtainable and by deed convey their respective interests to the purchaser regardless of any law or laws imposing restrictions on the selling and conveyance of real property by such political subdivisions individually Such agreement may provide that the purchase price be applied to the payment of a commission to a real estate broker or public auctioneer to the expense of perfecting the title to be conveyed if necessary or to any other expense ordinarily incident to the grantor of real property before paying the balance of the purchase price to such political subdivisions first in proportion to their tax claims second in proportion to their municipal claims and if said purchase price is more than sufficient to pay all the aforesaid claims any balance remaining shall be paid to said political subdivisions in proportion to their tax claims at the time said real property was acquired by them The title conveyed shall be free and clear of all claims of such political subdivisions

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fletcher,	Lovett,	Rosenfeld,
Allmond,	Foor,	Lyons,	Royer,
Auker,	French,	Malloy,	Rush,
Baker,	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	Maxwell,	Sarraf,
Baugher,	Gerard,	McClanaghan,	Scanlon,
Bentley,	Gillan,	McClester,	Schwab,
Bentzel,	Gillette,	McDowell,	Serrill,
Boles,	Goodwin,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Sollenberger,
Breth,	Haberlen,	McMillen,	Sorg,
Bretherick,	Haines,	McSurdy,	Stank,
Brown,	Hall,	Melchiorre,	Stine,
Brunner, C. H.,	Hamilton,	Mihm,	Stockham,
Brunner, P. A.,	Hare,	Modell,	Tarr,
Burns,	Harkins,	Monks,	Tate,
Burris,	Harmuth,	Mooney,	Taylor,
Cadwalader,	Harris,	Moran,	Thompson, E. F.,
Chudoff,	Heatherington,	Moul,	Thompson, R. L.,
Cochran,	Helm,	Muir,	Trout,
Cohen, M. M.,	Herman,	Munley,	Turner,
Cohen, R. E.,	Hersch,	Nunemacher,	VanAllsburg,
Cook,	Hewitt,	O'Brien,	Vincent,
Cooper,	Hirsch,	O'Dare,	Vogt,
Cordier,	Holland,	O'Mullen,	Voldow,
Corrigan,	Huntley,	O'Neill,	Voorhees,
Croop,	Imbrie,	Owens,	Wagner,
Cullen,	James,	Petrosky,	Watkins,
Dalrymple,	Jefferson,	Pettit,	Weingartner,
DiGenova,	Jones, G. E.,	Polaski,	Weiss,
Dix,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dolon,	Keenan,	Powers,	Welsh, M. J.,
D'Ortona,	Knoble,	Prosen,	Williams,
Duffy,	Kolankiewicz,	Rank,	Winner,
Early,	Komorofski,	Readinger,	Wolf,
Elder,	Krise,	Reagan,	Wood, L. H.,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Ely,	Leisey,	Regan,	Woodring,
Falkenstein,	Leonard,	Reynolds,	Woodside,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fisher,	Leydic,	Rooney,	Yester,
Fiss,	Lichtenwalter,	Rose, S.,	Young,
Fleming,	Longo,	Rose, W. E.,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 529, as follows:

An Act to further amend section 57 of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that the tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 571 of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as last amended by the act of May twenty-fifth one thousand nine hundred and thirty-nine (P. L. 224) is hereby further amended to read as follows

Section 571 Oath and Bond The collector of taxes of townships shall before he enters upon the duties of his office take and subscribe an oath of office and file the same in the office of the court of quarter sessions and shall annually before any duplicate is delivered to him for that year enter into lawful [fidelity] bond to the Commonwealth in not more than the amount of taxes charged and assessed in the duplicates to be delivered to him that year with at least two sufficient sureties or one bonding company The bond shall be approved by the court of quarter sessions and shall be filed in the office of the clerk of said court The condition of the bond shall be that the collector as tax collector of the township county [school district poor district] and institution district shall account for and pay over all taxes penalties and interest received and collected by him The tax collector and his sureties shall be discharged from further liability on any bond as soon as all tax items contained in the duplicates delivered to him during the year for which the bond was given are either (1) collected and paid over or (2) certified to the taxing authority for entry as liens in the office of the prothonotary or (3) returned to the county for sale of real estate by the County Treasurer or Commissioners (4) in the case of occupation poll and per capita taxes [a record of those which remain uncollected is filled with the taxing authority] "accounted for by exonerations which shall be granted by the taxing authorities upon proof that a reasonable effort has been made to collect such taxes This bond does not cover the collection and payment over of school taxes" The [township treasurer] "tax collector" shall be required to give but one bond which shall include his duties as collector of township county [school district poor district] and institution district taxes Should the township county [school district institution or poor] or institution" district be of the opinion at any time that the bond given is not sufficient additional surety may be required to be given at the expense of the taxing district requiring the same The tax collector shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him The bond or bonds given by the tax collector shall be for the use of the township the county [the school district] "and the institution district [and the poor district] Where the county treasurer is appointed as tax collector if the condition of his bond as county treasurer does not secure the payment over and accounting of moneys other than county moneys the county commissioners shall fix the amount of the special bond to be given by the county treasurer for payment over and accounting of other than county taxes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Foor,	Lyons,	Royer,
Allmond,	French,	Malloy,	Rush,
Auker,	Gallagher,	Marks,	Sarge,
Baker,	Gates,	Maxwell,	Sarraf,
Balthaser,	Gerard,	McClanaghan,	Scanlon,
Baugher,	Gillan,	McClester,	Schwab,
Bentley,	Gillette,	McDowell,	Serrill,
Bentzel,	Goodwin,	McFall,	Shaffer,
Boles,	Gross,	McGrath,	Shaw,
Boney,	Gryskewicz,	McIntosh,	Shepard,
Boorse,	Gyger,	McKinney,	Simons,
Bower,	Habbyshaw,	McLanahan,	Sollenberger,
Bradley,	Haberlen,	McMillen,	Sorg,
Breth,	Haines,	McSurdy,	Stank,
Bretherick,	Hall,	Melchiorre,	Stine,
Brown,	Hamilton,	Mihm,	Stockham,
Brunner, C. H.,	Hare,	Modell,	Tarr,
Brunner, P. A.,	Harkins,	Monks,	Tate,
Burns,	Harmuth,	Mooney,	Taylor,
Burris,	Harris,	Moran,	Thompson, E. F.,
Cadwalader,	Heatherington,	Moul,	Thompson, R. L.,
Chudoff,	Helm,	Muir,	Trout,
Cochran,	Herman,	Munley,	Turner,
Cohen, M. M.,	Hersch,	Nunemacher,	VanAllsburg,
Cohen, R. E.,	Hewitt,	O'Brien,	Vincent,
Cook,	Hirsch,	O'Dare,	Vogt,
Cooper,	Holland,	O'Mullen,	Voldow,
Cordier,	Huntley,	O'Neill,	Voorhees,
Corrigan,	Imbrie,	Owens,	Wagner,
Croop,	James,	Petrosky,	Watkins,
Cullen,	Jefferson,	Pettit,	Weingartner,
Dalrymple,	Jones, G. E.,	Polaski,	Weiss,
DiGenova,	Jones, P. N.,	Polen,	Welsh, E. B.,
Dix,	Keenan,	Powers,	Welsh, M. J.,
Dolon,	Knoble,	Prosen,	Williams,
D'Ortona,	Kolankiewicz,	Rank,	Winner,
Duffy,	Komorofski,	Readinger,	Wolf,
Early,	Krise,	Reagan,	Wood, L. H.,
Elder,	Lee, T. H.,	Reese, R. E.,	Wood, N.,
Elliott,	Leisey,	Regan,	Woodring,
Ely,	Leonard,	Reynolds,	Woodside,
Falkenstein,	Lesko,	Rhea,	Wright,
Finestone,	Levy,	Riley,	Yeakel,
Finnerty,	Leydic,	Rooney,	Yester,
Fisher,	Lichtenwalter,	Rose, S.,	Young,
Fiss,	Longo,	Rose, W. E.,	Kilroy,
Fleming,	Lovett,	Rosenfeld,	Speaker.
Fletcher,			

NAYS—0

The majority required by the Consitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 814, Printer's No. 646, was passed over at the request of Mr. PETROSKY.

REPORT FROM COMMITTEES

Mr. READINGER, from the Committee on State Government, re-reported, as amended, House Bill No. 918, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administra-

tive departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commisions shall be determined" as amended by establishing a Dog Control Commission and defining its powers and duties repealing inconsistent acts or parts of acts and making an appropriation.

Mr. TATE from the Committee on Congressional and Judicial Apportionment reported as amended House Bill No. 1385, (Senate Bill No. 507), entitled:

An Act to apportion the State into congressional districts.

BILL RE-REFERRED

Mr. WEISS returned from the Committee on Municipal Corporations with the recommendation that it be re-referred to the Committee on State Government House Bill No. 1541 entitled:

An Act providing for uniform reports by political subdivisions to departments, boards and commissions of the State Government.

The SPEAKER. The bill is re-referred to the Committee on State Government.

SENATE MESSAGES

APPOINTMENTS OF CONFERENCE COMMITTEE ON HOUSE BILL No. 481

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 481, entitled:

An Act to amend sections eighteen and nineteen of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties' requiring the filing of local ordinances, rules and regulations with the Dairy Advisory Council requiring local ordinances rules and regulations in certain cases to be consistent requiring inspectors employed by municipalities to be approved inspectors eliminating the power of the Advisory Health Board to make rules and regulations establishing a Dairy Advisory Council in the Department of Health conferring powers and imposing duties thereon and providing for appeals to the Court of Common Pleas.

And has appointed Messrs. Scarlett, Kephart and Shapiro a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 692

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, noncurred in by the House of Representatives, to House Bill No. 692, entitled:

An act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined' as amended by making further provision for the granting of easements or rights-of-way upon, across over, under or along lands and waters of the Commonwealth making further provision for the granting of commissions to certain air pilots authorizing the Pennsylvania Historical Commission to charge certain admission fees conferring power upon the Department of Property and Supplies to control and supervise certain buildings devised to the Commonwealth authorizing the micro filming of records in the various administrative departments, boards or commissions and authorizing the leasing of Indiantown Gap Military Reservation and certain other real estate of the Commonwealth to the United States.

And has appointed Messrs. Miller, Snowden and Cox a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, noncurred in by the House of Representatives, to House Bill No. 376, entitled:

An act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by prohibiting the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser and the disguising and camouflaging of equipment used for marketing liquid fuels lubricating oils and similar products.

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that message together with the bill be laid on the table.

The motion was agreed to.

RESOLUTION

RECALLING HOUSE BILL No. 1098 FROM THE GOVERNOR

Mr. SARRAF offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 20, 1941.

Resolved (if the Senate concur), that House Bill No. 296, entitled "An act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (Pamphlet Laws 1449) entitled 'An act establishing a court of record in the county of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties' to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE RESOLUTION NO. 94

Mr. MORAN. Mr. Speaker, I desire to call up House Resolution No. 94, Printer's No. 647.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 8, 1941.

Whereas, The Western Pennsylvania Hospital of Allegheny County is a Recipient of an appropriation from the Commonwealth of Pennsylvania; and

Whereas, Quotations of the officials of the Hospital in the local daily press indicate that services at the Hospital are being curtailed; and

Whereas, There is at present a dispute between the management and the employes of this Institution; and

Whereas, This controversy appears to be continuing without any signs of the parties envolved in this dispute in reaching a settlement in the near future; therefore

Be It Resolved, That in the interest of the citizens of this Commonwealth that the Speaker of the House appoint a Committee of five members of the House of Representatives to investigate this controversy at the Western Pennsylvania Hospital and report their findings to this Session of the House of Representatives.

On the question,

Will the House adopt the resolution?

It was adopted.

APPOINTMENT OF COMMITTEE.

The SPEAKER. Pursant to House Resolution No. 94, just adopted by the House, the Chair appoints as a committee: Messrs. SARRAF, BAKER, MORAN, REYNOLDS and RHEA.

HOUSE RESOLUTION N. 89

Mr. ACHTERMAN. Mr. Speaker, I desire to call up House Resolution No. 89, Printer's No. 543.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 29, 1941.

Whereas, Newspapers have carried reports concerning the operation of certain state hospitals within the Commonwealth of Pennsylvania, which, if true, show an extremely reprehensible situation existing in such state hospitals; and

Whereas, There have been charges made that certain trustees and supervisory officials have committed criminal acts; and

Whereas, Certain state hospitals have lost their official standing and rating with the American Medical Association; and

Whereas, The conduct of certain trustees of state hospitals has resulted in unfavorable criticism of the operation of said hospitals; and

Whereas, If these charges are true, the situation calls for immediate attention by the legislative branch of the government to remedy such a condition; therefore be it

Resolved, That the Speaker of the House of Representatives appoint a committee of five members of the House, to act as a legislative committee to investigate the maintenance, operation and conduct of all state hospitals within this Commonwealth; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman, requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and be it further

Resolved, That the said committee, because of the urgency of the situation, report to the House as speedily as possible, with appropriate recommendations.

On the question,

Will the House adopt the resolution?

Mr. ACHTERMAN. Mr. Speaker, for some time I have heard the minority members of this House alleging and stating that someone has stolen their bills. Now then, Mr. Speaker, I rather find myself in the same position. Several months ago, we passed a similar resolution to this one except that it was a concurrent resolution and it was sent to the Senate. At the time it was sent to the Senate the Governor quite virtuously stated he was delighted and welcomed an investigation. The Members of the Senate also stated that they had no objection to an investigation as to the manner in which their party conducted the so called coal-hospitals in this state; they were just as pure as the driven snow. They reported that resolution out and later sent it back to committee and ever since then the resolution has been kicked around over in the Senate because, don't you know, pure people certainly would not have any objection to being investigated. That is why it was kicked around. Finally, Mr. Speaker, the Chairman of the committee that had this resolution over in the Senate, — you could scarcely believe it, — could not find the bill, it was lost. I suppose, Mr Speaker, "Somebody stole my bill".

May I say this, Mr. Speaker? I am convinced that even though the Governor maintains that he is virtuous and pure in so far as the operation of the hospitals is concerned, apparently the Republican party is not as pure as the Governor maintains he is. Apparently the Republican party does not desire an investigation of the manner in which they conduct, manage, control and operate these particular hospitals. Apparently they do not want the public of Pennsylvania to know what they have been doing

in these particular hospitals. Apparently they can not maintain and claim the same virture that the Governor has maintained in so far as these hospitals are concerned. Apparently, they do not desire to join with this House for the purpose of seeing that the funds of this Commonwealth are used for the purpose for which we appropriate them. Apparently they are still interested in continuing the mismanagement and diversion of funds and the improper handling of the hospitals. Apparently they know it is a subject that is best left uninvestigated insofar as their party is concerned.

Mr. Speaker, I maintain and say to the Members of the House that this subject certainly deserves and requires the immediate attention of this House, and that the chicanery praticed by the Republicans in the Senate should not be left unchallenged. If the Senate is unwilling to perform the job with us then there is but one course left, and thtat is for this House to investigate, and I therefore ask the members of this House to support this resolution. May I add, that I am asking not only the Members on this side of the House but I am asking those Republican Members on the other side of the House, who at least have no fear of an investigation of their activities, to support this bill.

Mr. WOODSIDE. Mr. Speaker, the gentleman made reference to the fear of investigation. Anybody that has any understanding of event the elementals of politics knows that the Democrats of the House could form their own committee to make an investigation if the Senate would not join in with them. The fact that the Republicans have no fear of even permitting a committee of the House to make an investigation, I think indicates they have nothing they are afraid of in connection with the investigation.

Mr. ACHTERMAN. Mr. Speaker, just to determine the sincerity of the Members on the other side, I ask for a roll call.

Mr. HARE. Mr. Speaker, I trust after hearing the wild charges made by the very able majority leader, he won't get up next week and ask that the record be expunged from today's proceedings.

On the question recurring,

Will the House adopt the resolution?

The yeas and nays were required by Mr. Achterman and Mr. Readinger.

YEAS—162

Achterman,	French,	Leydic,	Rose, S.,
Allmond,	Gallagher,	Longo,	Rose, W. E.,
Auker,	Gates,	Lovett,	Rosenfeld,
Baker,	Gerard,	Lyons,	Royer,
Balthaser,	Gillette,	Malloy,	Sarraf,
Baugher,	Goodwin,	Marks,	Schwab,
Bentley,	Greenwood,	Maxwell,	Shaffer,
Bentzel,	Gross,	McClanaghan,	Shaw,
Boies,	Gryskewicz,	McClester,	Shepard,
Boney,	Gyger,	McFall,	Simons,
Boorse,	Habbyshaw,	McIntosh,	Skale,
Bradley,	Haberlen,	McKinney,	Snyder,
Breth,	Haines,	McLanahan,	Sollenberger,
Brown,	Hall,	McLane,	Stank,
Brunner, P. A.,	Hamilton,	McMillen,	Stine,
Burns,	Harkins,	McSurdy,	Stockham,
Burris,	Harmuth,	Melchiorre,	Tarr,
Chudoff,	Harris,	Mihm,	Tate,
Cochran,	Heatherington,	Monks,	Taylor,
Cohen, R. E.,	Helm,	Mooney,	Thompson, E. F.,
Cooper,	Hering,	Moran,	Thompson, R. L.,
Corrigan,	Herman,	Moul,	Trout,
Cullen,	Hersch,	Muir,	Van Allsburg,
Dennison,	Hewitt,	Munley,	Vincent,
DiGenova,	Hirsch,	Nunemacher,	Vogt,
Dix,	Huntley,	O'Brien,	Voldow,
Dolon,	James,	O'Connor,	Watkins,
Duffy,	Jefferson,	O'Dare,	Weingartner,
Early,	Jones, G. E.,	O'Mullen,	Weiss,
Eckels,	Jones, P. N.,	O'Neill,	Welsh, E. B.,
Elder,	Keenan,	Owens,	Welsh, M. J.,
Elliott,	Kenehan,	Petrosky,	Williams,
Ely,	Kline,	Pettit,	Wolf,
Finestone,	Knoble,	Polaski,	Wood, N.,
Finnerty,	Kolankiewicz,	Polen,	Woodring,
Fisher,	Komorofski,	Powers,	Woodside,
Fiss,	Krise,	Prosen,	Wright,
Fleming,	Lee, E. A.,	Readinger,	Yeakel,
Fletcher,	Lee, T. H.,	Reese, R. E.,	Yester,
Flynn,	Leonard,	Regan,	Young,
Foor,	Lesko,	Reynolds,	Kilroy,
	Levy,	Rooney,	Speaker.

NAYS—3

Hare,	Rank,	Voorhees,

So the question was determined in the affirmative, and the resolution was adopted.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I might have called up this resolution and then afterwards asked to have it go over in its order, but I do not believe that anybody except the sponsors should call it up.

I would like to address my remarks to Resolution No. 91, Printer's No. 623, which is the only remaining resolution on the calendar. I think it is typical of the type of resolutions which have been introduced in this session particularly in the unfortunate type of language in the "whereas" clauses. The resolution states that:

> "Whereas the Banking Board and Building and Loan Board were created by the Legislature in the Department of Banking for the purpose of having such board supervise the activities" and so forth.

The resolution also states:

> "Whereas vacancies have existed in both boards for a considerable length of time".

Now, as a matter of fact, there is no vacancy on the Banking Board whatsoever, nor has there been any vacancy for a considerable length of time because the last appointment was made October 2nd of last year, and since that time there has been no vacancy on the board.

On the Building and Loan Asosciation Board there is one vacancy which occurred in January of this year Under the law the Building and Loan Association must make a recommendation for that Board and then the Governor must pick from the recommendations made to him a member for that Board. As a matter of fact there are no recommendations now before the Governor.

So, in spite of the fact that on the one Board there are no vacancies and there have been no vacancies for a long period of time, and in spite of the fact that on the other Board with eight members there is only one vacancy, we have inroduced in the House by Democrats a resolution in which it is stated that vacancies have existed in both Boards for a considerable length of time.

The resolution was considered by the Committee and reported from that committee, containing the "whereas" clauses to which I have referred. The fact of the matter is, Mr. Speaker, there is no such situation as suggested in the resolution at all, and there is no purpose for the introducing the resolution.

The resolution goes on to say: "Whereas it is in the best interest of the Commonwealth of Pennsylvania and all of its financial institutions that these vacancies be filled as quickly as possible"—vacancies that do not exist. In spite of that situation, Mr. Speaker, the resolution was introduced, referred to committee, reported out and it is on the calendar of the House, and day after day it is printed on our calendar to be before this House. It seems to me that the majority ought to investigate their facts before they introduce these resolutions, furthermore the House calendar should not be cluttered with resolutions of this type and be printed and reprinted on the calendar.

Therefore I think, Mr. Speaker, it is incumbent on the majority of this House to remove this resolution from the calendar so that it will not continue to be there day after day.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

Senate Bill No. 232.

An Act to validate and quiet the title to lands and buildings heretofore sold by boards of school directors at public auction without full compliance with provisions of law authorizing such sales.

Whereupon,

The SPEAKER in the presence of the House signed the same.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1228.

An Act to amend sections three and four of the act, approved the fifth day of June, one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark, brand or name," exempting the sale of books to libraries from the provisions of said act.

HOUSE BILL No. 1373.

An Act to amend part of section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of 1939, page 60), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

With the information that the Senate has passed the same without amendment.

PERMISSION TO ADDRESS HOUSE

Mr. MODELL asked and obtained unanimous consent to address the House.

Mr. Speaker, in answer to the remarks made by the minority floor-leader, Mr. Woodside, I just checked, with the secretary of the Banking Committee, and it might be interesting to note that on the day Resolution No. 91 was reported out, there was a majority of Republicans present at that meeting.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I think what took place in committee should not be made public. I was present at that committee meeting and I certainly do take issue with the gentleman from Philadelphia.

COMMITTEE MEETINGS

EASTERN STANDARD TIME

Appropriations, Wednesday, May 21 at 11:30 a. m. in Room 327.

Counties, Wednesday, May 21 at 11 a. m. in Room 521.

Education, Wednesday, May 21 at 9:30 a. m. in Room 326.

Highways, Wednesday, May 21 at 9:30 a. m. in Room 325.

Labor, Wednesday, May 21 at 10:30 a. m. in Room 522.

Liquor Control, Wednesday May 21 at 11 a. m. in Room 325.

Military Affairs, Wednesday, May 21 at 11 a. m. in Room 330.

Motor Vehicles, Wednesday, May 21 at 10 a. m. in Room 324.

Professional Licensure, Wednesday, May 21 at 11 a. m. in Room 246.

State Government, Wednesday, May 21 at 10:30 a. m. in Room 323.

Ways and Means, Wednesday, May 21 at 11 a. m. in Room 327.

Workmen's Compensation, Wednesday, May 21 at 10 a. m. in the New House Caucus Room.

PUBLIC HEARING

There will b a second Public Hearing before the Committee on Judiciary Special on House Bill No. 365 on Wednesday, May 21, 1941 at 6:30 p. m., E. S. T. in the New House Caucus Room.

ADJOURNMENT

Mr. BALTHASER. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 21, 1941, at 12 m.

The motion was agreed to, and (at 4:31 p. m.) the House adjourned.

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